

CALIFORNIA COASTAL COMMISSION  
 NORTH COAST AREA  
 45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260

W 16b



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Date June 21, 1996

Permit Application No. 1-96-24

**ADMINISTRATIVE PERMIT**

APPLICANT:

**CITY OF PACIFICA**

PROJECT DESCRIPTION:

Repair a 200± foot-long section of an 1,100± foot-long seawall by: (1) retrieving an incidental amount of rock rip rap that has spilled out onto the sandy beach from the existing seawall, (2) importing 300 tons of 3 to 5-ton rock rip rap to the site, and (3) positioning the rock on the seawall by mechanical means.

PROJECT LOCATION:

Seawall located at the westerly end of Rockaway Beach Avenue in the City of Pacifica, APN 022-011-050.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

**NOTE:** P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Date: Wednesday, July 10, 1996 Tel. No. (714) 960-7873  
 Time: Meeting begins at 10:00 a.m. item 16b  
 Place: Waterfront Hilton Beach Resort  
 21100 Pacific Coast Highway, Huntington Beach

**IMPORTANT - Before you may proceed with development, the following must occur:**

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

PETER DOUGLAS  
 Executive Director

By: Robert A. Muth  
 Title: Coastal Planner

ROBERT S. MERRILL  
 1-02

**STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** 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 this permit is reported to the Commission. 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. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **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.
7. **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.

**EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, is in conformity with the provisions of the City of Pacifica and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

1. Project/Site Description

The applicant proposes to repair a 200± foot-long section of an 1,100± foot-long seawall by: (1) retrieving an incidental amount of rock rip rap that has spilled out onto the sandy beach from the existing rock revetment in front of the seawall, (2) importing 300 tons of 3 to 5-ton rock rip rap to the site, and (3) positioning the rock on the seawall by mechanical means. The project is located at the westerly end of Rockaway Beach Avenue in the City of Pacifica, APN 022-011-050.

The rock will be placed in front of the existing revetment and concrete seawall for a distance of up to 18 feet. The rock is necessary to protect the seawall from direct wave attack and collapse during ocean storms. The seawall protects the asphalt cul-de-sac located at the westerly end of Rockaway Beach Avenue. The top of the seawall has a concrete cap that is about 18 inches wide and equally high above the elevation of the street. The top of the seawall serves as a convenient sitting area for lunch-time viewing of the sea. A narrow sandy beach is located below the seawall and rock rip rap. The beach tends to disappear during high tide. The beach is used by surf-casting fishermen, body surfers, and others.

2. Fill in Coastal Waters and Protection of Marine Resources.

The Coastal Act defines fill as including "earth or any other substance or material ... placed in a submerged area." The project involves placing rock rip rap fill materials onto a beach area that is subject to tidal and storm action.

Section 30233 of the Coastal Act address the placement of fill within coastal waters. Section 30233(a) provides as follows, in applicable part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary....

The above policy sets forth a number of different limitations on what fill projects may be allowed in coastal waters and wetland areas. For analysis purposes, the limitations can be grouped into three general categories or tests. These tests are:

- a. that the purpose of the project is limited to one of eight uses;
- b. that the project has no feasible less environmentally damaging alternative; and
- c. that adequate mitigation measures to minimize the adverse impacts of the proposed project on habitat values have been provided.

The Executive Director finds that the proposed project meets the criteria of Section 30233 of the Coastal Act. The project's rip rap fill in tidal coastal waters is an allowable use under Section 30233(a)(5) because the purpose of the fill is for an incidental public service (i.e. maintaining a public seawall).

No feasible alternatives to the proposed project resulting in less environmental damage have been identified. In addition, the no project alternative would eventually result in the collapse of the seawall, and the elimination of its usefulness in providing an accessway (Rockaway Beach Avenue) to the beach. The seawall also serves to protect several visitor serving restaurants and motels that are located further behind the seawall. Thus, the no project alternative is not acceptable as it would not achieve the project objectives. No other alternative for repairing the existing seawall has been identified that would involve less fill.

No significant impacts of the proposed project have been identified, assuming that the seawall is repaired as proposed and all construction equipment is removed upon completion of the project. Public access and recreation within the project area will not be available during construction of the project. However, this impact is temporary, and it is offset by the fact that other portions of the seawall and the beach to the north and to the south of the project area will remain open for public access and recreation.

Since the project does not expand the existing footprint of the rock slope protection on the beach, it is consistent with Section 30233(c) because the project will maintain the functional capacity of any biological or marine resources that use the sandy, intertidal beach which is located in front of the seawall.

The applicant acknowledges that the proposed project is only a temporary solution to a more long-term obligation of repairing and maintaining the seawall. The applicant is seeking funding for a more lasting and permanent solution. Without a long-term solution, public access to and along the seawall and the beach will continue to be at risk and in danger of being

permanently lost during a major storm event. Without a long-term solution, important visitor-serving uses behind the seawall will also be at risk and in danger of being lost or damaged during a major storm event. Thus, it is clearly necessary to encourage the City of Pacifica to develop a long-term solution for the repair and maintenance of the seawall. As a mitigation measure that is designed, in part, to accomplish this goal and to minimize the need for future additional fill in tidal waters, the Executive Director attaches Special Condition No. 1 which requires the applicant to submit a semi-annual progress report to the Executive Director documenting the City's progress in its planning for a long-term solution for the repair and maintenance of this seawall. This measure is clearly feasible and it will help minimize the cumulative impacts of an on-going series of fill projects to repair and maintain the seawall. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30233 of the Coastal Act.

### 3. Flood Hazards.

Section 30253 of the Coastal Act provides in applicable part that new development minimize risks to life and property in areas of high flood hazard and that the development assure stability and structural integrity and not result in the destruction of the site or the surrounding area.

The proposed project is necessary to protect the seawall, which in turn, serves to protect life and property in an area of high flood hazard. The 3 to 5-ton size of the rock rip rap has been designed to assure stability and structural integrity of the seawall. Further stability of the seawall is assured with the careful positioning of the rock rip rap. However, to encourage a more permanent and long-term solution for repair and maintenance of the seawall, Special Condition No. 1 is attached to minimize risks to life and property in an area of high flood hazard. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

### 4. Public Access and Recreation.

Section 30210 of the Coastal Act requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 of the Coastal Act requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use. Section 30212 of the Coastal Act requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, as when adequate access exists nearby. In applying Sections 30210, 30211, and 30212, the Commission is limited by the need to show that any denial of a permit application based on those sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential public access.

The project area is already in public ownership, so there are no issues relating to rights of implied dedication or rights of prescriptive access per Section 30211 of the Coastal Act. The proposed project does not create any demand for additional public access from the first public road (Highway One) to the sea. Rather, the project will serve to protect the cul-de-sac area at the end of Rockaway Beach Avenue, which is the primary public accessway to the beach in the Rockaway area of the City of Pacifica. As a result, the project will not have any adverse impacts on existing or potential public access, and the Commission therefore finds that the project is consistent with Sections 30210 and 30212 as no additional public access is necessary.

5. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. As discussed above, the project does not have a significant adverse effect on the environment within the meaning of CEQA.

SPECIAL CONDITIONS:

1. Submittal of Semi-Annual Progress Reports for Long-term Seawall Repair.

The applicant shall submit a semi-annual progress report to the Executive Director documenting the progress which the City of Pacifica has been made regarding more permanent and long-term plans to repair and maintain the seawall. The first report shall be submitted to the Executive Director upon completion of this project, and the following reports shall be submitted every 6 months thereafter.

ACKNOWLEDGMENT 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's Signature

\_\_\_\_\_  
Date of Signing