

CALIFORNIA COASTAL COMMISSION

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Th 8a**RECORD PACKET COPY**

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Staff: JB-SC
Staff report prepared: 2/15/02
Hearing date: 3/7/02

COASTAL DEVELOPMENT PERMIT AMENDMENT

Application number3-01-003-A1, Grover Beach Dune Boardwalk

Applicant.....City of Grover Beach; CA Dept. of Parks and Recreation

Project location.....The project is located within Pismo State Beach (California Department of Parks and Recreation) between the Grand Avenue Day Use area and the "Butterfly Trees" at the northern city limit. The project is to be constructed between the existing golf course and the open dune and beach along the vegetated back dune.

Project descriptionThe project approved by CDP 3-01-003 includes the development of a 0.5 mile recreational pedestrian path along the coastal backdunes of Grover Beach. This proposed permit amendment involves a slight modification to the alignment of the boardwalk and the addition of a newly funded restoration component.

File documents.....Grover Beach Coastal Development Permit No. 3-01-003; Resolution No. 01-001 adopting Mitigated Negative Declaration and Mitigation Monitoring Plan; Resolution No. 01-002 approving the Dune Boardwalk Project (local approval); letter from CA Department of Parks and Recreation in support of the project (landowner authorization).

Staff recommendation ...Approval with Conditions

Staff Note: Previous Coastal Permit and Scope of Project Changes

The applicant proposes the following revisions to Coastal Development Permit 3-01-003:

- An 800 foot long path segment originally permitted to be a resurfaced path along an existing foot trail has been changed to an at-grade wood boardwalk with railing. This segment has also been shifted from 30 to 100 feet west. The shifted portion is on a flat reardune area that is covered mostly with iceplant.
- Approximately one acre of degraded dune habitat has been identified for restoration. The restoration project proposed by this amendment will include iceplant eradication and introduction



California Coastal Commission

March 2002 Meeting in Monterey

Staff: J. Bishop Approved by: *C.F.K. 2/13/02*

of native dune plants. The area will be monitored and maintained for three years. The mitigations related to replacement of dune vegetation in the CEQA document will be applied to the restoration component.

Summary: The project approved by CDP 3-01-003 includes the development of a 0.5 mile recreational pedestrian path along the coastal backdunes of Grover Beach. This proposed permit amendment involves a slight shift in the alignment of the permitted pedestrian boardwalk. The alignment change involves the construction of an 800 foot long at-grade, wood path segment. The at-grade path is six feet wide constructed of wood. Minimal clearing of exotic iceplant vegetation and grade manipulation to smooth off the amended route will be required. The amended segment will have a 36-inch high single rail barrier along the ocean side of the path with signage to encourage users to stay on the boardwalk.

Also included in the proposed amendment is the addition of a newly funded restoration component. The co-applicant, California Department of Parks and Recreation (DPR) will implement dune restoration measures involving approximately one acre and includes iceplant removal and planting native dune species.

The proposed development would take place on the dunes within the Coastal Commission’s retained coastal permitting jurisdiction. Because of this, the City’s certified LCP can provide guidance, but the standard of review for the proposed coastal development permit is the Coastal Act. The project as amended is consistent with the Coastal Act public access and recreation policies and implements elements of the City of Grover Beach Local Coastal Program (LCP), which call for cooperation between the City and the DPR to utilize all opportunities to provide additional public coastal access including measures to protect coastal resources from overuse, and maximizing public coastal access.

As conditioned to require restoration with long-term conservation of the dune habitat of the site, the amendment will adequately mitigate for impacts to environmentally sensitive habitat. The project as amended is also consistent with Coastal Act policies protecting public access and recreation. Therefore, as conditioned, Staff recommends approval.

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- A. Regional Location Map
- B. Project Vicinity Map
- C. Aerial View of Proposed Boardwalk Alignment
- D. Design Development Topographic Map
- E. Photos of Path Alignment Change
- F. At-Grade Boardwalk Design Profile
- G. Previous CDP Conditions of Approval – CDP# 3-01-003

I. Staff Recommendation on CDP Amendment

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit amendment for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Amendment A-1 to Coastal Development Permit Number 3-01-003 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the amendment on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the amendment complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the



amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Conditions of Approval

A. Special Conditions

1) **Compliance With Previous Coastal Development Permit Conditions.** All 7 conditions of Coastal Development Permit 3-01-003 remain effective (See Exhibit G).

2) **Dune Scrub Restoration Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, two sets of dune habitat restoration plans for the identified area as shown in Exhibit A. The restoration plan shall be prepared in consultation with the California Department of Parks and Recreation staff, using California native plant species appropriate to the site. The plan shall include an analysis by a qualified expert that considers the specific condition of the site including soil, exposure, temperature, moisture, and wind, as well as restoration goals. The plan shall demonstrate that:

- (a) All vegetation planted on the site will consist of native dune plants,
- (b) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and

The plans shall include, at a minimum, the following components:

- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system (if any), topography of the developed site, and all other landscape features, and
- (b) A schedule for installation of plants within the first growing season after completion of construction.

Within 30 days of completion of the landscaping installation, the Permittee shall submit a letter from the project biologist indicating that plant installation has taken place in accord with the approved restoration plans and describing long-term maintenance requirements for the restoration. At a minimum, long-term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently, to identify and correct any restoration and maintenance issues.



Three years from the date of completion of the addition, the Permittee or successors in interest shall submit, for the review and approval of the Executive Director, a restoration monitoring report, prepared by a qualified specialist, that certifies the on-site restoration is in conformance with the approved plan along with photographic documentation of plant species and plant coverage.

If the restoration monitoring report or biologist's inspections indicate the landscaping is not in conformance with or has failed to meet the performance standards specified in the Dune Scrub Restoration Plan approved pursuant to this permit, the Permittee or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3) Abandoned Pathway. Access to the abandoned pathway shall be limited to California Department of Parks and Recreation emergency and security operations only. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for the Executive Director's review and approval, a plan for limiting access to the abandoned pathway as required by this condition. The Plan shall limit access at appropriate northern and southerly site locations (i.e., adjacent to the Grand Avenue day use and parking area and the northern dune area), and shall also include directional signage guiding users onto the new pedestrian pathway. Within 30 days of completion of the new re-aligned path, the approved plan to limit access shall be fully implemented.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

1. Project Location / Description

The project is located within Pismo State Beach (California Department of Parks and Recreation) between the Grand Avenue Day Use Area and the "Butterfly Trees" eucalyptus grove at the northern city limit. The project approved by CDP 3-01-003 is constructed between the existing golf course and the open dune and beach to the west.

The entire site is considered to be environmentally sensitive habitat area (ESHA), as are all coastal dunes in this area. This is due in part to the existence of plant species and animal species of special concern that have evolved and adapted to the harsh conditions found in this coastal dune system. Increasing development pressure has reduced the amount of available habitat and thus the range of these species. Nonetheless, degraded areas of these dunes retain important natural habitat values and represent existing and restorable environmentally sensitive habitat.



2. Amendment Description

The proposed amendment will modify the existing permitted trail in two ways. First, the proposed amendment will use wood members to build an at-grade boardwalk instead of resurfacing an existing dirt path with decomposed granite. Second, the amended project would shift the alignment of the pathway westward in two locations. The two areas can be referred to as the "Southerly" and "Northerly" path changes. These are in reference to the cypress knoll, which can be seen on the aerial plan (Exhibit C) and figures 1 and 5 (Exhibit E) where the proposed path re-alignment is to occur. The proposed path changes involve segments north of the cypress knoll and south of the knoll.

The amended pathway subject to this permit is a six foot wide pedestrian boardwalk constructed of wood members roughly at grade. The boardwalk will have a 36 inch high single rail barrier on the ocean side of the path with signage to encourage users to stay on the boardwalk. Due to the undulating nature of the dunes in the foreground, the boardwalk does not afford views of the beach.

B. Standard of Review

The amended project occurs within the City of Grover Beach. The newly proposed development would take place on the coastal dunes within the Coastal Commission's retained coastal permitting jurisdiction. Because of this, the City's certified LCP can provide guidance, but the standard of review for the proposed permit amendment is the Coastal Act.

C. Issue Analysis

1. Public Access and Recreation

a. Applicable Public Access and Recreation Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road on the beach. Coastal Act Sections 30210 and 30212.5 through 30214 specifically protect public access and recreation. In particular:

Coastal Act Section 30210 states:

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall



be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section 30213 states in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

And Coastal Act Section 30214 states in part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

b. Public Access and Recreation Impact Analysis

The proposed pedestrian boardwalk amendment would be constructed on lands owned by the State of California within Pismo State Beach. Pismo State Beach has an annual visitation of more than 1.5 million persons including the North Beach and Oceano campgrounds. Many local residents also use the existing dune trails and beach on a regular basis. The area is desirable for hiking, beach combing, and wildlife observation. Clearly, the recreational value of the area is high. As is evidenced from the well-worn pathways in the dunes, unrestricted pedestrian access has severely degraded the southern extent of the dune structure (i.e., adjacent to the Grand Avenue day use and parking area) and to a lesser degree the northern dune area. The day use area has a parking lot, restrooms, and improved stairway leading down to the beach. Visitors are not required to pay a day use fee at this location. Only the number of parking spaces located at Grand Avenue limits access. No other management tools or techniques are employed.

Coastal Act Section 30212.5 requires that development shall be distributed throughout an area so as to mitigate against the impacts of overcrowding and overuse of any single area. The proposed project does an excellent job of managing fragile coastal resources by improving upon the current lateral access from Grand Avenue to the Butterfly Trees eucalyptus grove.

The change in path alignment brings the footpath nearer to the dunes, but does not extend into the undulating dune environment. Near the "Northerly" path re-alignment area, aerial photographs indicate numerous vertical access trails exist all along the dune structure. (See Exhibit C). As shown in the amended Design Development Plans, directional signs will occur at points where the boardwalk is near historic foot trails cross-crossing the dunes. Shifting the path alignment 30 – 100 feet to the west will



not take the user up onto the dunes and consequently does not expose them to any more opportunities to leave the path and use the "informal" criss-cross pathways than are already available. Moving the path west and meandering it close to the back slope of the dune formation will provide an enhanced user experience, with minimal impacts on the resource.

The proposed pedestrian boardwalk is a low-cost visitor serving facility that can be expected to expand access. The proposed improvements to the current path may increase the number of visitors to the area, though the increase will be limited by the number of existing public parking spaces at the Grand Avenue day use area. The new boardwalk and improved path will also provide access to a segment of the population that previously was unable to negotiate a non-uniform path. By providing access to a broader segment of the public, such as the elderly and those with physical limitations, the improved pathway maximizes public access and recreation opportunities.

The above Coastal Act sections require coastal access and recreation facilities to address constraints related to habitat protection, topographic and geologic features, and the capacity of the site to sustain the intensity of use. The preservation and enhancement of adjacent sensitive habitat areas will be assured by the extensive native dune restoration component, and by the installation of fencing and interpretive signs, as further discussed in this report. Fencing and interpretive signs also ensure that public use of the path will not overwhelm adjacent habitat areas.

c. Public Access and Recreation Conclusion

In conclusion, the dune boardwalk path re-alignment will greatly enhance the users experience. At the same time, the amendment improves public access and recreation opportunities by providing an important connection to a regional pedestrian network that is used for coastal access and recreation purposes. The Commission finds that the proposed project, as conditioned, will adequately provide public access and recreational opportunities and that the project is consistent with Sections 30210, 30212.5 through 30214 of the Coastal Act.

2. Environmentally Sensitive Habitat Areas

a. Applicable Environmentally Sensitive Habitat Area (ESHA) Policies

Coastal Act Section 30240, states:

30240(a)...Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

The Coastal Act, in Section 30107.5, defines an environmentally sensitive area as

30107.5...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments..



b. ESHA Analysis

1. Description of Environmentally Sensitive Habitat

The proposed project site will be in an area that encompasses habitat ranging from coastal dune scrub to coastal marsh and eucalyptus forest. Coastal dunes support a variety of plant and animal species and at least one federally listed endangered species, the snowy plover. The dunes are in an area of transition between the subtropical (Californian) and temperate (Oregonian) ecological provinces, so that some types of vegetation found here are at the northernmost or southernmost limits of their ranges. The flora and fauna of the dunes are diverse and provide some excellent example of different stages of ecological transition from pioneering to nearly stabilized communities. Some examples of the plant species present in these communities are blochman's leafy daisy (*Erigeron blochaniae*), dandelion (*Malacothrix incana*), and silver bush lupine (*Lupinus chamissonis*). The fauna of this community is predominately invertebrate, comprised of a variety of insects. The insects in turn, support a wide variety of birds such as thrushes, wrens, warblers, vireos, flycatchers, finches, sparrows, and plovers. The dune habitat is an excellent place for walking, birdwatching, nature study, and photography.

Near the northern portion of the project, the western branch of Meadow Creek lies almost entirely on lands owned by the State of California within Pismo State Beach. Given its location, this coastal marsh channels runoff from urbanized portions of Grover Beach into the Oceano Lagoon and Arroyo Grande Creek to the south. North of Grand Avenue in the area of the proposed project, native riparian vegetation has been almost entirely removed and replaced by ornamental grass or by weeds. Although no rare or endangered species have been identified in the riparian or marsh habitats along the creek, suitable habitat does exist for California Redlegged Frogs (CRLF) and Southwestern Pond Turtles. In order to reduce potential significant impacts to both these federally listed endangered species, the applicant has submitted as part of the proposed project a Mitigation Monitoring and Reporting Program (MMRP). The MMRP calls for pre-construction surveys of the project site and employs avoidance techniques if the species of concern are found.

The final destination of this project is the "Butterfly Trees" eucalyptus forest in Pismo State Beach. The *Eucalyptus* stand offers shelter for over-wintering Monarch butterflies. The site is considered to have the largest colony of over-wintering Monarchs in the U.S. and thousands of people flock to the "Butterfly Trees" each year to view the spectacle.

2. ESHA Impact Analysis

As originally approved by the Commission, the proposed boardwalk will function as an interpretive nature trail, dependent on the surrounding dune environment. Similarly, the proposed amendment is located entirely in an Environmentally Sensitive Habitat Area. As described, the re-aligned boardwalk segment traverses the backdune area within the sensitive coastal dune scrub habitat. Although the Coastal Act requires that public access and recreation be maximized, it also requires that these provisions be balanced with the protection of sensitive habitats. Generally, the proposed re-alignment is successful in meeting this balance through appropriate mitigation and dune restoration.



segment traverses the backdune area within the sensitive coastal dune scrub habitat. Although the Coastal Act requires that public access and recreation be maximized, it also requires that these provisions be balanced with the protection of sensitive habitats. Generally, the proposed re-alignment is successful in meeting this balance through appropriate mitigation and dune restoration.

The proposed amendment does have the potential to temporarily disrupt coastal dune habitat including dune scrub and iceplant. In certain areas construction activities will require clearing and leveling/smoothing of the dunes. As described in the revised design Development Plan, this temporary disruption will occur to a maximum width of 16 feet. Sixteen feet is the distance needed to site a 6' – 8' wooden structure at grade and accommodate construction activities. Most construction activities in the dune involve only power hand tools, however a limited amount of heavy machinery (e.g., small Kubota tractor) and/or service vehicles may be necessary to ferry materials to and from the project site during construction. Thus, the proposed amendment will have only minor and temporary impacts to sensitive areas during construction.

The proposed re-alignment of the boardwalk poses additional threats to small vegetated areas in the backdune habitat. The proposed shift will require additional dune vegetation to be disturbed and in some cases removed. Though the impacts are expected to be primarily to exotic iceplant (approximately 12,800 s.f.), the proposed change in alignment has the potential to devegetate and/or displace native dune plants as well. A botanical survey of the site identified less than five (5) native silver lupine, which would require removal and mitigation. In this case, the proposed amendment will now include a one acre restoration component to offset these new and potentially adverse effects.

The proposed amendment calls for the abandonment of the originally permitted trail. However, DPR will still need to be able to drive along that area for emergency and security purposes. By abandoning the existing trail and adding the amended at-grade boardwalk, the project has the potential to further disrupt the backdune habitat area by dispersing foot-traffic along multiple routes causing further disruption to sensitive habitat. Thus, in order to maximize the public's ability to experience the dune habitat while minimizing the potential for adverse impacts on the backdune habitat, the Commission attaches Special Condition 3 to this permit amendment. Through structural controls, Special Condition 3 will limit the use of the abandoned trail. As conditioned, it is likely that the abandoned path will quickly grow over with dune vegetation.

c. ESHA Conclusion

In conclusion, the proposed boardwalk re-alignment provides recreational opportunities consistent with the need to protect natural resource areas from overuse. The impacts associated with shifting the pedestrian boardwalk 30 to 100 feet west will not result in a significant disruption to environmentally sensitive habitat areas. In fact, as conditioned, the one (1) acre of dune restoration that will be provided by the project amendment will actually enhance the habitat qualities of the area over the long-term. Overall, with the minimal disturbance of dunes, appropriate restoration as mitigation for unavoidable impacts, the project, as conditioned, is consistent with Sections 30232 and 30240 of the Coastal Act.



3. Visual Resources

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed amendment calls for a wooden boardwalk with a narrow footprint and low profile railing in an area originally permitted to consist of decomposed granite. The portion of the project that will be shifted, moves users closer to the dune ridge. This wood boardwalk is at the dune grade but will not be visible against the horizon when viewed from the east and south. It will not be significantly visible from the North Beach Campground, Golf Course or beach area. Generally, the proposed re-alignment will be in the backdune and conform closely to natural grade. As a result, the boardwalk as modified will for the most part be subordinate and complimentary to the natural landforms and will not silhouette against the dune horizon.

Therefore, the proposed alignment change does not significantly impact the scenic and visual qualities of this sensitive coastal dune area as directed by Coastal Act Section 30251. The development is subordinate to and complimentary with the natural landforms which: (a) protects views to and along the dune, ocean, and beach; (b) minimizes the alteration of natural landforms; and (c) is visually compatible with the character of the surrounding area. The proposed development is consistent with Coastal Act Section 30251.

D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding must be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment.

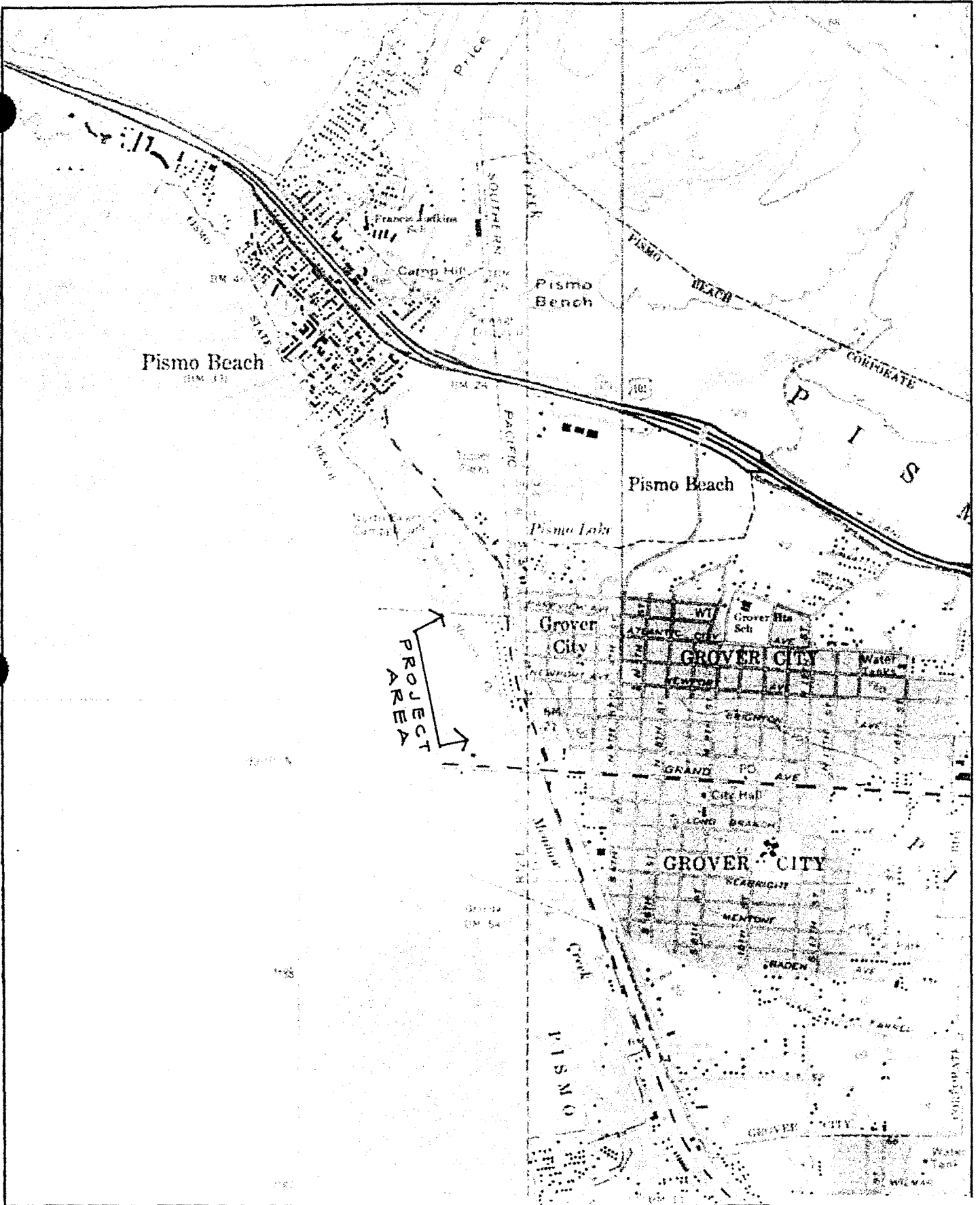
The environmental review of the project conducted by commission staff involved the evaluation of potential impacts to relevant coastal resource issues, including environmentally sensitive dune habitat,



public access and recreation, and visual resources. This analysis is reflected in the findings that are incorporated into this CEQA finding. No public comments were received by Commission staff.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the amendment, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

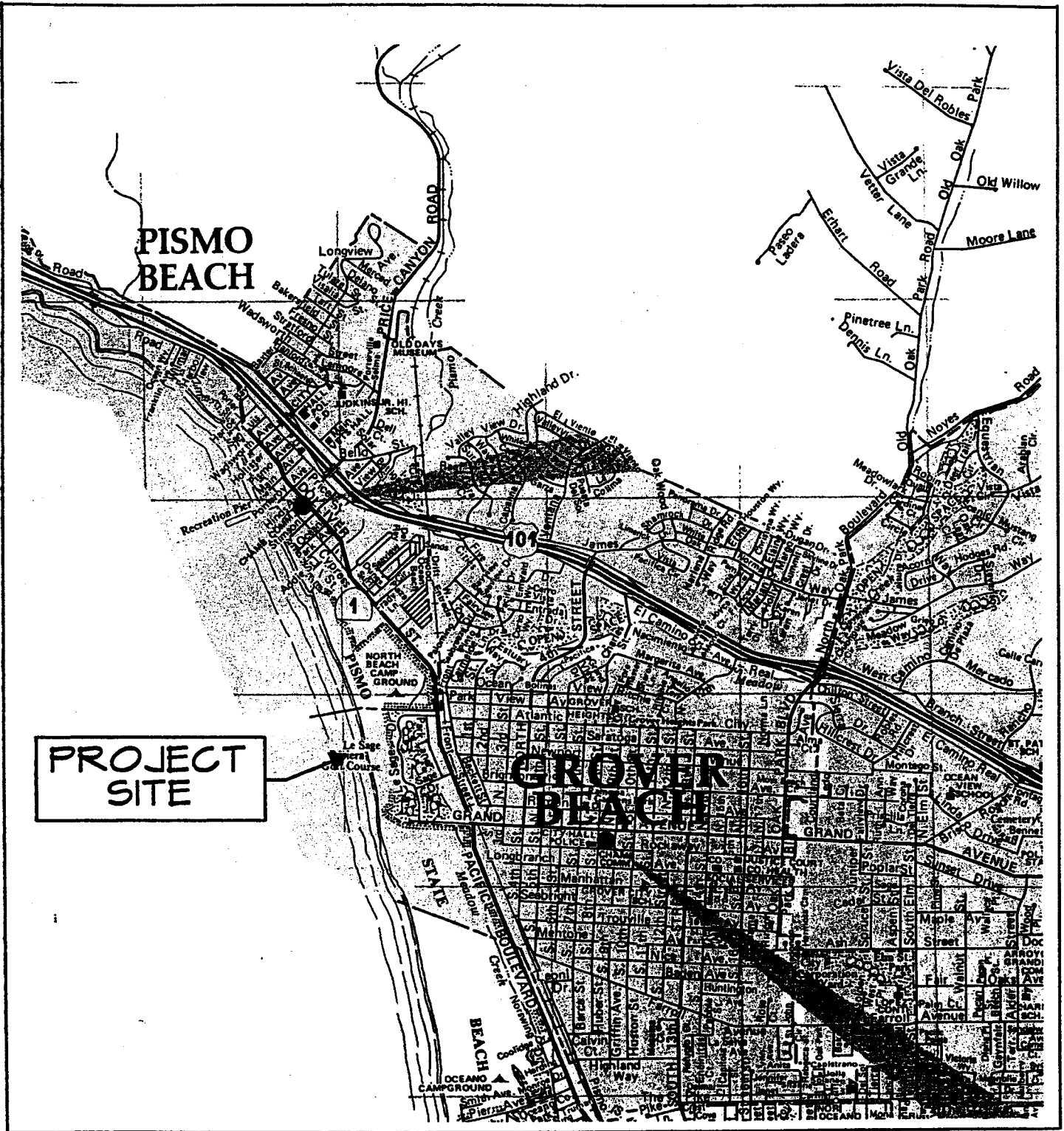




**BEACH BOARDWALK
REGIONAL LOCATION**

scale 1"=2000'

EXHIBIT NO. A
APPLICATION NO. 3-01-003-A1
<i>Regional Location</i>
<i>1 of 1</i>



VICINITY MAP

EXHIBIT NO. B
 APPLICATION NO.
 3-01-003-A
 Vicinity Map
 1 of 1

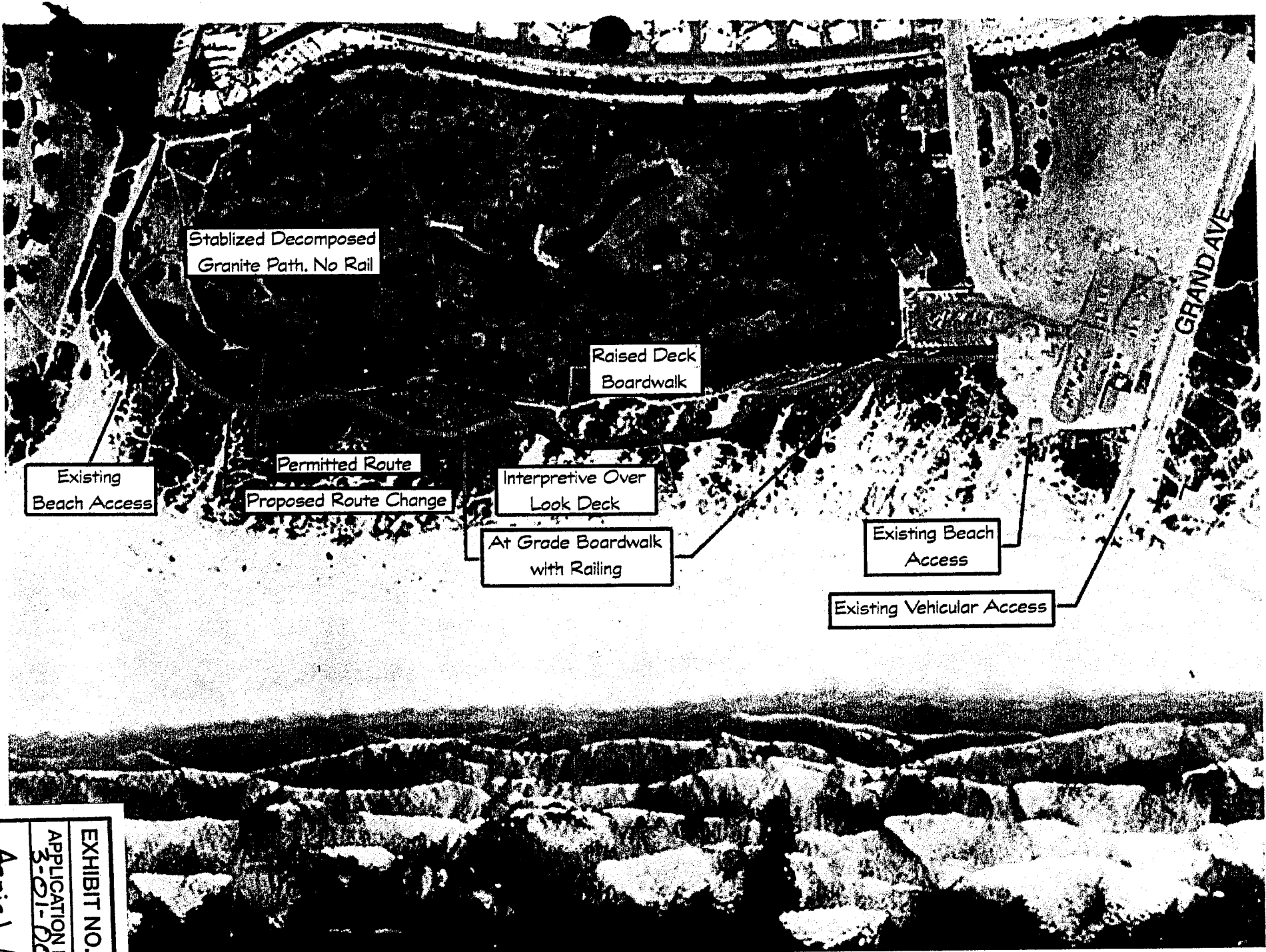


EXHIBIT NO. C
 APPLICATION NO. 3-01-003-A1
 Aerial Map
 1 of 1

Principal David R. Fazio PE/LS
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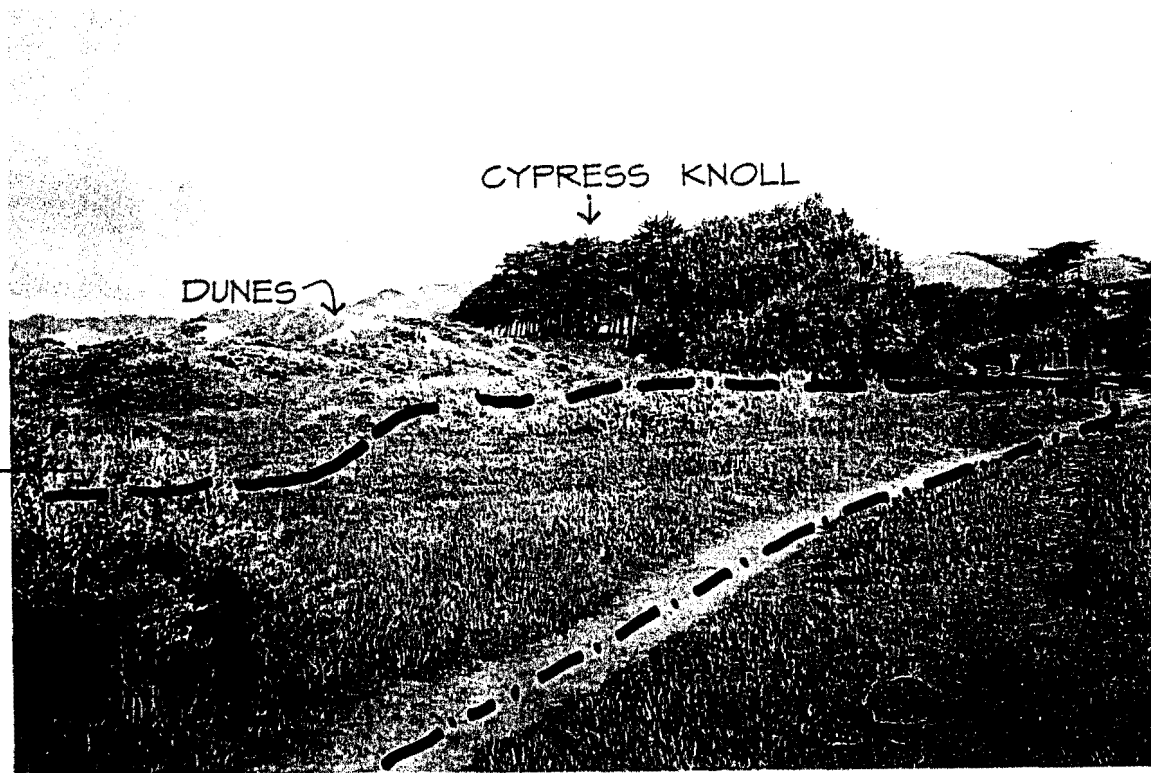
Dune Boardwalk / Promenade Three

City of Grover Beach City of Pismo Beach

0 180 360
 1" = 360'



Map 1



CYPRESS KNOLL



DUNES

PROPOSED CHANGE

PERMITTED ROUTE

VIEW NORTH OF SOUTHERLY PATH CHANGE

EXHIBIT NO. E
APPLICATION NO. 3-D1-003-A1
Path ReAlignment
1065

firma

71-28-01

DUNE BOARDWALK / PROMENADE 3

PROPOSED CHANGES TO THE PREVIOUSLY PERMITTED ROUTE FIGURE 1



PERMITTED ROUTE ↓

VIEW SOUTH OF SOUTHERLY PATH CHANGE

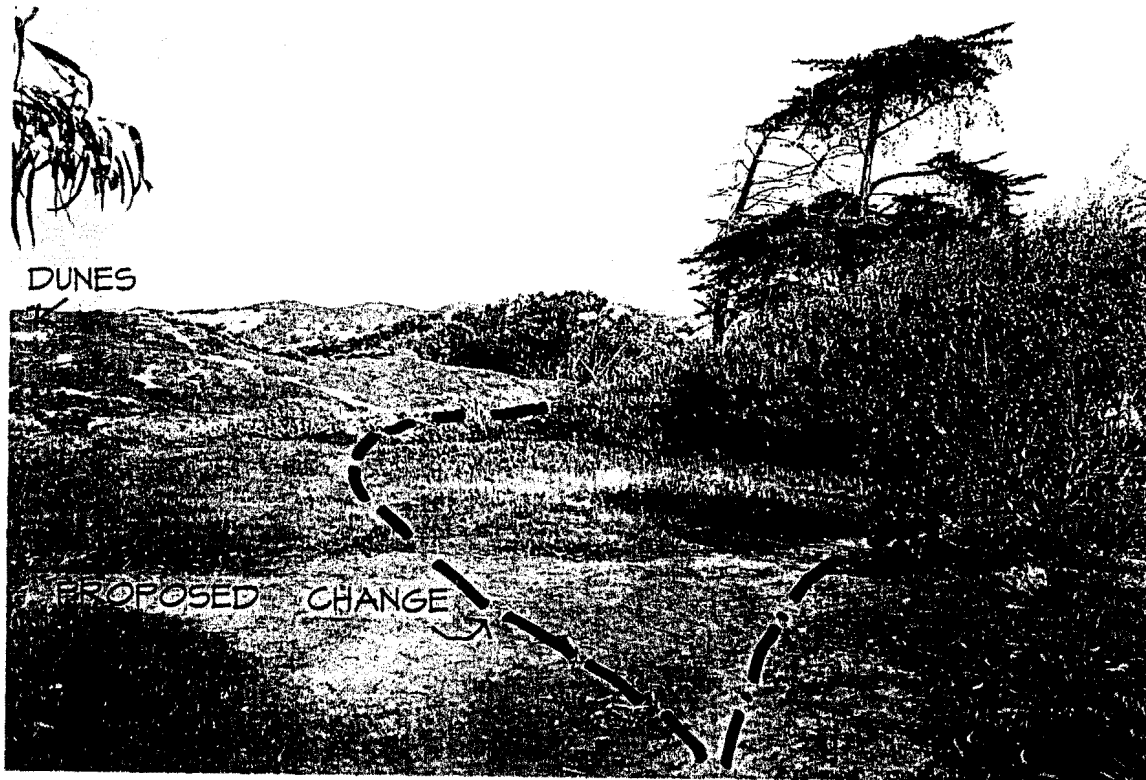
EXHIBIT NO. E
APPLICATION NO. 3-01-003-A1
Path Re-alignment
2 of 5

firma

11-28-0

DUNE BOARDWALK / PROMENADE 3

PROPOSED CHANGES TO THE PREVIOUSLY PERMITTED ROUTE FIGURE 2



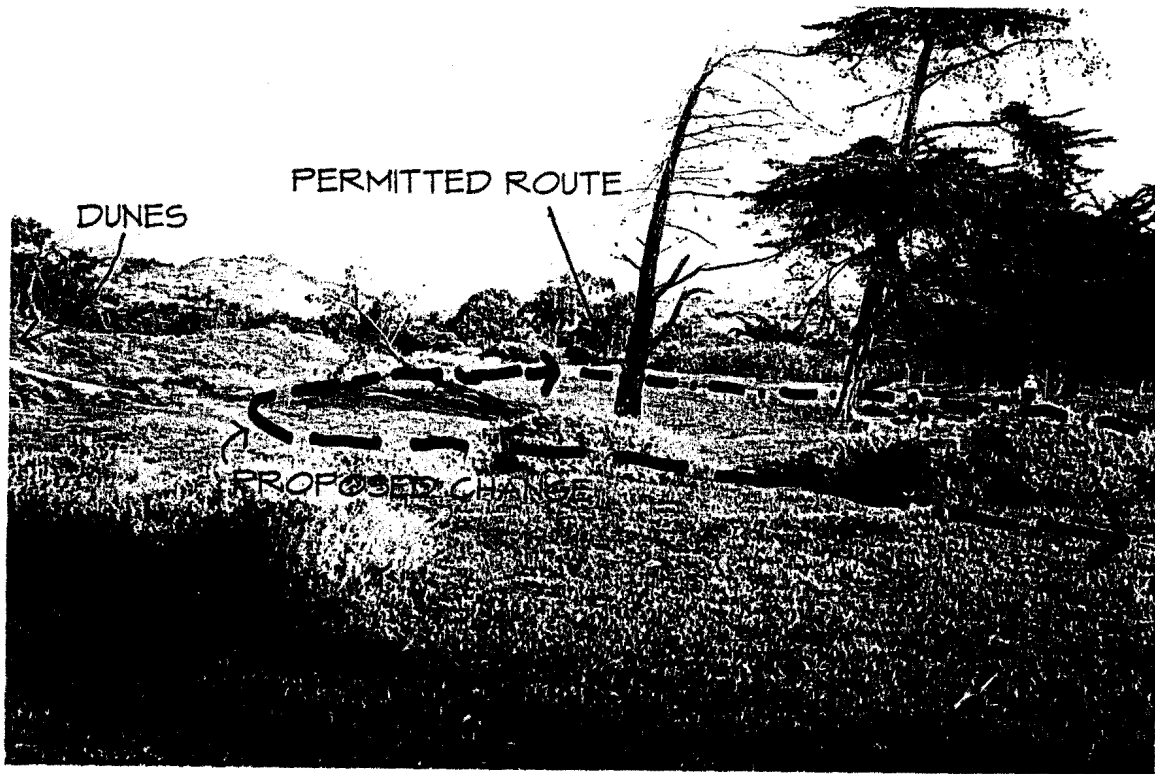
DUNES

PROPOSED CHANGE

PERMITTED ROUTE

VIEW NORTH OF NORTHERLY PATH CHANGE

EXHIBIT NO. E
APPLICATION NO. 3-01-003-A1
Path Re-alignment
3 of 5



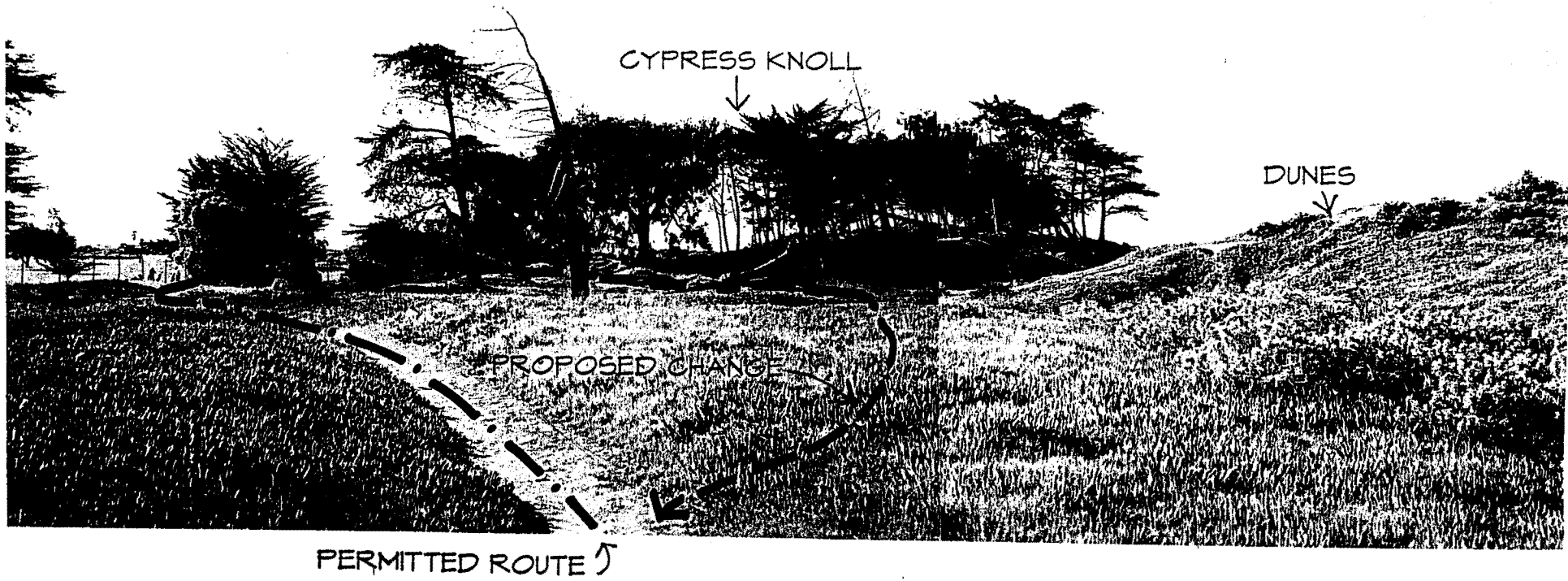
VIEW NORTH OF NORTHERLY PATH CHANGE

EXHIBIT NO. E
APPLICATION NO. 3-01-003-A1
Path Re-alignment
4 of 5

firma
11-28-01

DUNE BOARDWALK / PROMENADE 3

PROPOSED CHANGES TO THE PREVIOUSLY PERMITTED ROUTE FIGURE 4



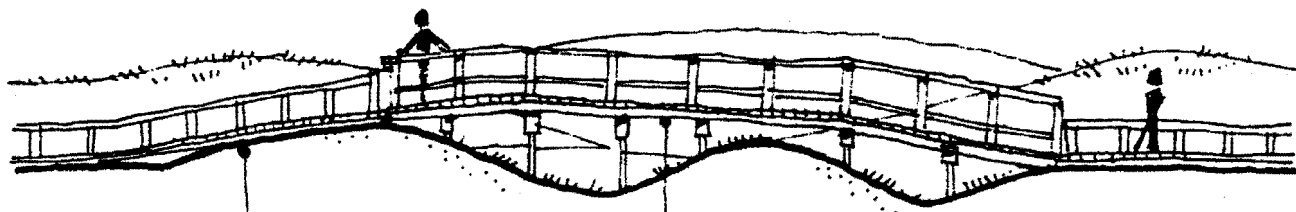
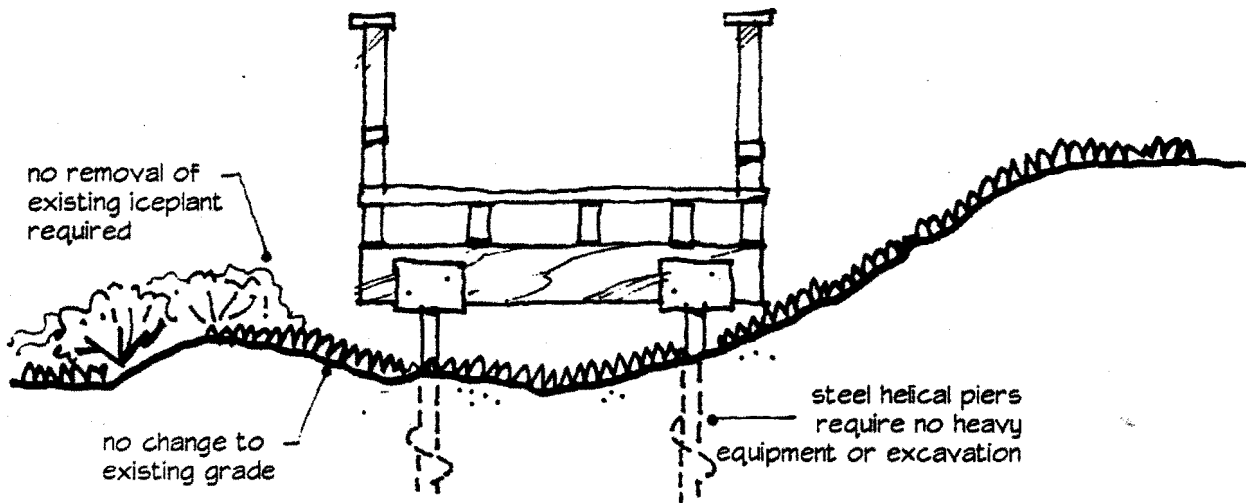
VIEW SOUTH OF NORTHERLY PATH CHANGE

EXHIBIT NO.	E
APPLICATION NO.	3-01-003-A1
Path Re-alignment	5045

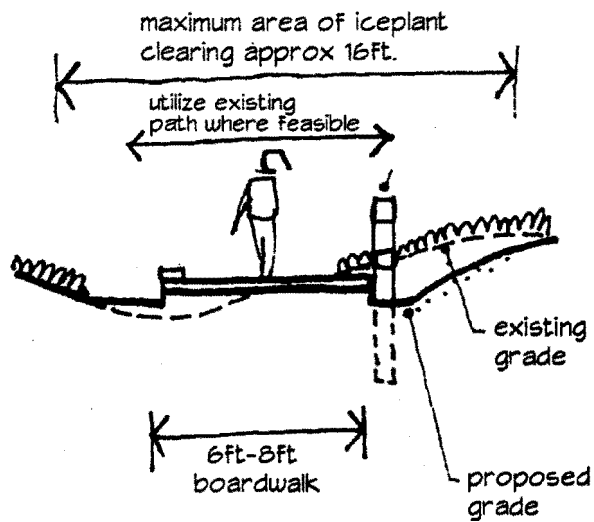
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11-28-01

DUNE BOARDWALK / PROMENADE 3 PROPOSED CHANGES TO THE PREVIOUSLY PERMITTED ROUTE FIGURE

RAISED BOARDWALK



TYPICAL PROFILE VIEW



ALIGNMEN

AT-GRADE BOARDWALK

**DUNE BOARDWALK
(BACKDUNE)**

**DUNE BOARDWALK
REPORT**

EXHIBIT NO. F
APPLICATION NO. 3-01-003-A1
Design Profile 1 of 1

1.0 CONDITIONS

1.1 Standard Conditions

1. **Notice of Receipt and Acknowledgement.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** The Executive Director or the Commission will resolve any questions of intent of interpretation of any conditions.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

1.2 Special Conditions

1. **Mitigation Plan.** Prior to construction, the applicant shall submit to the Executive Director for review and approval evidence that all mitigation required by the Mitigation Monitoring and Reporting Program (MMRP), adopted by Resolution No. 01-001 of the City of Grover Beach Planning Commission on January 24, 2001 has been implemented. Furthermore, the following additions to the MMRP shall be implemented:
 - a) **Additional Monitoring.** Section 6 of the applicants Mitigation Monitoring and Reporting Program shall be expanded to include, as part of the snowy plover monitoring requirements, an evaluation of the potential for creating two (2) vertical access trails as part of this trail system. **WITHIN ONE YEAR OF THE COMPLETION OF CONSTRUCTION**, the applicant shall submit a draft of this evaluation report to California Department of Parks and Recreation, the Department of Fish and Game, and the U.S. Fish and Wildlife Service for review and comment. Included shall be an evaluation on whether the placement of two vertical access points, one at Carpenter Creek and the other at the Viewdeck platform, would be possible without adversely affecting the snowy plover or any other species of concern. Upon receipt of the resource agency comments, and no later than 15 months from completion of construction, the applicant shall submit the vertical access evaluation report to the Executive Director for review and approval.

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- b) A spill prevention and containment plan designed to minimize the risk of a hazardous substance spill from affecting dune habitat. The plan shall include making use of a staging area for refueling vehicles, mixing and storing of materials such as paint and lumber, containment structures such as tarps and a catch basin placed around the work-site and staging area to minimize the risk of a spill and capture any construction debris, trash and debris collection and disposal, and preventing runoff from any materials that may be used or stockpiled in the parking lot during the project.
 - c) The applicant shall limit construction activities to the rear dune area and avoid construction activities that require heavy equipment between March 1st and September 30th.
2. **Reporting Requirements of Other Agencies.** Prior to construction, the permittee shall submit to the Executive Director a copy of the final, approved lease and/or similar instrument (e.g., Special Use Permit, Temporary Use Permit) issued by the State of California Department of Parks and Recreation.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant Signature _____ Date of Signing: _____

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