

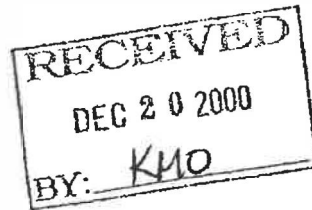
MARINA COAST WATER DISTRICT

DESALINATION PLANT

- **City of Marina, Coastal Development Permit, December 18, 2000**
- **City of Marina, Coastal Development Permit, December 1, 1995**

City of Marina

211 HILLCREST AVENUE
MARINA, CA 93933
TELEPHONE (831) 384-3715
FAX (831) 384-0425



PROJECT APPROVAL CERTIFICATE COASTAL DEVELOPMENT PERMIT/ ENVIRONMENTAL REVIEW DETERMINATION AND FINDINGS

MARINA COAST WATER DISTRICT ALTERNATIVE BRINE DISCHARGE FOR DESALINATION PROJECT 11 RESERVATION ROAD oOo

THIS IS TO CERTIFY THAT the Marina Planning Commission at a regular meeting thereof held on the 14th day of December, 2000, after consideration of the following request at a public hearing took the following action:

REQUEST:

On November 14, 2000, Katherine Oven on behalf of the Marina Coast Water District (MCWD) filed an application for a Coastal Development Permit to allow brine discharge to an existing percolation basin for one to 2 days per month during backflushing procedures as an alternative to shutting down the desalination plant during said procedures at the MCWD site at 11 Reservation Road (APN 033-192-02), a site which lies within the Coastal Zone. The existing permit allows for the disposal of brine only by means of an injection well, and when backflushing procedures become necessary about once a month the plant must be idled because no alternative means of brine disposal is available. The percolation basin was previously used as an emergency holding basin for the former wastewater treatment plant at the site. The project will not include any construction or modifications to the site beyond the installation of a relief pipe from the desalination building to the percolation basin. MCWD, as the lead agency, accomplished the environmental review of this project by the adoption of a Negative Declaration. Prior to the Planning Commission taking action on the above request, the Planning Commission was required to certify that the adopted Negative Declaration for the project has been completed in compliance with the California Environmental Quality Act (CEQA) and take other actions under CEQA including adoption of findings.

PLANNING COMMISSION ACTION:

1. Pursuant to CEQA Guidelines Section 15096, the Planning Commission determine that;
 - a. The Mitigated Negative Declaration which was prepared and adopted as an addendum to the Final EIR for the Marina Coast Water District Desalination Project is adequate for the Commission's use, and

- b. The Mitigated Negative Declaration was presented to the Planning Commission and that the Planning Commission reviewed and considered the information contained in the Mitigated Negative Declaration prior to taking action on the project.
2. Adopted the following findings in justification of the following approval actions.
3. Grant a Coastal Development Permit, all subject to the following conditions:

FINDINGS:

ENVIRONMENTAL REVIEW FINDINGS:

1. The Mitigated Negative Declaration recommends mitigation and monitoring measures for environmental effects of the project which were part of the 1995 Final EIR for the MCWD Desalination Facility and will confirm that potential impacts from the alternative brine discharge project will remain less than significant.
2. The District has reviewed those mitigation measures and has found, through their adoption of a Negative Declaration, pursuant to Public Resources Code Section 21081.6, that changes or alterations have been required in, or incorporated into the project which avoid or mitigate to a less than significant level the significant and other potential effects on the environment.
3. The Planning Commission has reviewed those mitigation measures and finds, pursuant to Public Resources Code Section 21081.6, that changes or alterations have been required in, or incorporated into the project which avoid or mitigate to a less than significant level the significant and other potential effects on the environment

COASTAL DEVELOPMENT PERMIT FINDINGS:

The proposed project will:

1. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the Planning Guidelines listed in the Local Coastal Land Use Plan (LCLUP).

Comment: The project involves no above ground facilities. (See page 25 of the LCLUP).

2. Be subject to approval of the Site and Architectural Design Review Board, including the Planning Guidelines listed in the LCLUP.

Comment: Not applicable.

3. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures.

Comment: The existing basin to be used for brine discharge is located within the 50 year erosion zone. However, its use for periodic discharge of brine does not represent a significant investment. The basin will not require shoreline protection and will be relocated or abandoned prior to being threatened by erosion.

4. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and LCIP.

Comment: The basin is not conducive to dune vegetation or wildlife.

5. Be consistent with beach parking standards, as established in the LCLUP Access Component.

Comment: No impact upon parking.

6. Not interfere with public access along the beach.

Comment: No impact upon beach access.

7. Comply with the access, shoreline structure and habitat protection standards included in the Local Coastal Land Use and Implementation Plan.

Comment: No impact upon access, no shoreline structures proposed or will ever be necessary and no impact upon habitat resources.

8. Comply with the Housing Element and housing recommendations of the Local Coastal Land Use and Implementation Plans.

Comment: Not applicable.

9. Comply with all Coastal access and Public recreation policies of Chapter 3 of the Coastal Act.

Comment: Not applicable.

10. Be consistent with all of the policies in Chapter 6 of the State Coastal Act.

Comment: Such consistency is maintained.

11. Be consistent with all of the policies in Marina's certified LCLUP.

Comment: Such consistency is maintained.

**COASTAL DEVELOPMENT PERMIT
CONDITIONS:**

1. That the desalination facility shall be maintained in accordance with the application and associated plans received and dated by the Planning Department on November 2, 1995, and all conditions of the Coastal Development Permit granted for that project with the exception of the addition of the alternative brine discharge facility as shown on plans and as described in the application submitted on November 14, 2000.

City Attorney:

2. That the applicant shall agree as a condition of approval of this project to defend, at their sole expense, indemnify and hold harmless from any liability and reimburse the City for any expenses incurred resulting from or in connection with the approval of this project including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

THIS CERTIFICATE IS TO NOTIFY the applicant, the Coastal Commission, the Sierra Club and any person who had submitted a written request for such notice (no such requests were submitted) that the Coastal Development Permit and other above described entitlements for the project described in this certificate were approved by the Planning Commission to become effective only after the expiration of appeal periods and the resolution of any appeals which may be filed relative to these entitlements.

In accordance with the Marina Local Coastal Program Implementation Plan any action of the Planning Commission on the Coastal Development Permit or any of the conditions listed in this certificate may be appealed with no fee by members of the public to the City Council. Such an appeal must be in writing and filed with the City Clerk no later than the end of the first work day which is at least seven (7) calendar days of the Planning Commission's action, i.e., no later than 5:00 p.m., Thursday, December 21, 2000. The appeal must set forth specifically the points at issue, the reasons for the appeal, and describe why the person appealing the decision believes there was an error or abuse of discretion by the Planning Commission. Should no appeal be filed within the times listed in this certificate, then this certificate shall be valid as written and it shall serve as the Notice of Final Local Action on the Coastal Development Permit.

Because of this project's location within the "appealable area" as defined by the Marina Local Coastal Plan any action of the City Council on the Coastal Development Permit may be appealed by members of the public to the California Coastal Commission within twenty-one (21) calendar days of action by City Council. Any appeal to the Coastal Commission must be made in writing on proper forms which may be obtained by contacting the Central Coast Office of the Commission at (831) 479-3511, 725 Front Street, Santa Cruz, 95060. There are no fees required to submit an appeal of a Coastal Development Permit action to the City Council or the California Coastal Commission. However, the Coastal Commission can not accept an appeal from the public unless the Planning Commission's action on the Coastal Development Permit has first been appealed to the City Council and an action has been taken by the Council. Written notice of action on the Coastal Development Permit by the

Planning Commission or City Council will be sent to any person who has, prior to the action, submitted a written request for such notice.

If anyone challenges the nature of the proposed actions in court, they may be limited to challenging only those issues which have been raised at public meeting(s) regarding the project, be it either by written correspondence submitted to or at the meeting(s) or public testimony at the meeting(s). Any action for judicial review of this decision must be brought within the time limits specified in the Code of Civil Procedure Section 1094.6.

Dated: *December 18, 2000*
Marina, California

Jeffrey P. Dack for
JEFFREY P. DACK, AICP
DIRECTOR OF PLANNING

DISTRIBUTION OF CERTIFICATE:

Original to: Katherine Oven, Schaaf & Wheeler, 100 N. Winchester Blvd., Suite 200, Santa Clara, CA 95050
Copies to: Michael Armstrong, General Manager, Marina Coast Water District
California Coastal Commission
Sierra Club, c/o Pam Corey
Public Safety Department, c/o Fire Division
Public Works Department/Building Division/Planning Department

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October 26, 2000

Mr. James Felton
City of Marina Planning Dept.
211 Hillcrest Avenue
Marina, CA 93933

RE: MCWD Amended Coastal Permit Application for Brine Discharge at the Desalination Facility

Dear Jim,

On behalf of the Marina Coast Water District, I am submitting one copy of the Amended Coastal Permit Application for the modification to brine discharge as part of the District's ongoing operation of its Desalination Facility.

In your absence, no one could provide information as to how many copies of this application are required, nor could anyone tell me what the processing fee will be. Therefore, I ask that you contact me and let me know what else is needed to begin processing this application. As per our telephone conversation last week, I am hoping the Planning Commission can consider approval of this permit at its November 30, 2000 meeting.

Very truly yours,
SCHAAF & WHEELER



Katherine Oven, PE
Principal

City of Marina

211 HILLCREST AVENUE
MARINA, CA 93933
TELEPHONE (408) 384-3715
FAX (408) 384-0425



PROJECT APPROVAL CERTIFICATE

COASTAL DEVELOPMENT PERMIT/DESIGN REVIEW APPROVAL ENVIRONMENTAL REVIEW FINDINGS

MARINA COAST WATER DISTRICT DESALINATION PROJECT 11 RESERVATION ROAD

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THIS IS TO CERTIFY THAT the Marina Planning Commission at a special meeting thereof held on the 27th day of November, 1995, considered the following request, held a public hearing, and took the following action:

REQUEST:

On November 2, 1995, the Marina Coast Water District (MCWD) filed applications for a Coastal Development Permit and Design Review Approval to develop a 300,000 gallon per day desalination facility and discharge well on the MCWD Treatment Plant site at 11 Reservation Road and with the intake well and intake pipe line located at the Marina State Beach property at the west end of Reservation Road, all in the Coastal Zone.

PLANNING COMMISSION ACTION:

1. Pursuant to CEQA Guidelines Section 15096, the Planning Commission determined that;
 - a. The Final EIR for the Marina Coast Water District Desalination Project is adequate for the Commission's use, and
 - b. The Final EIR was presented to the Planning Commission and that the Planning Commission reviewed and considered the information contained in the Final EIR prior to taking action on the project.
2. The Planning Commission adopted the following findings in justification of the following approval actions.
3. The Planning Commission granted a Coastal Development Permit and Design Review Approval, **all subject to the following conditions (beginning on page 4):**

FINDINGS:

ENVIRONMENTAL REVIEW FINDINGS:

1. The FEIR recommends mitigation measures for environmental effects of the project which would reduce the project related impacts to an acceptable, less than significant level.
2. The District has reviewed those mitigation measures and has found through their adoption of Resolution No. 95-4, pursuant to Public Resources Code Section 21081, that changes or alterations have been required in, or incorporated into the project which avoid or mitigate to a less than significant level the significant and other potential effects on the environment.
3. The Planning Commission has reviewed those mitigation measures and finds, pursuant to Public Resources Code Section 21081, that changes or alterations have been required in, or incorporated into the project which avoid or mitigate to a less than significant level the significant and other potential effects on the environment

COASTAL DEVELOPMENT PERMIT FINDINGS:

The proposed project will:

- ~~1. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the Planning Guidelines listed in the Local Coastal Land Use Plan (LCLUP).~~

Comment: The project proposed includes small overhand/lean-to additions to an existing building and the introduction of some site equipment. As a result of the location of the existing structure, the small size of the proposed additions, and the existing topography, there will no impact upon existing coastal views in any way. Project elements located in areas which potentially could distract from coastal views will be located under ground. This project will enhance coastal views by the removal of existing overhead utilities. (See page 25 of the LCLUP).

2. Be subject to approval of the Site and Architectural Design Review Board, including the Planning Guidelines listed in the LCLUP.

Comment: At their meeting on November 9, 1995, the Design Review Board (DRB) approved the project subject to a minor project revision. This revision will be incorporated into the project as a condition of project approval.

3. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures.

Comment: The major facilities associated with the project are located a significant distance back of the shoreline (several hundred feet from the shoreline and more than 200 feet from the dune bluff overlooking the beach). The water intake well and injection well and associated water lines and power lines serving the wells are located within the 50 feet

erosion zone. However, these facilities will not require shoreline protection and will be relocated or abandoned prior to being threatened by erosion.

4. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and LCIP.

Comment: The site is presently developed with an office building, sewage treatment facilities, paved areas and automobile parking area and other development not conducive to dune vegetation or wildlife. Construction activities beyond the current developed site will be restricted to existing paved areas of the parking lot for the Marina State Beach or other areas devoid of habitat.

5. Be consistent with beach parking standards, as established in the LCLUP Access Component.
6. Not interfere with public access along the beach.
7. Comply with the access, shoreline structure and habitat protection standards included in the Local Coastal Land Use and Implementation Plan.

Comment: Except during construction the project will not impact public access to the beach nor related parking facilities. This temporary impact upon access could have been better avoided. ~~However, the desire to reduce impacts upon habitat areas has dictated that~~ much of the construction associated with this project be under existing paving of the Marina State Beach parking lot. Shoreline structures (intake and injection wells and associated water and power lines) will not require protection as previously noted in item #3 above. Habitat protection is addressed in item #4.

8. Comply with the Housing Element and housing recommendations of the Local Coastal Land Use and Implementation Plans.
9. Comply with all Coastal access and Public recreation policies of Chapter 3 of the Coastal Act.

Comment: Not Applicable.

10. Be consistent with all of the policies in Chapter 6 of the State Coastal Act.
11. Be consistent with all of the policies in Marina's certified LCLUP.

Comment: Such consistency is maintained.

DESIGN REVIEW APPROVAL FINDING

1. That the project, if constructed in accordance with the Design Review Approval conditions, will not create any adverse impacts in the vicinity, nor will it hamper orderly development in and about the subject property.

CONDITIONS OF APPROVAL:

Note that unless otherwise noted all conditions of approval are "standard conditions" required by ordinance or other authority and the imposition of these requirements is independent of their inclusion within any action by the Planning Commission. These "conditions" are presented primarily to help define how the City and other agencies' rules and regulations will apply to this project. This is intended to improve understanding on the part of the project proponent and improve communication between the City and agency staff and the proponent. Other conditions which have been identified as "special conditions" are conditions which might not be accomplished under existing authority and are being imposed as a condition of granting the requested development entitlement.

**COASTAL DEVELOPMENT PERMIT
AND DESIGN REVIEW APPROVAL CONDITIONS:**

Public Works Department:

- 1. That all grading must conform with City of Marina Ordinances and to Section 70 of the Uniform Building Code for "Engineered Grading".
- 2. That grading operations shall be such that all sediment and runoff is retained on-site.
- 3. ~~That a soil report shall be required for this project.~~
- 4. That an encroachment permit shall be required for all work within the public right-of-way.
- 5. That a grading permit obtained through the City Engineer's office shall be required for all grading outside the street right-of-way. A grading permit cannot be issued without an approved grading plan.
- 6. That all utilities shall be installed underground.
- 7. All existing overhead utilities from the P.G.&E. service pole to the site shall be converted to underground facilities.

Building Division/Fire Division/Public Safety Department:

- 8. That compliance shall be maintained with the provisions of all applicable building and fire regulations and building security standards including but not limited to: U.B.C., U.F.C., Title 24 of the California Administrative Code and Chapter 15.43 of the Marina Municipal Code, to the satisfaction of the Building Division, the Fire Division and the Public Safety Department.

Building Division:

- 9. That prior to the start of construction: an application and plans for required building permits shall be submitted, checked and approved following standard plan checking procedures established by the Building Division. Submitted plans shall include proper engineering to the satisfaction of the Chief Building Inspector.

10. That prior to the occupancy/operation of the facilities: all improvements shall be completed to the satisfaction of applicable departments/agencies following standard procedures established by the Building Division.

Planning Department/Design Review Board:

11. That the facility shall be constructed and maintained in accordance with the application and associated plans received and dated by the Planning Department on November 2, 1995, except as modified by conditions of approval contained herein or by the Planning Director.
12. That the following modification to plans described in Condition #11 above shall be accomplished as recommended by the Design Review Board at their meeting on November 9, 1995, i.e., that a final landscape and landscape irrigation plan for the south side of the building shall be submitted to and approved by the Design Review Board. (Special condition)

City Attorney:

13. That the applicant shall agree as a condition of approval of this project to defend, at their sole expense, indemnify and hold harmless from any liability and reimburse the City for any expenses incurred resulting from or in connection with the approval of this project including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition. (Special condition)

Planning Commission:

14. That construction workers shall not park in the Marina State Beach parking lot nor on Reservation Road west of Dunes Drive except when construction equipment must use the parking lot to access the construction site and activities. (Special condition)

THIS CERTIFICATE IS TO NOTIFY the applicant, the Coastal Commission, the Sierra Club and any person who had submitted a written request for such notice (no such requests were submitted) that the Coastal Development Permit and other above described entitlements for the project described in this certificate were approved by the Planning Commission to become effective only after the expiration of appeal periods and the resolution of any appeals which may be filed relative to these entitlements.

In accordance with the Marina Local Coastal Program Implementation Plan any action of the Planning Commission on the Coastal Development Permit or any of the conditions listed in this certificate may be appealed with no fee by members of the public to the City Council. Such an appeal must be in writing and filed with the City Clerk within seven (7) calendar days of the Planning Commission's action, no later than 5:00 p.m., Monday, December 4, 1995. Any aggrieved party who wishes to appeal to the City Council any of the other entitlements for the project described in this certificate or any of the conditions listed in this certificate as they may be conditions of these other entitlements must file a written appeal and an appeal fee in an amount as provided in the Planning Fee Schedule with the City Clerk no later than the end of the first work day which is at least ten (10) calendar days of the mailing of this certificate, no later than 4:00 P.M., Monday, December 11, 1995. The appeal must set forth specifically the points at issue, the reasons for the appeal, and describe why the person appealing

the decision believes there was an error or abuse of discretion by the Planning Commission. Should no appeal be filed within the times listed in this certificate, then this certificate shall be valid as written and it shall serve as the Notice of Final Local Action on the Coastal Development Permit.

Because of this project's location within the "appealable area" as defined by the Marina Local Coastal Plan any action of the City Council on the Coastal Development Permit may be appealed by members of the public to the California Coastal Commission within twenty-one (21) calendar days of action by City Council. Any appeal to the Coastal Commission must be made in writing on proper forms which may be obtained by contacting the Central Coast Office of the Commission at (408) 479-3511, 725 Front Street, Santa Cruz, 95060. There are no fees required to submit an appeal of a Coastal Development Permit action to the City Council or the California Coastal Commission. However, the Coastal Commission can not accept an appeal from the public unless the Planning Commission's action on the Coastal Development Permit has first been appealed to the City Council and an action has been taken by the Council.

Written notice of action on the Coastal Development Permit by the Planning Commission or City Council will be sent to any person who has, prior to the action, submitted a written request for such notice.

If anyone challenges the nature of the proposed actions in court, they may be limited to challenging only those issues which have been raised at public meeting(s) regarding the project, be it either by written correspondence submitted to or at the meeting(s) or public testimony at the meeting(s). Any action for judicial review of this decision must be brought within the time limits specified in the Code of Civil Procedure Section 1094.6.

Dated: **DECEMBER 1, 1995**
Marina, California


JEFFREY P. DACK, AICP
DIRECTOR OF PLANNING

DISTRIBUTION OF CERTIFICATE:

Original to: Malcolm Crawford, General Manager, Marina Coast Water District
Copies to: Margo Nottenkamper, Project Manager, Milestones Planning
Joy Chase, California Coastal Commission
Sierra Club, c/o Pam Corey
Public Safety Department/Public Works Department/Building Division/
Planning Department