STATE OF CALIFORNIA – THE RESOURCES AGENCY RECORD PACKET COPY 1/26 PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Filed:	11/05/96
49th day:	12/24/96
180th day:	05/04/97
Staff:	SG-SC
Staff Report:	12/19/96
Hearing Date:	01/09/97

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT:	City of Pismo Beach
LOCAL DECISION:	Approved with conditions
APPEAL NUMBER:	**A-3-PSB-96-115**
APPLICANT:	**PAUL AND VICKI POBAR AND ARTHUR AND BERNICE BENDER**
APPELLANT:	Surfrider Foundation, San Luis Bay Chapter
PROJECT LOCATION:	2679 and 2685 Spyglass Drive, Pismo Beach
PROJECT DESCRIPTION:	Construct Bluff Protection System and Repair Existing Rip-Rap
SUBSTANTIVE FILE DOCUMENTS:	City of Pismo Beach certified Local Coastal Program

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SUMMARY OF STAFF RECOMMENDATION

The public hearing on this matter was opened and continued at the Commission's December 12, 1996 meeting. Staff recommends that the Commission, after public hearing, determine that **NO substantial issue exists** with respect to the grounds on which the appeal has been filed for the reasons discussed below.

SUMMARY OF APPELLANT'S CONTENTIONS

Appellant Surfrider Foundation, San Luis Bay Chapter (Surfrider), contends that there are feasible alternatives to the City-approved project, that the approval is inconsistent with LCP policies D-2(c) (Building and Site Design Criteria, Views), PR-22 (Lateral Beach/Shoreline Access), and S-6 (Shoreline Protective Devices), and with zoning ordinance sections 17.066.020 (Coastal Access Criteria and Standards), 17.078.060 (Shoreline Protection Criteria and Standards), and 17.096.020 (View Considerations Overlay Zone Criteria and Standards). Surfrider contends that the City-approved project is inconsistent with these policies and zoning ordinance sections because it will interfere with public views, public access along the beach, and shoreline sand supply. (Please see Exhibit 1 for the full text)

SUMMARY EVALUATION OF SUBSTANTIAL ISSUE

ISSUE	LCP POLICIES	ZONING ORDINANCE SECTION	SUBSTANTIAL ISSUE EVALUATION
Alternatives to approved proposal	S-6, Shoreline Protective Devices	17.078.060, Shoreline Protection Criteria and Standards	**No substantial issue.** Alternatives, such as a vertical concrete seawall, beach nourishment, or moving the house away from the bluff are either infeasible and/or are not any less environmentally damaging.
Natural Landforms and Sand Supply	S-6, Shoreline Protective Devices	17.078.060, Shoreline Protection Criteria and Standards	**No substantial issue.** Proposal is for protection of existing development and there are no feasible or less environmentally damaging alternatives.
Lateral Access	PR-22, Lateral Beach/Shoreline Access Required; S-6, Shoreline Protective Devices	17.066.020, Coastal Access criteria and Standards; 17.078.060, Shoreline Protection Criteria and Standards	**No substantial issue.** City required dedication of lateral beach access. Proposed rip-rap shown as being above mean high tide line.
Visual Impacts	D-2(c),Building and Site Design Criteria, Views; S-6, Shoreline Protective Devices	17.078.060, Shoreline Protection Criteria and Standards; 17.096.020, View Considerations Overlay Zone, Criteria and Standards	**No substantial issue.** Policy D-2(c) applies to buildings. Section 17.078.060 states that seawall design must use visually compatible colors and materials; City found that proposal will use rip-rap compatible in color with bluff. Section 17.096.020 does not apply because subject lots not in mapped View Overlay Zone.

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I. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county (Coastal Act Section 30603(a)).

For projects not located between the sea and the first public road paralleling the sea, the grounds for an appeal shall be limited to an allegation that the development does not conform to the certified LCP (Coastal Act Section 30603(b)(1)). Because this project is appealed on the basis of its location between the sea and the first public road paralleling the sea, the grounds for an appeal to the Coastal Commission include not only the allegation that the development does not conform to the standards set forth in the certified local coastal program but also the allegation that the development does not conform to the public access policies of the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. It the staff recommends "substantial issue," and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Coastal Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

II. LOCAL GOVERNMENT ACTION

The City of Pismo Beach conditionally approved the proposal on October 22, 1996, including a negative declaration, architectural review permit, and coastal development permit for a bluff protection system to include addition of rock to repair of an approximately 50 foot long section of existing rip-rap, installation of an approximately 30 foot long section of new rip-rap, and installation of a second new area of rip-rap approximately 10 feet long to plug a sea cave that is undermining the bluff.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Staff recommends that the Commission, after public hearing, determine that **NO substantial issue exists** with respect to the grounds on which the appeal has been filed, for the reasons discussed below under Recommended Findings and Declarations.

Motion Staff recommends a **YES** vote on the following motion:

I move that the Commission determine that Appeal No. A-3-PSB-96-115 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

IV. RECOMMENDED FINDINGS AND DECLARATIONS

A. Project Description and Background

1. Location and Description. The proposed project is located at 2679 and 2685 Spyglass Drive in the northern portion of the City of Pismo Beach in southern San Luis Obispo County. The lot at 2679 Spyglass Drive is developed with a single family dwelling that lies approximately 25 feet inland from the edge of the almost vertical, approximately 75 foot high bluff. The lot at 2685 Spyglass Drive is a vacant lot which abuts the northwest property line of 2679 Spyglass Drive and lies between that developed lot and another developed lot to the northwest. Both properties are essentially level. The proposed project would consist of installation of drought resistant landscaping and a drainage system and the placement of a significant amount of new rock to repair the existing rip-rap at the toe of the bluff of the vacant lot and the placement of new rip-rap at the toe of the bluff of the developed lot, including plugging a seacave that is undercutting the developed lot, with rip-rap. The rip-rap would extend approximately 80 feet along the bluff from approximately elevation five feet above sea level at the toe of the bluff on each lot to elevation 32 feet on the bluff face of the vacant lot and to elevation 20 feet on the bluff face of the developed lot. The rock to plug the sea cave would extend approximately 10 feet along the bluff.

2. Background. According to the findings for emergency permit # 6 CUP-87 and # 20-CP-87 authorized by the City on April 28, 1987, *"1. On March 6, 1987 a large bluff failure was observed at the rear of lot 2 which was about 45 feet wide and 20 feet deep. 2. On April 17, 1987 an additional bluff failure was observed taking about 5 more feet behind the original slide and expanding easterly another 35 feet."* Lot 2 is a developed lot which abuts the vacant lot at 2685 Spyglass on its northwesterly side; it appears that a portion of the last described bluff failure involved this vacant lot.

The emergency permit issued by the City authorized bluff stabilization by installation of a rigid frame system of deep caissons interconnected with grade and cap beams along the bluff top of the vacant lot extending across the developed lot to the northwest and partially onto the developed lot beyond that. Rip-rap extending approximately eight feet up the bluff face from the toe of the bluff along the same three lots was authorized by a regular coastal development permit approved by the City on June 15, 1987. The developed lot at 2679 Spyglass, part of this currently proposed project before the Commission on appeal, was not involved in the 1987 incidents or bluff protection work. Since the time of the installation of the bluff stabilization system and the rip-rap on the other lots, some of the rip-rap has migrated a few feet seaward from the toe of the bluff (it does not hinder lateral beach access) and some of it has settled into the sand. The rip-rap that remains at the toe of the bluff no longer functions as an effective shoreline protection device. Continued, inevitable erosion of the upper portion of the bluff has reached the point where the caissons and cap beam on the vacant lot are exposed in the bluff face and the house on the developed lot is approximately 25 feet from the bluff edge.

B. Issue Discussion. The appellant has raised questions about the proposed project's consistency with the following portions of the City's Local Coastal Program: Land Use Plan policies D-2(c) (Building and Site Design Criteria, Views), PR-22 (Lateral Beach/Shoreline Access), and S-6 (Shoreline Protective Devices); zoning ordinance sections 17.066.020 (Coastal Access Criteria and Standards), 17.078.060 (Shoreline Protection Criteria and Standards), and 17.096.020 (View Considerations Overlay Zone Criteria and Standards).

1. ***Land Use Plan Policy D-2(c), Building and Site Design Criteria, Views,*** states that

> *Views to the ocean, creeks, marsh, and surrounding hills should be preserved and enhanced whenever possible. The feeling of being near the sea should be emphasized, even when it is not visible.*

Land Use Plan (LUP) policies D-2(a), (b), (d), (e), (f), and (g) each provide building and site design criteria specifically in terms of buildings. Policy D-2(c) does not provide such specificity. In this case, since the rip-rap would be placed at the toe of the bluff and extend up the 75 foot high bluff approximately 30 feet, the only views listed under policy D-2(c) that could be affected would be views to the surrounding hills, from offshore. However, from its context, it appears that this particular policy is meant to apply to proposed buildings which might degrade or block the listed views and not to structures such as shoreline protective devices. Further, there is language in LUP policy S-6 and zoning ordinance section 17.078.060 which specifically addresses the visual qualities of shoreline protective devices. Even if LUP policy D-2(c) did apply, views from offshore to the surrounding hills would not be blocked by the proposed rip-rap. Neither does it appear that those views would be significantly degraded since the City found that *"The size, color and amount rip-rap materials are visually compatible with the existing sea bluff, soil & rock terrace and intertidal rocky and sandy shoreline."* Therefore, no substantial issue exists with respect to Building and Site Design Criteria, Views..

2. ***Land Use Plan Policy PR-22, Lateral Beach/Shoreline Access Required,*** states:

> *Coastal Beach Access Dedication -- For all developments on parcels located along the shoreline, a lateral public access easement in perpetuity extending from the oceanside parcel boundary to the top of the bluff shall be required for the purpose of allowing public use and enjoyment of dry sandy and rocky beaches, intertidal and subtidal areas. Such easements shall be granted to the California Department of Parks and Recreation, the City of Pismo Beach, or other appropriate public agency.*

City condition B)5 states: *"The applicant shall comply with the General Plan/Local Coastal Plan Policy PR-22 -- Lateral beach/shoreline access; a lateral public access easement in perpetuity extending from the oceanside parcel boundary to the top of the bluff shall be required and granted to the California Department of Parks and Recreation, the City of Pismo Beach, or other appropriate public agency."* The permit is clearly conditioned to require the access dedication required by LUP policy PR-22. Closely related to policy PR-22, although not mentioned by the appellant, is policy PR-23 which generally requires all development on the bluffs to dedicate a blufftop conservation and public access zone, providing for public lateral access along the top of the bluff. However, LUP policy LU-D-5 states that the lateral blufftop

access generally required by policy PR-23 is not required in the Spyglass Planning Area, where the subject parcels lie. Therefore, no substantial issue exists regarding lateral access.

3. ***Land Use Plan Policy S-6, Shoreline Protective Devices*** states that

Shoreline protective devices, such as seawalls, revetments, groins, breakwaters, and riprap shall be permitted only when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion. If no feasible alternative is available, shoreline protection structures shall be designed and constructed in conformance with Section 30235 of the Coastal Act and all other policies and standards of the City's Local Coastal Program. Devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply...maintain public access...shall minimize alteration of natural landforms...and shall minimize visual impacts.

Zoning Ordinance section 17.078.060, Shoreline Protection Criteria and Standards, states that

Seawalls shall not be permitted, unless the city has determined that there are no other less environmentally damaging alternatives for protection of existing development or coastal dependent uses. If permitted, seawall design must (a) respect natural landforms; (b) provide for lateral beach access; and (c) use visually compatible colors and materials and will eliminate or mitigate any adverse impacts on local shoreline sand supply.

i. Alternatives. The City did make a specific finding that the proposed development was the least environmentally damaging alternative, basing its finding on the following: rip-rap is consistent with the natural terrace landform; lateral beach access is provided as required; the rip-rap is visually compatible with the bluff, terrace, and shoreline; and the rip-rap would not adversely effect local shoreline sand supply. No specific finding was made as to whether or not there was an alternative solution.

Other alternatives could include a vertical concrete seawall. The advantage of vertical concrete seawalls is that they typically take up a negligible amount of beach area. However, such a wall as high (20 - 30 ft.) and as long (approx. 80 ft.) as the proposed rip-rap would be extremely expensive, much more so than rip-rap. This alternative is not feasible because of the high cost.

A second alternative would be to move the house on the developed lot back away from the bluff edge. The developed lot is approximately 90 feet deep from Spyglass Drive to the edge of the bluff. The house is approximately 25 feet back from the edge of the bluff, extends approximately 50 feet toward Spyglass Drive, and occupies essentially all of the width of the lot between the side setbacks; it cannot be moved anywhere else on the lot. This alternative is not feasible because there is no place to move the house.

Another alternative is beach nourishment, where sand is imported and added to the shoreline sand supply to reduce the destructive force of waves. However, the City does not have a beach nourishment program nor is there a homeowners association with such a program. This means that the applicant alone would have to pay for and ensure that the nourishment is accomplished, rather than adding to or supplementing an existing nourishment program.

Nourishment is initially expensive and is most suited to areas with long beach frontage. It is rarely effective for protection of relatively small, individual lots typically found in developed urban areas.

The two subject lots here have only about 130 feet of beach frontage together. Sand placed in front of them would quickly be moved by the ocean downcoast and would provide only a very temporary solution unless the nourishment was very frequent. Additionally, nourishment would require a mechanism to place the sand in an appropriate manner and location on the beach from the top of the 75 foot high bluff to ensure success of the nourishment and to not interfere with lateral beach access. There is no access from up- or down-coast for a bulldozer or front-end loader to move the sand as might be necessary, so all sand placement would have to be done from the bluff top. Clearly, this alternative is not feasible for the two subject lots because of its relative ineffectiveness, technical difficulty of sand placement, and expense.

Other potential alternatives, such as gunite or shotcrete are impractical and infeasible because of their relative lack of resistance to direct wave attack and difficulty of anchoring such material to the bluff face.

Therefore, for the reasons given above no substantial issue exists regarding alternatives since no other feasible alternatives nor any less environmentally damaging alternatives have been shown to exist.

ii. Natural Landforms and Sand Supply. Rip-rap is typically placed such that it follows the shape of the landform. However, rip-rap fixes the location of the back beach by inhibiting naturally occurring erosion that sustains the beach. The area of Pismo Beach where the subject lots lie can be characterized as having an eroding beach and coastline. Beaches in such environments tend to get narrower if the back beach is fixed because the erosive force of the ocean is largely transferred from the back beach at the toe of the bluff seaward to the beach at the toe of the rip-rap. At some unknown future time, the toe of a rip-rap revetment such as the one proposed here could very well be at the mean high tide line due to erosion of the beach seaward of the rip-rap. The rip-rap would then function much as a short groin and disrupt longshore transport of sand. Bluff protection devices can also displace wave energy to either side of the ends of the device and result in increased erosion of the landforms at either or both ends but the effect of this is relatively insignificant with rip-rap when compared to end erosion caused by wave displacement from vertical concrete seawalls.

Both LUP Policy S-6 and Zoning Ordinance section 17.078.060 require that shoreline protective devices eliminate or mitigate adverse impacts on local shoreline sand supply. The City found that:

> *"5. The bluff protection system and repair of existing rip-rap at 2679/2685 Spyglass Drive complies with the shoreline erosion and geologic setback requirements as established in the City's certified Local Coastal Program.*
>
> *"6. These findings can be made based on the small-scale and limited scope of the structural design and placement of the seawall improvements on a small and limited portion of the lot and on the bluff face."*

Gary Griggs, James Pepper and Martha Jordan, in California's Coastal Hazards: A Critical Assessment of Existing Land-Use Policies and Practices, found that since decisions to approve shoreline protective devices *"are usually made on a project-by-project basis, they tend to be evaluated independently, without any systematic consideration of the aggregate or cumulative effects either within or among jurisdictions. Within such a decision-making context any given project can be viewed as small and thus easy to rationalize in terms of approval. Cairns (1986) calls this endemic failure to take into account the aggregate effects of environmental management 'the tyranny of small decisions.'"* Review of applications for shoreline protection devices generally does not include consideration of aggregate or cumulative effects of the device on sand supply and shoreline sand transport. This is what has occurred here and at many other locations along California's coast.

The developed lot here is approximately 90 feet deep from Spyglass Drive to the edge of the bluff. The house on that lot is approximately 25 feet back from the edge of the bluff, extends approximately 50 feet toward Spyglass Drive, and occupies essentially all of the width of the lot between the side setbacks; therefore, it cannot be moved anywhere else on the lot. The undeveloped lot here could hypothetically erode some 90 feet back until erosion endangered Spyglass Drive. However, it is unlikely that the erosion on the undeveloped lot would stay completely within the property lines and not affect other properties. In fact, the trend of erosion on the undeveloped lot is southeast, toward the house on the other subject lot.

The proposed shoreline protection for the subject lots does not and probably cannot eliminate or mitigate for adverse impacts on local shoreline sand supply. If the proposed rip-rap is installed, it will greatly reduce the shoreline sand supply from these two lots, however small an amount that may be of the overall sand supply from the entire Pismo Beach coastline. There has been no quantification of the contribution these two lots make to the shoreline sand supply. Nevertheless, both the Coastal Act and the City's LCP provide for the protection of existing bluff top development by one or more of the various methods of shoreline protection. Although one of the subject lots is undeveloped, protection of its bluff is critical to protection of the house on the developed lot. Additionally, the lots are located in an urban area with significant existing armoring of the coast and other potential alternatives to the proposed rip-rap are not feasible. Therefore, no substantial issue exists regarding landform alteration and shoreline sand supply.

iii. Lateral Access. When approving development between the first through public road and the sea, the City is required to find that the proposal is consistent with the certified LCP and with the public access and recreation policies of the Coastal Act. When the tide is high, access along the beach is difficult at best and can at times be blocked. At low tide, it is possible to walk along the beach, although to get to the beach from up- or down-coast requires climbing over rock outcroppings. According to the preliminary plans for the proposal, the rip rap would be above -- inland -- of the mean high tide line. If the rip rap were to be placed where indicated, then there should not be any blockage of lateral access along the beach by the rip-rap (during the period when the beach can be accessed). The rip-rap may also provide a means for people to scramble over the rocks laterally along the beach even when the tide is high.

The City found that the proposal is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act as well as the LCP and conditioned the permit to require

dedication of a public access easement over the property from its most seaward edge to the top of the bluff. Therefore, no substantial issue exists with respect to lateral beach access.

iv. **Visual Impacts.** Section 17.078.060 specifically states that seawall design must use visually compatible colors and materials. This measure helps to maintain the scenic character of the Pismo Beach shoreline by requiring that shoreline protective structures visually blend with the naturally-occurring rock materials on the site.

According to the negative declaration for the proposal, there would be no adverse scenic or visual impacts from the rip rap. The City did make a specific finding about scenic and visual impacts in the negative declaration stating that *"The size, color and amount of rip-rap materials are visually compatible with the existing sea bluff, soil & rock terrace and intertidal rocky and sandy shoreline."* The City Council found that *"The bluff protection system and repair of existing rip-rap at 2679/2685 Spyglass Drive does not interfere with the public views from any public road or from a recreational area to and along the coast as set forth in the City's certified Local Coastal Program."*

Drawing on the response of the applicant in the Cliffs Hotel case (just upcoast) to the issue of visual compatibility of rock rip-rap with the existing bluff material, it appears that there may be no rock locally available that provides a good color-match with the existing bluff material. However, the existing rip-rap at the toe of the bluff of the vacant lot appears to be relatively compatible with the bluff materials in color, being slightly more bluish.. This may be due to weathering of the rip-rap, although that is unknown. If that were the case and if the same type of rock were to be used in this proposal, then most likely the proposed rip-rap would, over time, become similar in color to the bluff material. Regardless of the color of the rock, the rip-rap would be visible from the blufftop, the beach, and offshore. Any structural shoreline protection would be visible from those same areas. Rip-rap exists below the vacant lot and vertical concrete seawalls exist just downcoast from the subject lots. There is no feasible alternative to some sort of visible structural shoreline protection for the subject lots. Therefore, no substantial issue exists with respect to visual compatibility of the proposed rip-rap with the bluff material.

4. ***Zoning Ordinance section 17.066.020, Coastal Access Overlay Zone, Criteria and Standards***. This section implements the public access requirements of the LUP. Please refer to ***Land Use Plan Policy PR-22, Lateral Beach/Shoreline Access Required,*** page 6 and **Lateral Access** at "iii" on page 9 for discussions about access.

5. ***Zoning Ordinance section 17.096.020, View Considerations Overlay Zone, Criteria and Standards.*** The subject lots are not within this mapped overlay zone. Therefore, this section will not be considered further in this staff report.

6. **Ambulatory Mean High Tide Line.** Generally, lands lying seaward of the mean high tide line are public lands. Any development proposed in that area must obtain approval from the Coastal Commission and State Lands Commission and must, according to the Coastal Act and the City's LCP, provide for continued public lateral access and provide protection for marine resources. The mean high tide line is not a static or stationary line. It fluctuates over

time with the most noticeable fluctuation occurring between winter and summer. Typically, the profile of winter beaches is steeper than summer beaches. This is because sand is removed from the beaches by waves in the winter and replaced by waves in the summer. The steeper beach profile also means that the width of the beach between the ocean and the bluff is less in winter than in summer. In effect, in winter the mean high tide line is closer to the back beach than it is in summer. Thus a shoreline protective device which is landward of the mean high tide line in summer could be seaward of it in winter. This could mean that public access could be adversely affected by a shoreline protective device which would not lie seaward of the mean high tide line in summer, but which would in winter. Here, the City has required granting of a lateral public access easement extending from the oceanside boundary of the parcel to the top of the bluff, thus ensuring the public's right of continued lateral access.

The preliminary plans for the proposal at issue here show the mean high tide line approximately 30 feet landward of the mean high tide line and five feet above it. It is unlikely that the mean high tide line would fluctuate as much as 30 feet horizontally and five feet vertically between summer and winter on this beach. Therefore, the applicant is not required to obtain approval of the proposal from the State Lands Commission.

C. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application 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.. Here, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen the environmental impacts of the proposed shoreline protection device. For that reason and for the reasons set forth above in this staff report, the Commission finds that the proposed project will not have significant adverse impacts on the environment and therefore is consistent with CEQA.

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STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Surfrider Foundation, San Luis Bay Chapter
331 Park Ave, #2
Pismo Beach, California, 93449 (805) 773-9406
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Pismo Beach

2. Brief description of development being appealed: construction of a bluff protection system and repair of existing rip-rap

3. Development's location (street address, assessor's parcel no., cross street, etc.): 2679/2695 Spyglass Drive, APN's 010-042-003 and 010-042-004

4. Description of decision being appealed:

a. Approval; no special conditions:

b. Approval with special conditions: xxxx

c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-PSB-96-115

DATE FILED: 11/5/96

DISTRICT: Central Coast

EXHIBIT 1
A-3-PSB-96-115

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a. __Planning Director/Zoning Administrator

c. __Planning Commission

b. XXCity Council/Board of Supervisors

d. __Other_____

6. Date of local government's decision: October 22, 1996

7. Local government's file number (if any): 96-148 (CDP?ARP)

SECTION III. Identification of Other Interested Persons.

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Paul and Vicki Pobar
2679 Spyglass Drive (APN 010-042-003)
C/O: Fred Schott & Assoc.
200 Suburban Road, San Luis Obispo, 93401

Arthur and Bernice Bender
2695 Spyglass Drive
(APN 010-042-004)
C/O Fred Schott & Assoc.
200 Suburban dr., S.L.O. Calif. 93401

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Fred Schott
200 Suburban Road
San Luis Obispo, California, 93401

(2) Paul and Vicki Pobar
2679 Spyglass Drive
Pismo Beach, California 93449

(3) Paul Schiro
354 Main Street
Pismo Beach, Calif. 93449

(4)

Ex. 1, p 2
A-3-PSB-96-115

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The need to appeal for this approved project started with an original emergency permit issued 4-21-81 calling for a separate permanent permit application issuance to be applied for within 30 days of their emeggency permit granted on 4-21-81 (case #6, cup-87, #20 CP 87) for an emergency bluff-top ocean bank protection system, before the placement of rip-rap on the beach below could begin. We find no such document. Before moving ahead many facts need to be addressed: i.e.C.E.Q.A. reports, Environmental impact reports and the original dimensions for the rip-rap.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Bruce D. McFarlan
Signature of Appellant(s) or Authorized Agent

Date 11/4/96

NOTE: If signed by agent, appellant(s) must also sign below.

Ex 1, p 3
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Section VI. Agent Authorization

I/We hereby authorize BRUCE D. MCFARLAN to act as my/our representative and to bind me/us in all matters concerning this appeal.

Surfrider Foundation, San Luis Bay Chapter
Signature of Appellant(s)

Surfrider Foundation requests ~~the permit~~ Documentation for the caissons, written conditions placed on its issuance as to a deed restriction for public beach access and beach dedication as to the policies of Section 30210 through 3212 of the California coastal Act of 1976, and in compliance with the City of Pismo Beach Policy, PR-22. The need and required second permit is now in question. in respect to terms of the deed restriction in relation to public beach access and beach dedication and we find nothing recorded with the county clerk. The Surfrider Foundation believes strongly that unpermitted placement of rip-rap has caused documented erosion problems and should be removed.

The Surfrider Foundations original appeal of a planning commission decision date 9-23-96 outlines our points of contention:

1. Section 13096 of the California code of regulation require that a specific finding be made and be consistent with any applicable requirements of the C.E.Q.A. prohibits a proposed development from being approved if thee are feasible alternatives of feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Please refer to a alternatives such as soil mailing which is identified under G.I.. "protective structures ", on page 28 of the bluff erosion study , City of Pismo Beach, July 31, 1992 , by Earth Systems Consultants , Northern California. The placement of rocks on our beach to correct the old dumping of illegal rocks is being done to correct "The primary disadvantage of rip-rap revetments is their disposition to settle when found on sand,"...quoting the same Earth system study , page 25. This migration problem has caused those large rocks to depart and move further out from the bluff and on to our sandy beach. To correct his problem the engineer now wants to go out at the wisest point 48' in width 25' high against the bluff and for a distance of 83'. This issue of alternatives to the citys' approved proposal finds fault and inconsistency with the LCP Policy, S-G. shoreline protective devices and city zoning ordinance section 17.078.60 shoreline protection criteria and standards.

2. This calls for geo-technical report and sand supply study under LCP policies S-6, shoreline protective devices and city zoning ordinance 17.078.060, shore line protection criteria and standards which has not been done or contains no provisions to eliminate or mitigate loss of shoreline sand supply.

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3. The Surfrider Foundation believes lateral beach access will be hindered by those rocks extending 48' out on to the sandy beach. Since there was no property line shown on the plans is it beyond the Land Owners/applicants property. Section 30210 through 30212 of the State of California Coastal Act call for the maximized "public access to the shoreline and along the coast", that, can not be the case with 48' of beach taken out of public use forever or until those proposed rocks migrate even further out onto the beach. This issue of public lateral access is in LCP policies PR-22 lateral beach/shoreline access required and s-g, shoreline protective devices as well as city zoning ordinance section 17.066.020, coastal access criteria and standards and 17.078.060. shoreline protection criteria and standards.

4.. The visual impact issue is covered under LCP policies D-2(c), building and site design criteria, view; S-6 shoreline protective devices and city zoning ordinance sections 17.078.060, shoreline protection criteria and standards; 17.096.020, view considerations overlay zone, criteria and standards. We call special attention to this issue of visual impact because this is very inconsistent with section 17.078.60 because is specifically states that seawall design must use visually compatible colors and materials. We feel the proposed project will have significant adverse impacts on the environment and cannot be found consistent with CEQA.

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NOTICE OF FINAL ACTION BY THE CITY OF PISMO BEACH CITY COUNCIL ON A COASTAL DEVELOPMENT PERMIT

DATE: October 23, 1996

TO: California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Certified Mail#P031 482 893

ATTN: STEVE GUINEY

FINAL LOCAL ACTION NOTICE
REFERENCE # 3-PSB-96-056
APPEAL PERIOD 10/30-11/13/96

FROM: City of Pismo Beach
Public Services Department
PO BOX 3/760 MATTIE ROAD
Pismo Beach, CA 93449

RE: Action by the City of Pismo Beach on a Coastal Development Permit for the following project located within the Pismo Beach Coastal Zone:

APPLICANT: [redacted]
OWNER/AGENT
Name: Paul & Vicki Pobar/Arthur & Bernice Bender
Address: %Fred Schott, 200 Suburban Rd., San Luis Obispo, CA 93401
Telephone No. (805)544-1216

Application File No.: 96-148
Site Address / APN: 2679 /2685 Spyglass Drive/ 010-042-003 /004
Project Summary: Contruction of a bluff protection system and repair existing rip-rap.

Date of Action: October 22, 1996
Action by: ___ Planning Commission _X_ City Council _ Staff
Action:
_X_ Approved
___ Approved with conditions/modifications
___ Denied
___ Continued: to meeting of:_____

Attachments:
_X_ Conditions of Approval
_X_ Findings
_X_ Staff Report

RECEIVED
OCT 29 1996
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Appeal Status: Yes Appealable to the Coastal Commission (see note)

NOTE: Appealable to the California Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within ten working days following Coastal Commission receipt of this notice. Any appeal of this action must be filed in writing to the Coastal Commission using forms obtainable from the Santa Cruz district office at the address identified above.

[redacted]

EXHIBIT 2
A-3-PSB-96-115

EXHIBIT 1-A

RESOLUTION NO.96-77

A RESOLUTION OF THE CITY COUNCIL REGARDING FINDINGS FOR APPROVAL OF A COASTAL DEVELOPMENT PERMIT AND DENIAL OF AN APPEAL OF A COASTAL DEVELOPMENT PERMIT AND OTHER RELATED PERMITS FOR PROJECT NO. 96-148 LOCATED AT 2679/2685 SPYGLASS DRIVE FOR THE CONSTRUCTION OF A BLUFF STABILIZATION SYSTEM.

WHEREAS, Paul & Vicki Pobar/Arthur & Bernice Bender the "Applicant") have submitted applications to the City of Pismo Beach for approval of a Negative Declaration and the applications for a Coastal Development Permit and Architectural Review Permit to construct a bluff protection system and to repair existing rip-rap; and

WHEREAS, On September 10, 1996, the Planning Commission held a noticed public hearing on the project. The Commission considered the written material included in their September 10, 1996 agenda packet, testimony from city staff, the applicant and members of the public; and

WHEREAS, The Planning Commission granted approval of the abovementioned permits on September 10, 1996; and

WHEREAS, On September 23, 1996, the City Clerk received a letter of appeal from Bruce McFarlan, Surfrider Foundation, San Luis Bay Chapter, requesting the City Council to address many environmental, geotechnical and policy issues raised in the letter; and

WHEREAS, A staff report and recommendation to the City Council meeting of October 22, 1996 was prepared and considered by the City Council on that date; and

WHEREAS, In considering this appeal, the City Council has considered all information submitted by the appellant together with the staff report and other comments and testimony from the general public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pismo Beach as follows:

SECTION 1:

FINDINGS AND DECISION

A. FINDINGS FOR DENIAL OF THE APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE PROJECT NO. 96-148:

Ex 2, p 2
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1. The bluff protection system and repair of existing rip rap at 2679/2685 Spyglass Drive does not interfere with public access to the beach as set forth in the city's certified Local Coastal Program.

2. The bluff protection system and repair of existing rip rap at 2679/2685 Spyglass Drive does not interfere with the public views from any public road or from a recreational area to and along the coast as set forth in the city's certified Local Coastal Program.

3. The bluff protection system and repair of existing rip rap at 2679/2685 Spyglass Drive is compatible with the established physical scale of the area and is also consistent with the level and scale of development provided for the area in the city's certified Local Coastal Program.

4. The bluff protection system and repair of existing rip rap at 2679/2685 Spyglass Drive will not significantly and adversely alter existing natural landforms.

5. The bluff protection system and repair of existing rip rap at 2679/2685 Spyglass Drive complies with the shoreline erosion and geologic setback requirements as established in the city's certified Local Coastal Program.

6. These findings can be made based on the small-scale and limited scope of the structural design and placement of the bluff protection improvements.

B. THE CITY COUNCIL HEREBY DETERMINES TO DENY THE APPEAL AND TO UPHOLD THE PLANNING COMMISSION DECISION OF SEPTEMBER 10, 1996 TO APPROVE THE COASTAL DEVELOPMENT PERMIT AND OTHER PERMITS AND NEGATIVE DECLARATION FOR PROJECT NO. 96-148.

1. The City Council hereby requires that all permits as approved by the Planning Commission on September 10, 1996 be issued to the applicant, attached as Exhibit 1 and amend the date of issuance on the permit to October 22, 1996.

UPON THE MOTION of Councilmember Chapman, seconded by Councilmember Halldin, the foregoing resolution is hereby approved and adopted this 22nd day of October 1996 by the following roll call vote, to wit:

AYES: Councilmembers Chapman, Halldin, Mellow, Reiss and Mayor Brown

NOES: none

ABSENT: none

ABSTAIN: none

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/S/ JOHN C. BROWN
John C. Brown Mayor

ATTEST:

Sharon Jones
CITY CLERK

Ex 2, p 4
A-3-PSB-96-115

EXHIBIT 2
CITY OF PISMO BEACH
PERMIT NO. 96-148 / CDP
CONDITIONS OF APPROVAL
PLANNING COMMISSION MEETING OF SEPTEMBER 10, 1996
CITY COUNCIL MEETING OF OCTOBER 22, 1996

The conditions set forth in this permit affect the title and possession of the real property which is the subject of this permit and shall run with the real property or any portion thereof. All the terms, covenants, conditions, and restrictions herein imposed shall be binding upon and inure to the benefit of the owner (applicant, developer), his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the owner (applicant, developer) and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on owner (applicant, developer) by this permit.

CASE NO:	96-148 - (CDP/ARP)	PAGE 1/4
APPLICANT/OWNER:	P. & V. POBAR/ A. & B. BENDER	
LOCATION/APN:	2679/2695 SPYGLASS DRIVE / APN 010-042-003 & 004)	

AUTHORIZATION: Subject to the conditions stated below, approval of Permit No. 96-148 grants the permittee permits to construct a bluff stabilization system and rpair the existing rip rap. **Construction shall be consistent with plans approved by the Planning Commission on September 10, 1996.**

EFFECTIVE DATE: This permit shall become effective upon the passage of 10 days following the Planning Commission approval, provided that an appeal has not been filed to the City Council within 10 working days. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

EXPIRATION DATE: The applicant is granted two years for inauguration (i.e. building permits issued and construction begun) of this permit. The permits will expire on October 22, 1998 unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160(2).

STANDARD CONDITIONS, POLICIES AND SELECTED CODE REQUIREMENTS

Conditions as indicated below have been deemed to be of a substantive nature on the basis of the Planning Commission's decision. These conditions cannot be altered without Planning Commission approval.

Ex 2, p 1 of 5
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A) CONDITIONS SUBJECT TO COMPLIANCE PRIOR TO ISSUANCE OF A BUILDING PERMIT:

PUBLIC SERVICES DEPARTMENT/PLANNING DIVISION:

1. BUILDING PERMIT APPLICATION. To apply for building permits submit four (4) sets of construction plans ALONG WITH FOUR (4) COPIES OF THE CONDITIONS OF APPROVAL NOTING HOW EACH CONDITION HAS BEEN SATISFIED to the Building Division.

2. COMPLIANCE WITH PLANNING COMMISSION AND COASTAL COMMISSION APPROVAL. Prior to the issuance of a building permit, the Project Planner shall confirm that the construction plot plan and building elevations are in compliance with the Planning Commission's approval and conditions of approval.

3. The engineering and building plans shall show the rip-rap to protect the toe of the sea-bluff consistent with the recommendations of the geologic report.

4. In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall cease in the immediate area, and the find left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to the disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.

5. Building plans must clearly delineate the location of the mean high tide.

6. Building plans shall reflect the project drainage.

7. The geologic report for the project shall be reviewed and approved by the Engineering division prior to issuance of a building permit per Section 17.078.050 of the Zoning Ordinance.

7a. Building plans submitted shall be prepared and stamped by a registered civil engineer with expertise in soils.

7b. Landscape plans shall be submitted showing drought resistant landscaping. These plans shall

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be reviewed and approved by the City prior to the issuance of a building permit.

7c. The building plans shall include a drainage plan, designed by a registered Civil Engineer and submitted to the Engineering division for review and approval prior to the issuance of the building permit.

8. An Army Corp of Engineers permit may be required. If the permit is required, it must be secured prior to issuance of the building permit. If a permit is not required, the applicant shall provide evidence from the Army Corp of Engineers that such a permit is not required.

PUBLIC SERVICES DEPARTMENT: ENGINEERING DIVISION

9. No material is to be placed in the street unless an encroachment permit has been acquired and a guarantee bond has been posted.

B) CONDITIONS SUBJECT TO ONGOING COMPLIANCE:

1. COMPLIANCE WITH APPLICABLE LAWS. All applicable requirements of any law or agency of the State, City of Pismo Beach and any other governmental entity at the time of construction shall be met. The duty of inquiry as to such requirements shall be upon the applicant.

2. During construction, the site shall be maintained so as to not infringe on neighboring property. Soil maintenance shall be determined by the Building Official.

3. All soil removed from the face of the bluff during reconstruction shall be removed from the site.

4. Any work below the mean high tide line will require a coastal development permit from the Coastal Commission.

5. The applicant shall comply with the General Plan/Local Coastal Plan Policy PR-22-Lateral beach/shoreline access; a lateral public access easement in perpetuity extending from the oceanside parcel boundary to the top of the bluff shall be required and granted to the California Department of Parks and Recreation, the City of Pismo Beach, or other appropriate public agency.

6. Consistent with the recommendations of the geologic report, the dewatering and inspection

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wells should be regulariy plumbed to detect water buildup in the terrace depositis. The bluff face should be inspected on a regular basis to detect an undue amount of water drainage through the terrace deposits. If water is found to be impounding behind the bluff face or within the dewatering wells, engineering solutions should be formulated to drain and stabilize any weakened area.

C) **MISCELLANEOUS/FEES:**

1. REQUIRED FEES. The applicant shall be responsible for the payment of all applicable development and building fees.

The property owner and the applicant (if different) shall sign these Conditions of Approval within ten (10) working days of receipt. The permit is not valid until signed by the property owner and applicant.

I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY WITH ALL ABOVE STATED CONDITIONS OF THIS PERMIT

Approved by the Planning Commission on September 10, 1996
Approved by the City Council on October 22, 1996

_____ _____
Applicant Date

_____ _____
Property Owner Date

hrne\b:\seawalls\cond96.148

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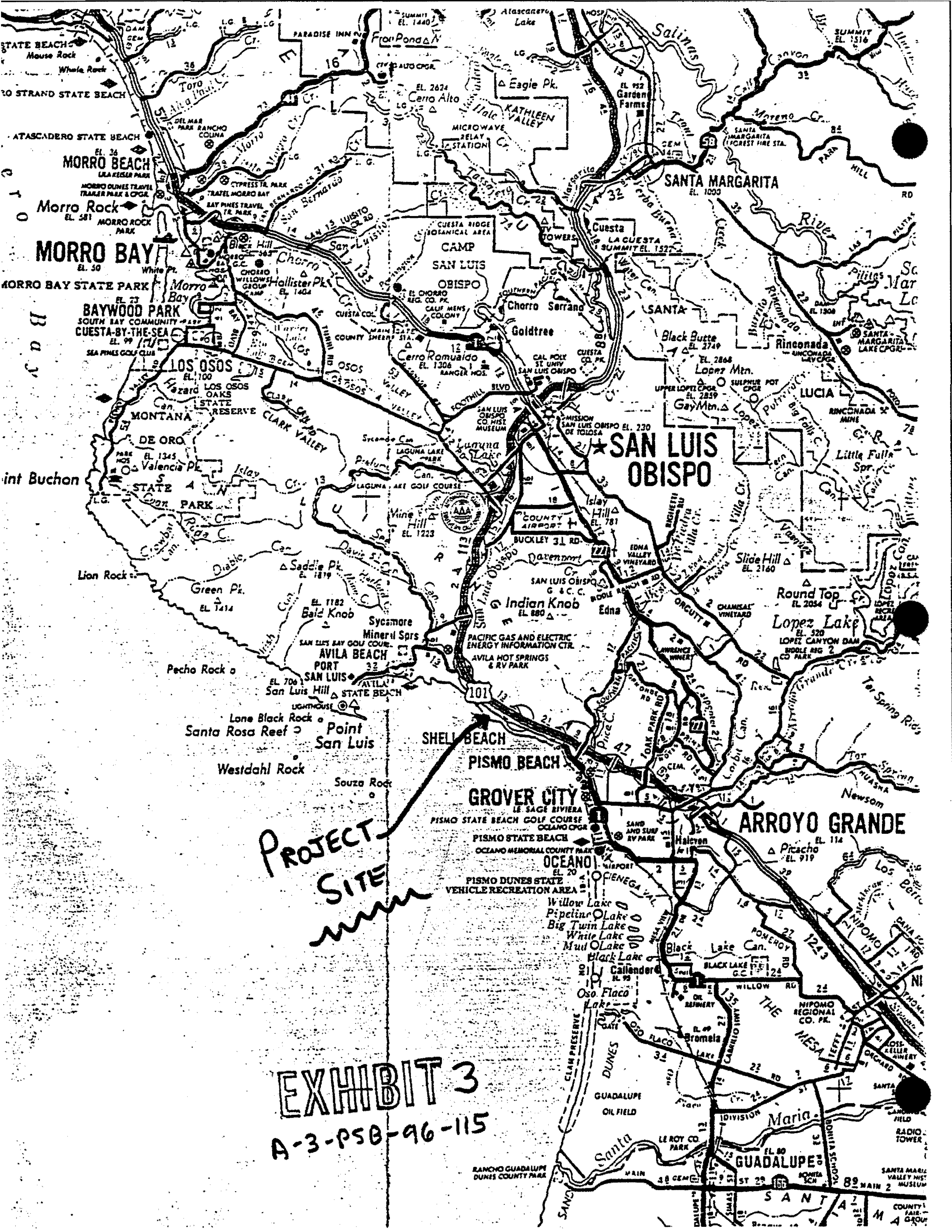
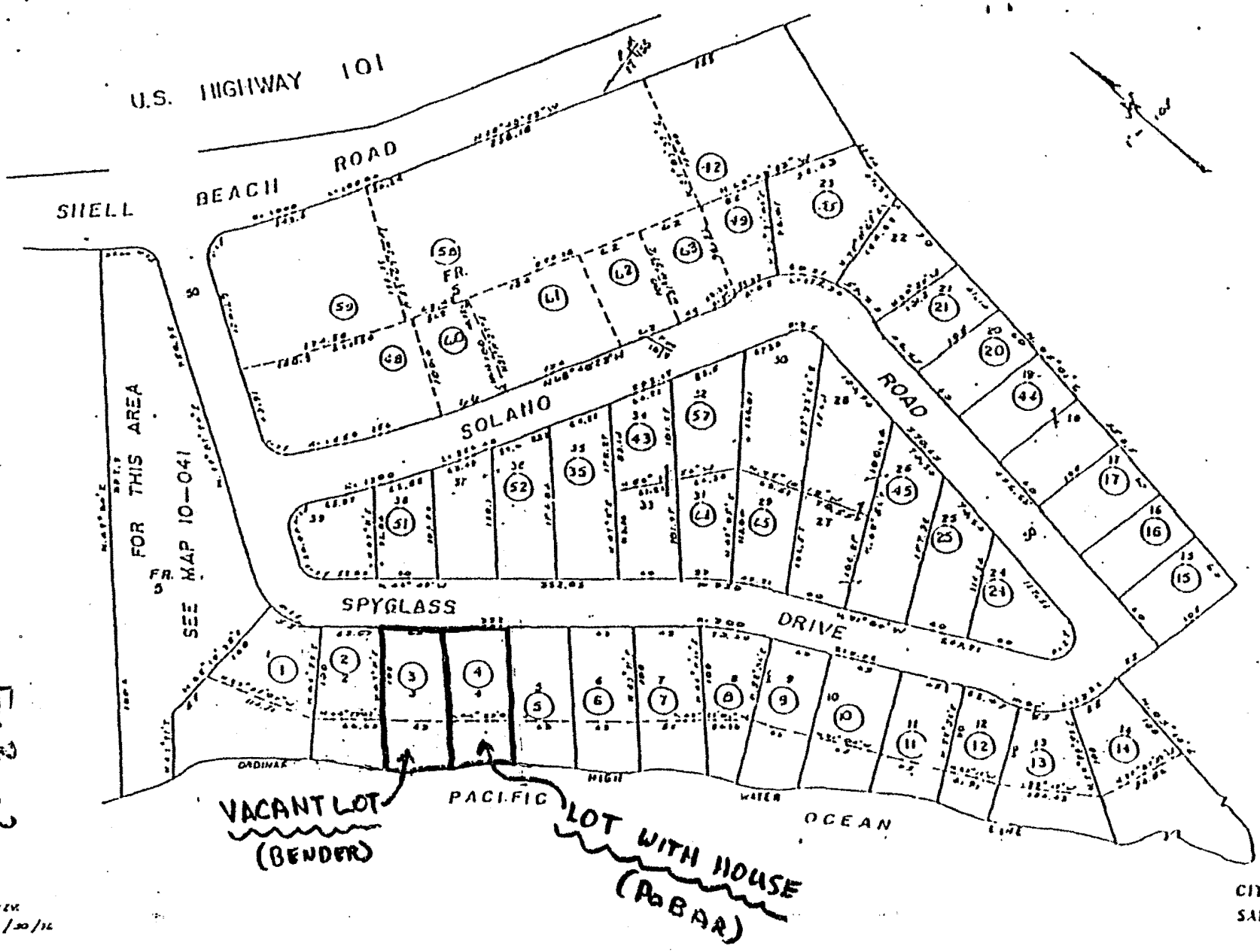

MORRO BAY
MORRO BEACH
Morro Rock
MORRO BAY STATE PARK
BAYWOOD PARK
CUESTA-BY-THE-SEA
LOS OSOS
MONTANA DE ORO STATE PARK
CAMP SAN LUIS OBISPO
SANTA MARGARITA
SAN LUIS OBISPO
AVILA BEACH
PORT SAN LUIS
Point San Luis
SHELL BEACH
PISMO BEACH
GROVER CITY
ARROYO GRANDE
OCEANO
PISMO STATE BEACH
PISMO DUNES STATE VEHICLE RECREATION AREA
Edna
Lopez Lake
NIPOMO REGIONAL CO. PK.
GUADALUPE
GUADALUPE OIL FIELD
PROJECT SITE
EXHIBIT 3
A-3-PSB-96-115

TAX AREA CODE NO. 10-04



TRACT NO 39
RANCHO EL PISM
CITY OF PISMO BE
SAN LUIS OBISPO COU
CALIFORNIA

Exhibit 2
A-3-PSB-96-115

REV 1/30/12

ENGINEERING GEOLOGY
ENVIRONMENTAL GEOLOGY
EARTH STABILITY / EROSION
WATER SUPPLY

R. T. WOOLEY
CONSULTING GEOLOGIST
512 EL CAMINO DR.
SEQUIM, WASHINGTON 98382

(360) 681-0728

June 15, 1996

Fred Schott and Assoc.
200 Suburban Road
San Luis Obispo, Ca 93401

Subject: Maintenance of the Installed Bluff Stabilization Project at Lots 2,3, and 4, Tract 391, Shell Beach, CA

References:
(a) Preliminary Geologic Report of a Slope Failure of the Seacliff at 2689 and 2695 Spyglass Drive, Shell Beach, CA dtd Mar.9,1997
(b) Addendum to Previous Preliminary Geologica Report on Seacliff Instability at 2689 and 2695 Spyglass Drive, Shell Beach, Ca, dtd April 4, 1987
(c) Request for Emergency Construction Permit for Ocean Bank Protection on Lots 1,2,and 3, Tract 391. (Schott to City of Pismo Beach, dtd April 21, 1987).
(d) Geologic Consultation and Supervision of Caisson Installation for Cliff Stabiiization and Dewatering Wells, Salin/Bender Properties, 2689, 2695 Spyglass Drive, Shell Beach, CA. (Wooley to Schott, July 7, 1987)
(e) Excavation for a Dewatering Well on the Paul Pobor Property (Lot 4, Tract 391) Spyglass Drive, Shell Beach, CA (Wooley to Schott, dtd May 26, 1987)

Pursuant to your request, a review of bluff stabiiization work completed in 1987 on Lots 1,2,and 3, Tract 391, Shell Beach, California, has been completed.Originally, this work was undertaken on an emergency basis since a large slide occurring between residences and the bluff top edge was clearly hazarding life and property. The stabilization of the bluff was accomplished by installing a rigid frame system of deep caissons interconnected with grade and cap beams along the bluff top. Additionally, a series of deep wells were installed along the northeastern portion of the property to allow inspection of possible water accumulation, and to furnish a dewatering mode if necessary. At a later time, rip-rap was installed along the toe of the bluff under Lots 2 and 3.

In the nine-year interval since rip-rap installation, events have occurred that have lessened the effectiveness of the rip-rap barrier to a degree that hazards the beach slope and the installed bluff stabilization system.

EXHIBIT 4
A-3-PSB-96-115

TOPOGRAPHY/ GEOLOGY

The subject Lots are located between Spyglass Drive and the Ocean immediately north of Shell Beach. The Lots are flat-lying with only a slight slope toward the water. The bluff edge is sharp and drops very steeply to the beach (see profile sketches appended). The bluff-top above Lots 2 and 3 was stabilized by a rigid frame system with caissons to a depths averaging 50 feet. Ref (d) reports the general construction conditions, including boring logs. This system was installed to stabilize the bluff after sudden loss of a significant amount of terrace from Lots 2 and 3. At some time after this construction was completed, rip-rap was placed on the beach to protect the toe of slope from undue erosion.. This rip-rap has settled and accumulated sand filling that permits wave run-up to attack the bluff face. This erosion is removing support of the upper terrace. Additionally, inspection of the bluff face shows several areas of water percolation through the terrace deposits.

An observation well on Lot four was excavated in 1987 near the street. This well did not show accumulated water after drilling to seventy feet, and it was cased and covered. See ref (e).

No protective rip-rap was placed on the beach below Lot 4 and, consequently, a greater degree of erosion has occurred in this area. A dripping spring from the deeper erosional indent in the central beach indent was noted and a flowing water stream was seen near the bedrock/ terrace contact on the beach indent on the southeast lot corner.

Geologically, the borings on all three Lots showed a similarity. A silty clay (evaluated as a possible fill soil) to a depth of five to ten feet subsurface, Below this are terrace deposit soils comprised of unconsolidated sand, silt and clay in various mixtures and degrees of moisture., extending to a general depth of fifty feet subsurface. Bedrock was found at an average depth of fifty feet below the terrace surface at a general elevation of thirty feet above mean sea level. The bedrock is Mocene age Monterey formation siliceous shale standing almost vertical with a east/west trend. The caves cut into the toe of slope are trending with the bedrock orientation.

No fault traces were seen in the exposed terrace gravels. The nearest active fault is the Hosgri Fault, with the closest strand of a multiple break lying only four miles to the west. The Hosgri is thought to have the capability to produce a maximum credible earthquake of Magnitude 6.5. The San Andreas Fault lies 40 miles to the east of the site and is probably capable of a Magnitude 8.5 maximum credible seismic event. Damage criteria from either event would probably result in similar site response, i.e., moderate ground shaking with no soil rupture. Significant sloughing of the sea bluff should be expected if this maximum event were to occur. Liquefaction and settlement are not considered to be seismic hazards due to the density of the terrace deposits, as long as significant amounts of water do not build up in the subsurface. (See RECOMMENDATIONS).

The bedrock that underlies the terrace deposits is stable and suitable for heavy vertical loads. Sand depth on the beach will vary with the seasons and the vitality of the longshore currents. Erosion and cave formation at a rate dependent on the severity of the winter

storms will continue unless protective measures are taken. Normal tides bring sea waves to the toe of the sea bluff. The highest tides observed along this area of the coast were at 7.5 feet above mean sea level. The sea level datum, established by the Coast and Geodetic Survey, is at 2.7 feet.

CONCLUSIONS AND RECOMMENDATIONS

The seacliff and bluff slope below Lot 2,3,and 4, is being eroded at a rate that could imperil the houses on Lots 2 and 4, and the slope stability structures on Lots 2 and 3.. In my opinion, the lessened effectiveness of the original rip-rap was caused in large part by its not being placed to an adequate height to protect the sea bluff.

Additionally, the terrace deposits along this shoreline are very liable to accumulate water within the terrace soils and especially at the terrace soil/ bedrock contact. If the lower buttressing terrace deposits accumulate water to a degree that lessens terrace cohesion , massive sloughing of the bluff slope could occur.

The following recommendations are submitted herewith:

(1) A seawall, rip-rap, or other suitable structure should be placed so as to protect the toe of the sea-bluff below Lots 2, 3, and 4. An engineer experienced in beach construction should be utilized to design the protective system.

(2) The dewatering and inspection wells placed on the subject Lots should be regularly plumbed to detect water buildup in the terrace deposits. The seabluff face should be inspected on a regular basis to detect an undue amount of water drainage through the terrace deposits. If water if found to be impounding behind the bluff face or within the dewatering wells, engineering solutions should be formulated to drain and stabilize any weakened area.

Respectfully submitted,

R.T. Wooley, CAEG #951

Ex 4, p3

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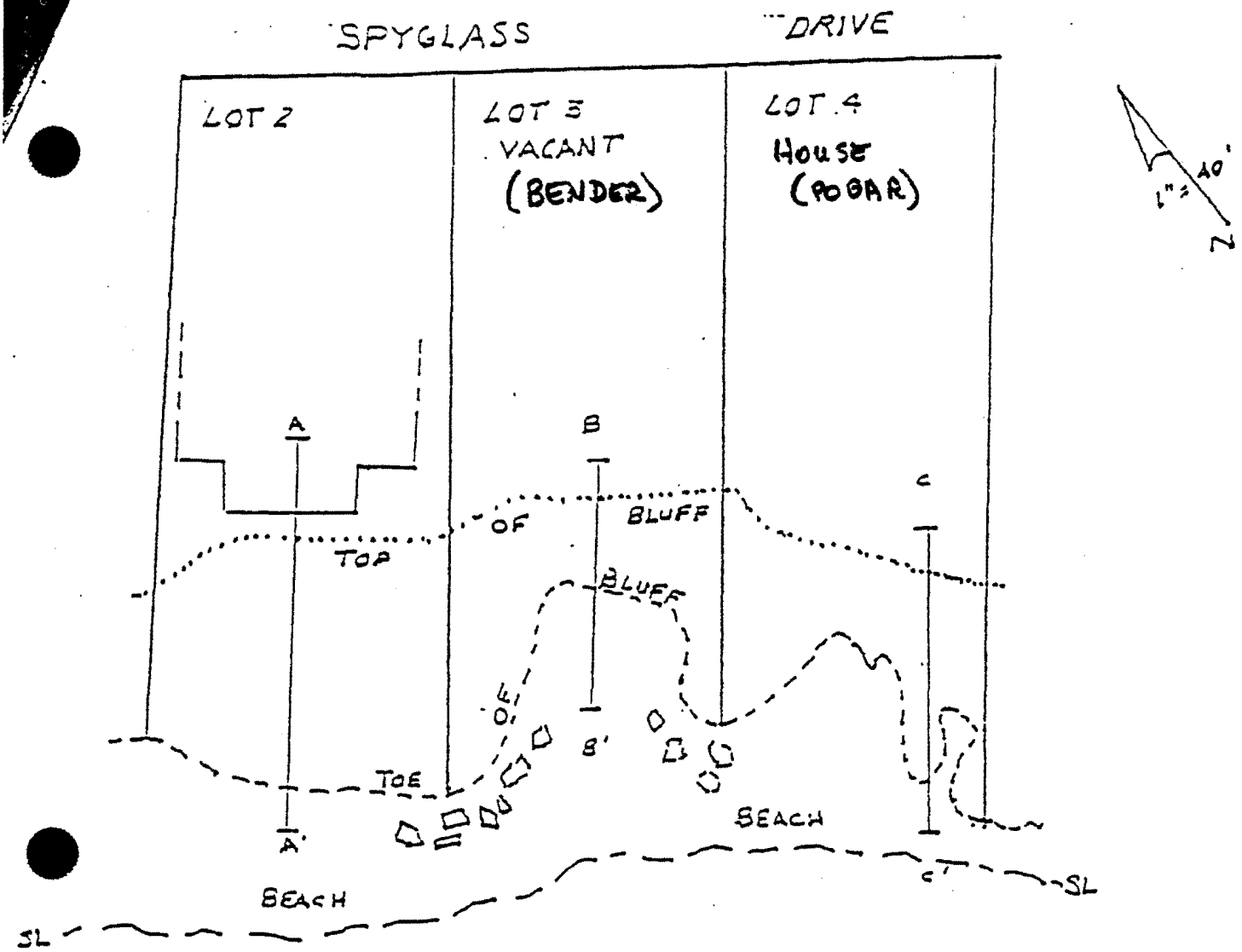
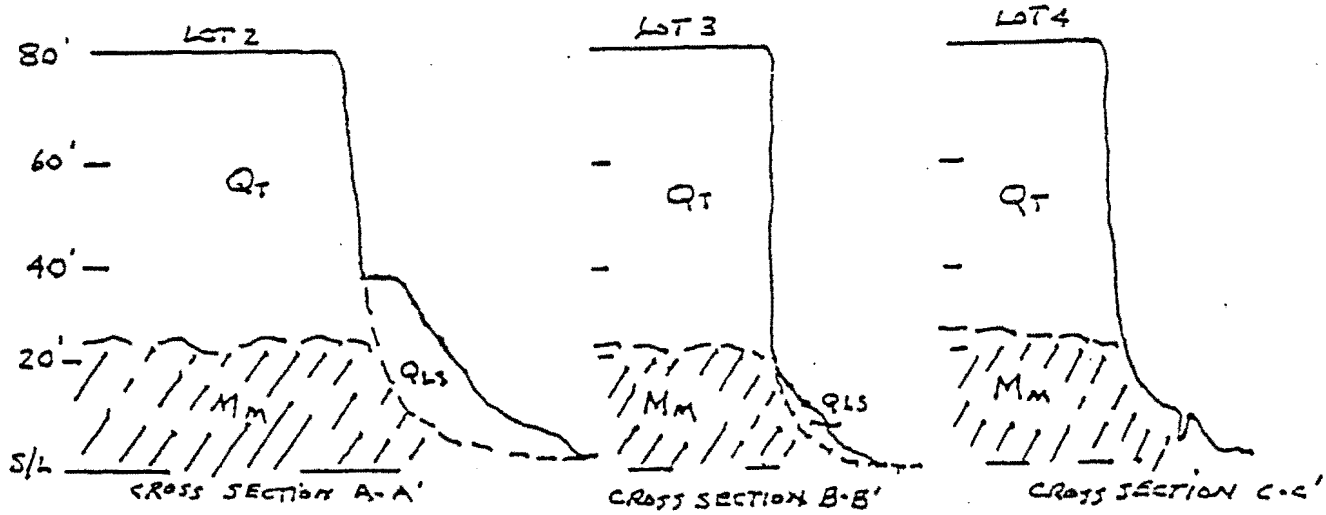




Qls	Holocene Slide Debris (sand, silt, clay)
Qt	Pleistocene Terrace Deposits (sand,silt, clay, gravels
Mm	Miocene Monterey formation (shale)

Bender, Salin, Pober Lots
Spyglass Drive, Shell Beach
1996

Ex 4, p 4
A-3-PSB-96-115

Bender Lot & Pobor Residence
Bluff Protection System
Rip-Rap Repair

2685 Spyglass Drive (Lot 3)
APN: 010-042-003
Parcel Size (Approximately: 6,300 SF)

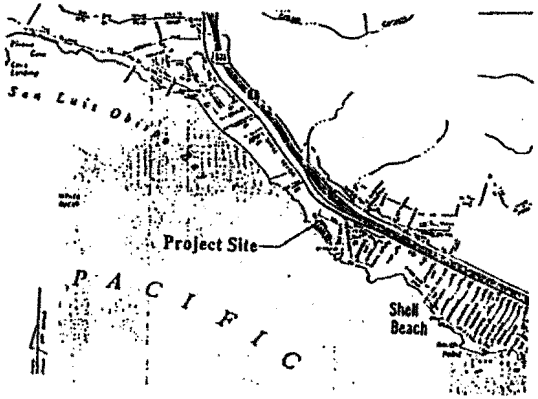
2679 Spyglass Drive (Lot 4)
APN: 010-042-004
Parcel Size (Approximately: 6,300 SF)

OWNER (Lot 3):
Arthur and Bernice Bender
2695 Spyglass Drive
Pismo Beach, CA 93449
(805) 773-4117

OWNER (Lot 4):
Paul and Vicki Pobor
2679 Spyglass Drive
Pismo Beach, CA 93449
(805) 773-3141

ENGINEER:
Fred H. Schott & Associates
200 Suburban Road, Suite A
San Luis Obispo, CA 93401
(805) 544-1216

PROJECT REPRESENTATIVE:
Fred H. Schott & Associates
200 Suburban Road, Suite A
San Luis Obispo, CA 93401
(805) 544-1216



Vicinity Map

Sheet	Contents
T1	Title Sheet
C1	Site Topo. Plan
C2	Bluff Repair Sections

RECEIVED
JUL 19 1993
CITY OF PISMO BEACH

BB

FRED H. SCHOTT & ASSOCIATES

PROJECT: BENDER & POBOR
APN: 010-042-003
010-042-004

TITLE SHEET

SHEET T1

EXHIBIT 5
A-3-PSB-96-115

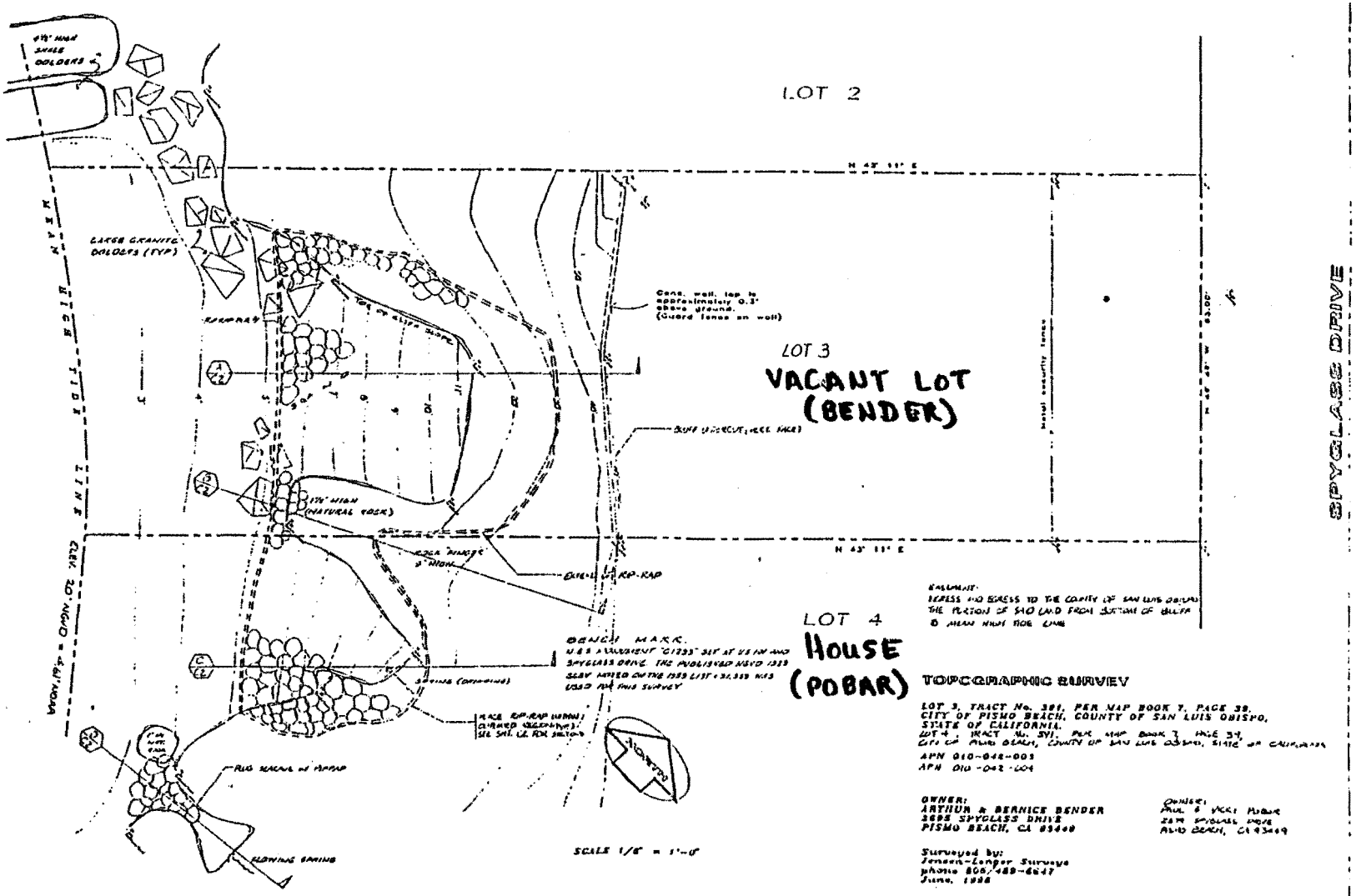
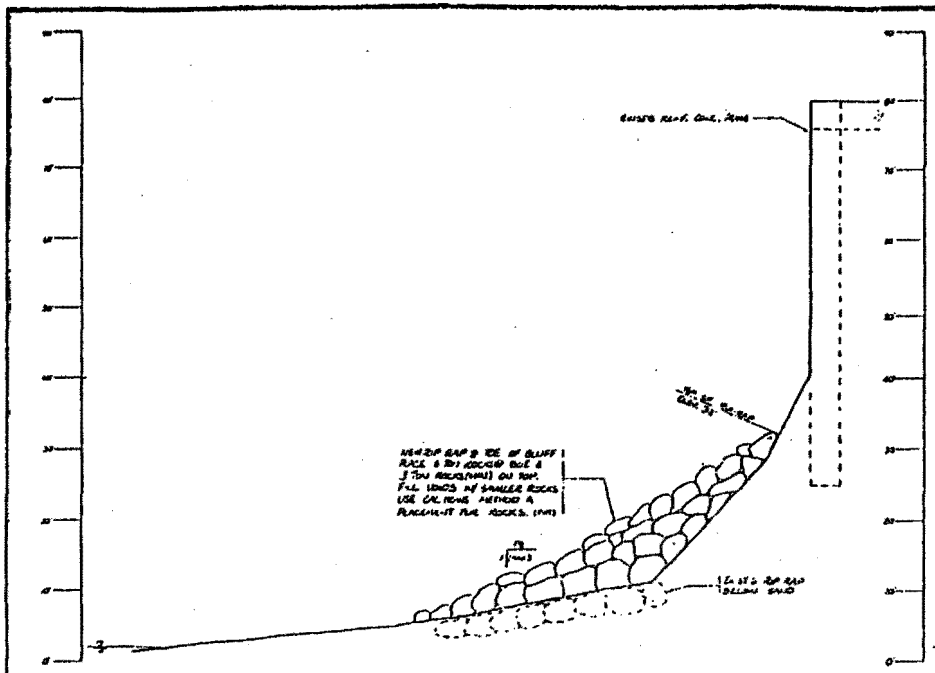
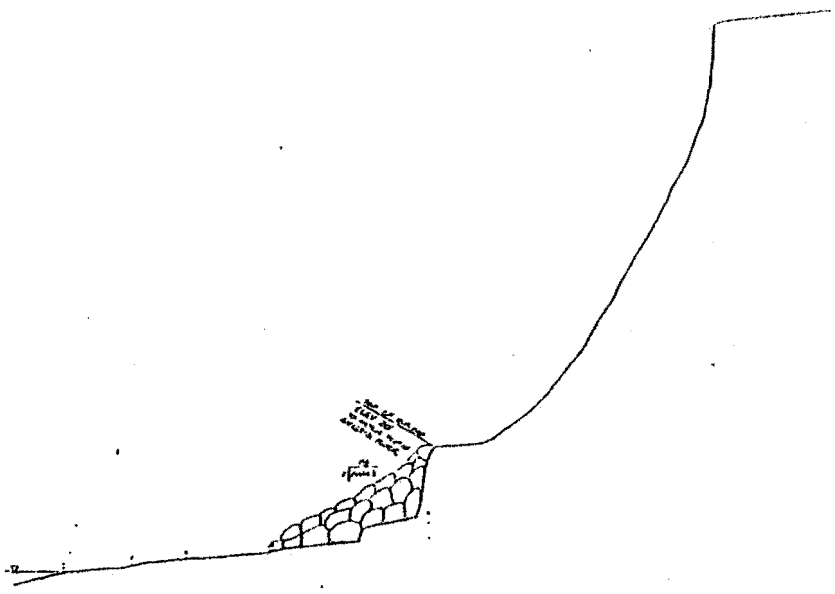


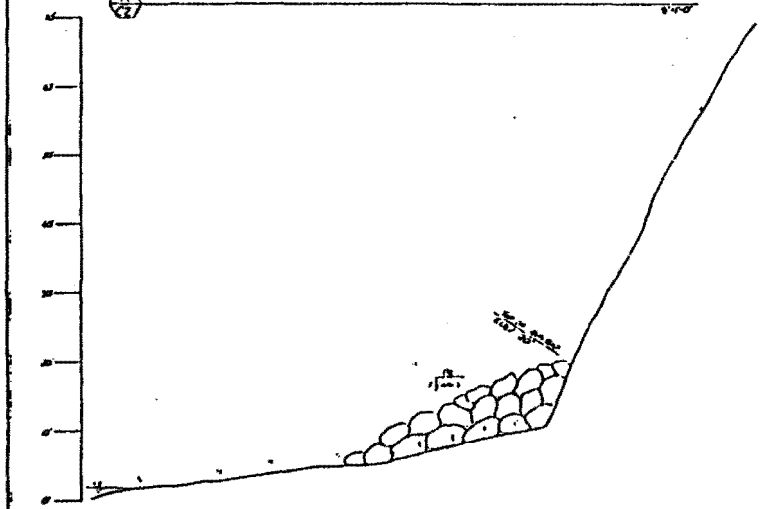
EXHIBIT 2
A-3-PSB-96-115



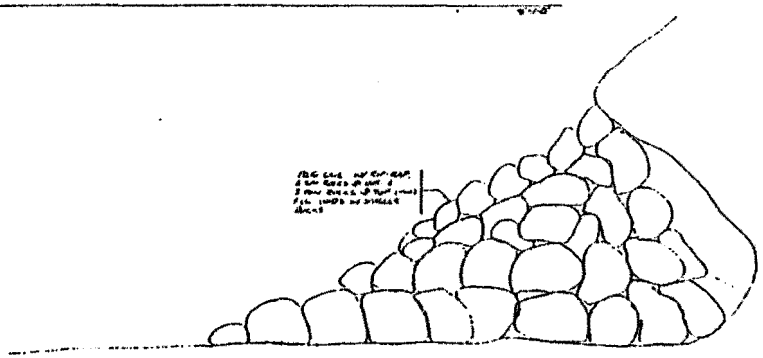
RIP RAP REPAIR @ TOE OF BLUFF - SECTION



RIP RAP @ ROCK 'FINGER' - SECTION



NEW RIP RAP @ TOE OF BLUFF - SECTION



SEACAVE PLUG - SECTION

FRED H. SCHOT ASSOCIATES

BENDER + POSOR
APN 010-042-003
APN 05-042-004

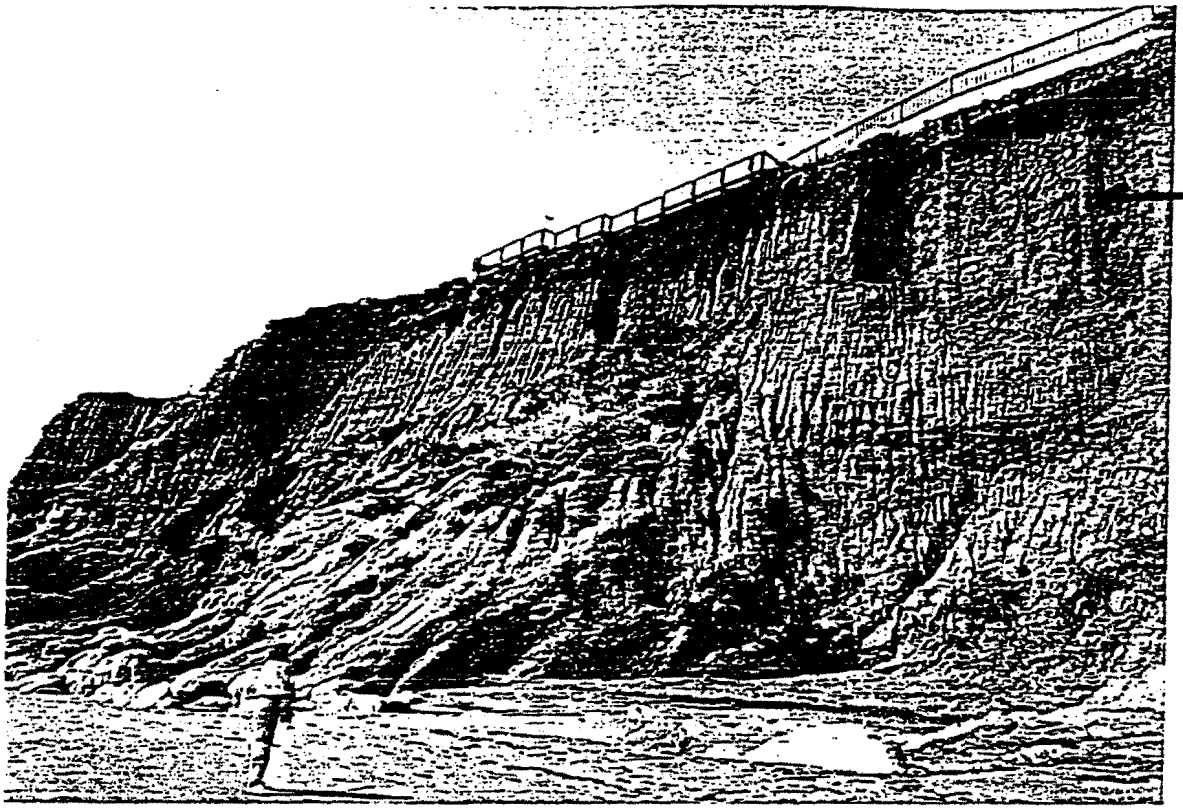
BLUFF PROTECTION SYSTEM
@ TOE OF BLUFF - SECTION

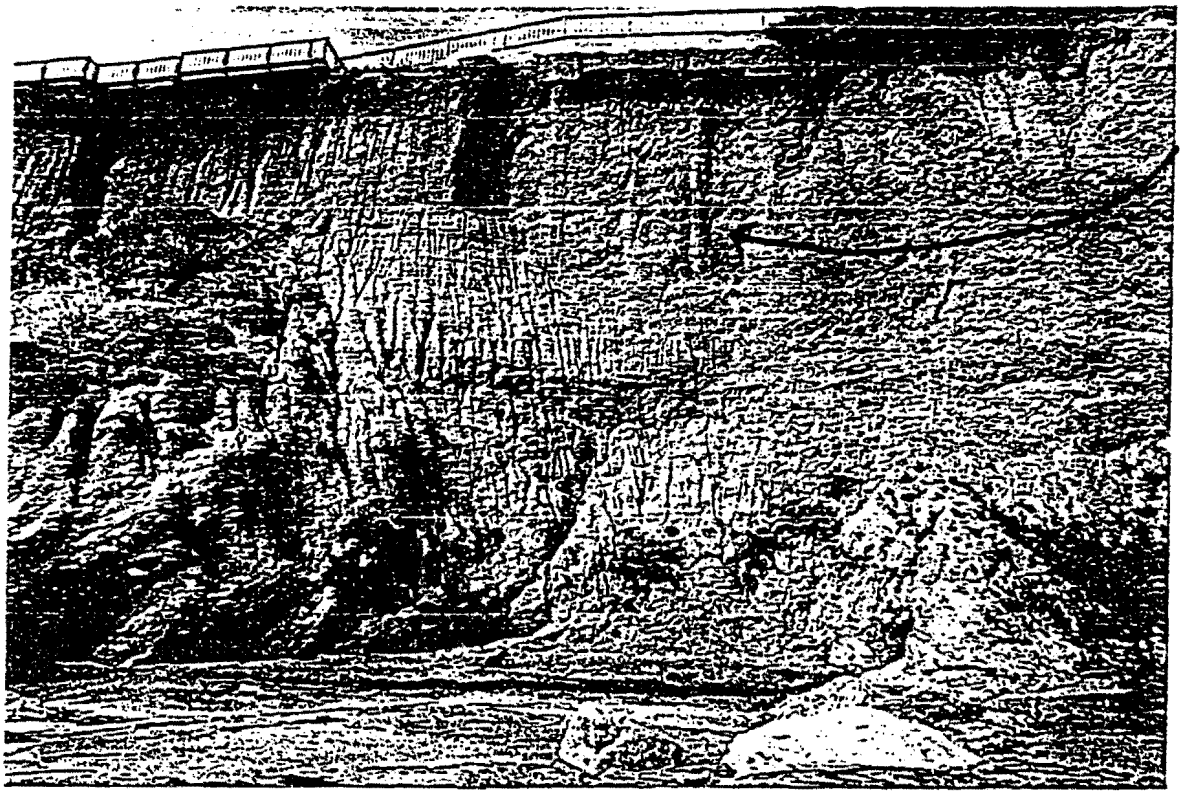
C2

Ex 5, p 3
A-3-PSB-96-115

Bender Spyglass Drive

Views of bluff



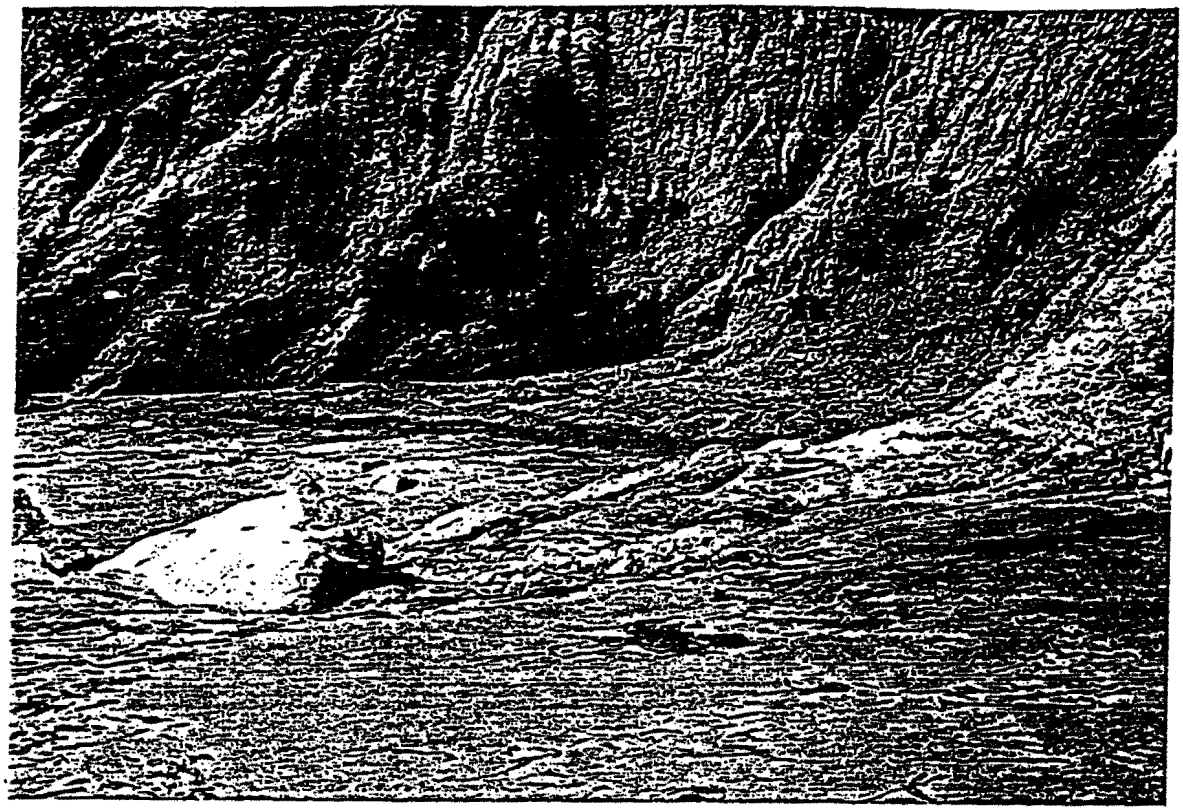


Ex 5, p 4

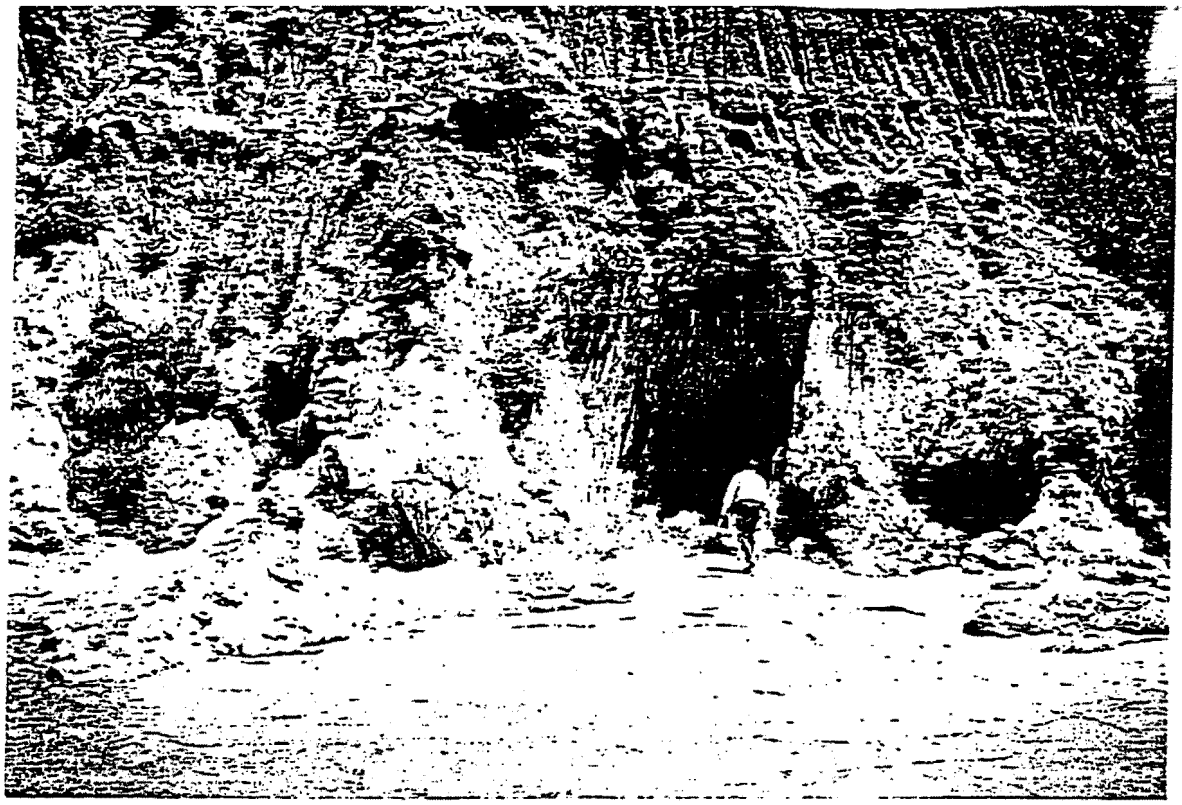
A-3-PSB-96-115

Bender Spyglass Drive

View of base of bluff where sand covers existing rock rip-rap



Ex 5, p5
A-3-PSB-96-115



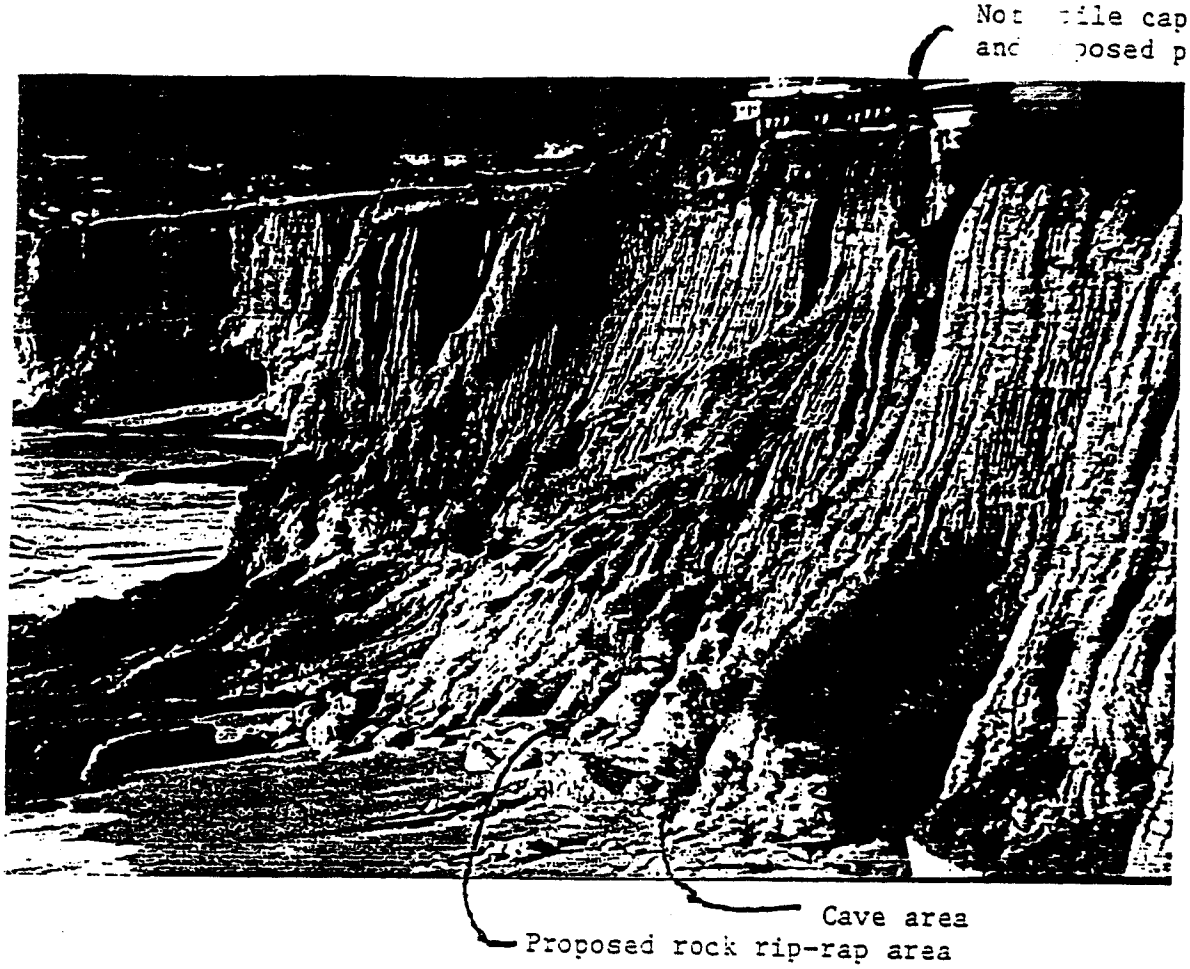
Pobor - Spyglass Drive (Lot 4)

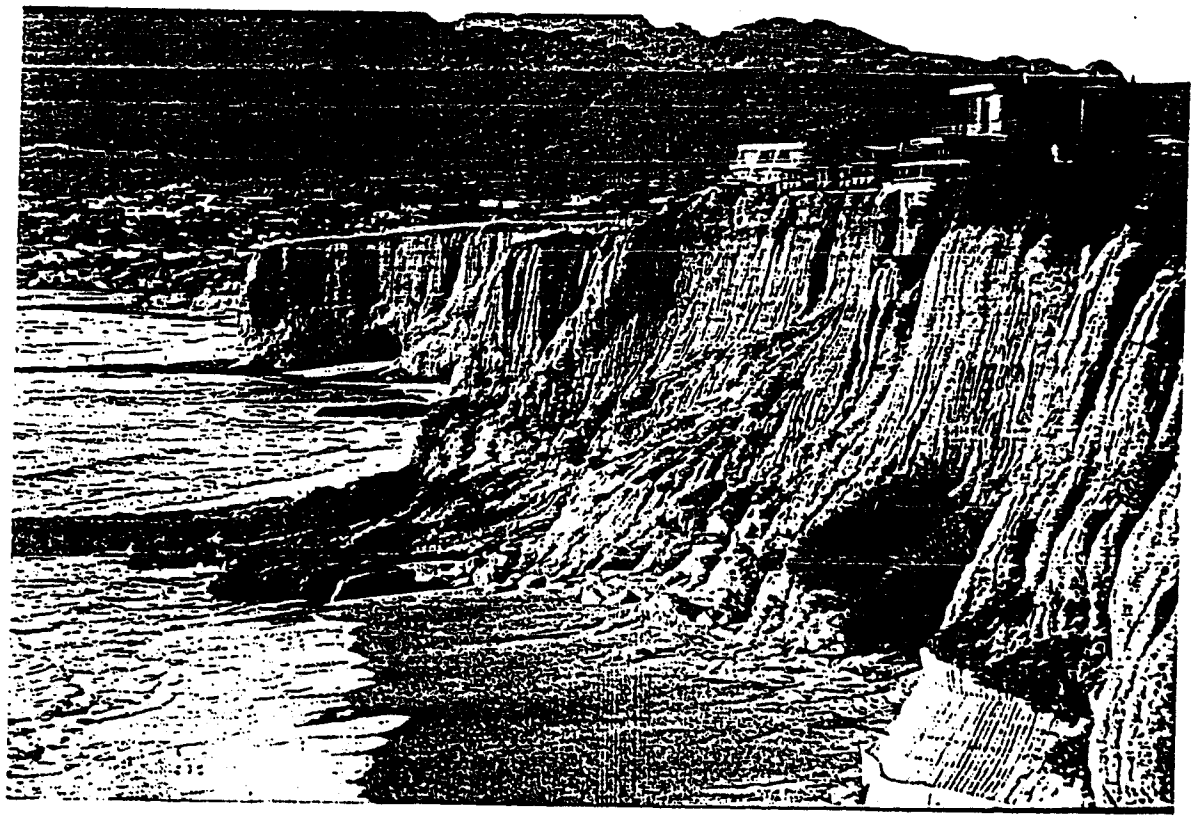
Cave near center of Lot 4

Ex 5, p 6
A-3-PSB-96-115

Pobor - Spyglass Drive (Lot 4)

Collapsed cave area near West side of Lot 4





Project area showing protective natural rock groins.

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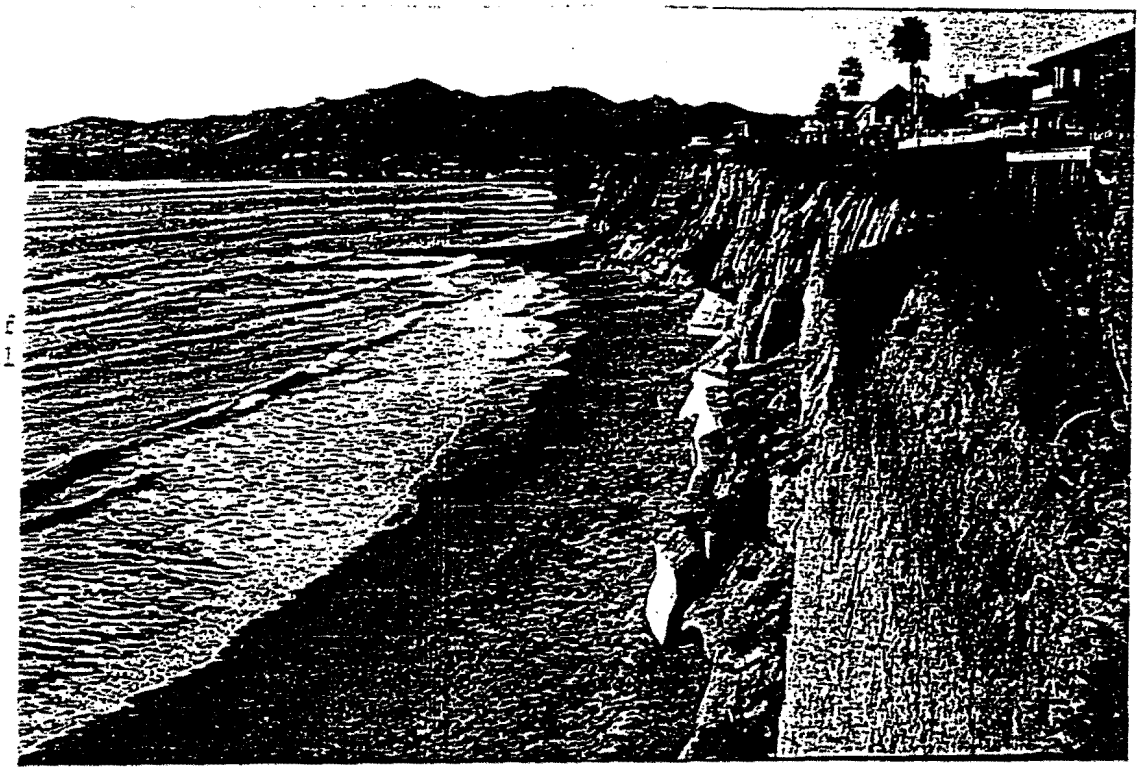
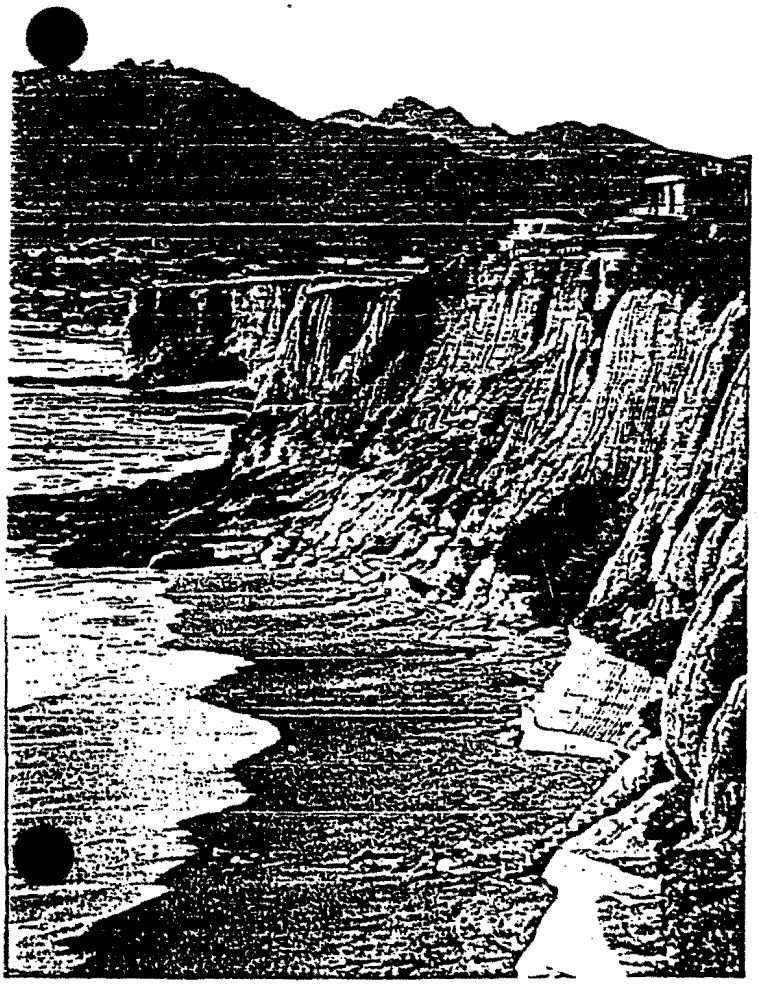
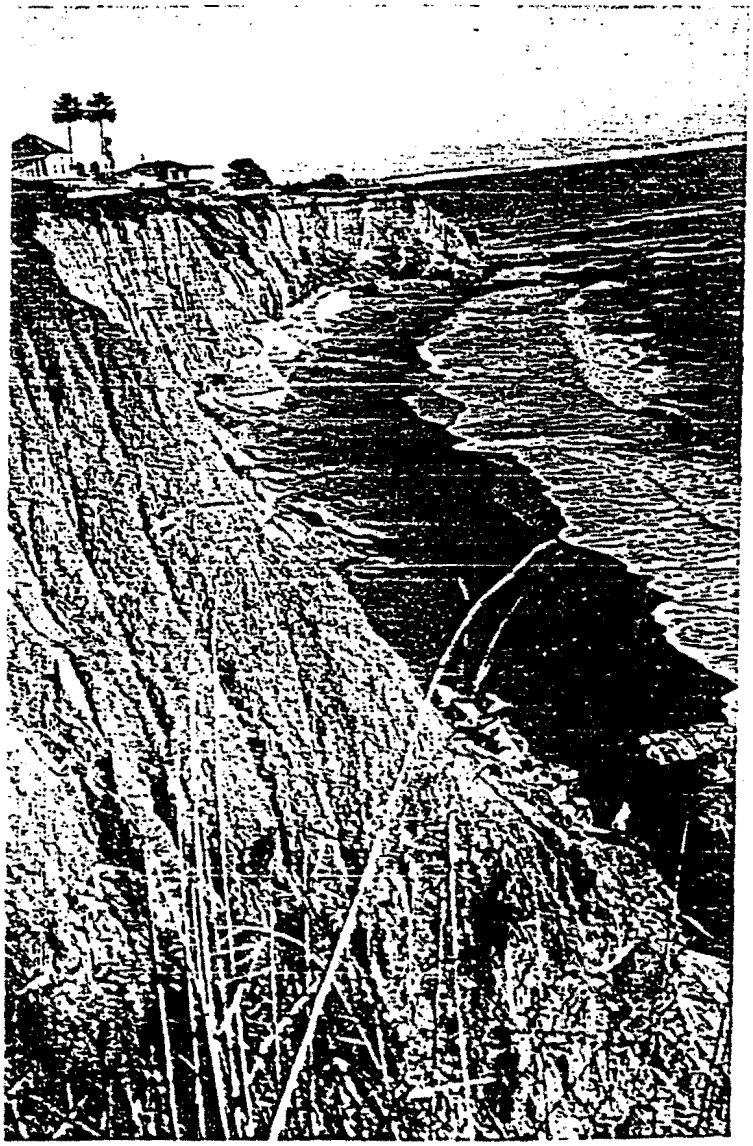
A-3-PSB-96-115



View from Southeast end of beach area showing natural rock groin directly adjacent to project area.



Intermediate view looking Northwesterly



View of beach area looking Southeasterly