

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(408) 427-4863

HEARING IMPAIRED: (415) 904-5200



W3a

Filed: 05/27/97
49th day: 07/15/97
180th day: 11/23/97
Staff: SG
Staff Report: 06/19/97
Hearing Date: 07/08-11/97

**STAFF REPORT
CONSENT**APPLICATION NUMBER: **3-97-039**APPLICANT: **CALIFORNIA DEPARTMENT OF TRANSPORTATION**

PROJECT LOCATION: Adjacent to Highway One approximately seven miles north of the village of San Simeon and 1.1 miles south of Arroyo de la Cruz, at Post Mile 65.7, San Luis Obispo County

PROJECT DESCRIPTION: Place rock slope shoreline/bluff protection with 4 - 8 ton class rock along approximately 150 linear feet of shoreline at base of bluff

LOCAL APPROVALS RECEIVED: San Luis Obispo County permit D960151P for portion of work above the mean high tide line

SUBSTANTIVE FILE DOCUMENTS: Permit D960151P, San Luis Obispo County LCP

SUMMARY OF STAFF RECOMMENDATION

This project comprises a shoreline protection structure needed to protect scenic Highway 1 from collapse. This permit would cover that portion of the project seaward of San Luis Obispo County's coastal permit jurisdiction. Staff recommends **approval** of the proposal as conditioned to incorporate the County's coastal development permit conditions. These conditions incorporate the environmental safeguards generally applied by the Commission for installation of shoreline protection structures, including coordination with the State Lands Commission.

EXHIBITS

1. Location map
2. Site map
3. Cross-sections
4. SLO County's Conditions (CDP #D960151P)

I. STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following resolution:

Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located seaward of the first through public road (Highway One) and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, will not prejudice the ability of the County of San Luis Obispo to implement its certified Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. 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.

III. SPECIAL CONDITION

1. **Incorporation of Local Government Conditions.** The conditions of San Luis Obispo County Coastal Development Permit No. D960151P, attached as Exhibit 4, shall be considered as conditions of this permit as well. Any change in these conditions shall not be effective until: a) such change is submitted to the Executive director for a determination of materiality; and, b) if found to be material, it is approved in accordance with the requirements of the Commission permit amendment process.

IV. FINDINGS AND DECLARATIONS

1. **Project Description:** The site of this proposal is immediately adjacent to Highway One in northern San Luis Obispo County. In this general area, the highway at places is only a few yards from the bluff edge. At this particular site, erosion has continued to the point that the edge of the bluff is approximately two feet from the edge of the highway. Caltrans proposes to protect the highway from continued erosion by placing rock slope protection along a 150 foot stretch of shoreline. The coastal bluff at the project site is approximately 25 to 30 feet high. A rock ledge along the northern half of the site extends out from the bluff as much as 25 feet and is from two to five feet higher in elevation than the ocean. The proposed rockwork will extend up the bluff face about 20 feet with the top of the placed rock forming a flat shelf extending from approximately five to 20 feet out from the bluff. This flat shelf area would be "topped off" with dirt to the elevation of the top of the bluff. For approximately two-thirds of the length of the rock slope protection, the toe would be seaward of the mean high tide line by just a few feet to as much as 28 feet.

Caltrans' initial proposal was that all work would be landward of the mean high tide line and therefore not subject to a permit from the Coastal Commission. Following winter storms in December 1996, Caltrans placed some rock at the base of the bluff to prevent emergency closure of Highway One. In January 1997, San Luis Obispo County issued a permit authorizing the placement of the existing and additional rock. Subsequent to the winter storms Caltrans reevaluated the on-site conditions and found that some of the rock was in fact seaward of the mean high tide line and that the protective rock slope could not be effectively contained landward of the mean high tide line.

Caltrans is now requesting a coastal development permit from the Commission to authorize placement of existing rock and additional rock for that portion of the rock slope protection that extends seaward of the mean high tide line.

2. **Coastal Resource Issues:**

a. **Public Access:** Section 30210 of the Coastal Act provides for maximum public access to the shore and recreational opportunities consistent with, among other things, public safety.

In carrying out the requirement 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.

The nearest formal, established public access to the beach is south of Piedras Blancas lighthouse, about three miles south of the project site. The land surrounding the site is part of the Hearst Ranch. In 1972 Hearst recorded a Notice of Permissive Use which allows the public to traverse the ranch land seaward of the highway subject to revocation of permission at any time.

Immediately north of the site there is no beach; the bluff extends out into the ocean. From that point south for about half the length of the project site a rock ledge extends up to as much as 25 feet out from the bluff. The ledge is about two to five feet higher in elevation than the ocean surface. The beach south of the rock ledge is composed of sand and cobbles. Approximately 2,600 square feet of sandy, cobbly beach would be covered as would approximately 750 square feet of rock ledge.

The nearest established public access is about three miles south, south of the Piedras Blancas lighthouse. Immediately south of site, the beach is mostly passable for over a mile, although at high tide, some parts may not be passable. For about three-quarters of a mile upcoast from the project site there are a series of informal turnouts which provide access to a shoreline characterized mostly by rocks with some small sandy and cobbly areas. Just north of that stretch of shoreline informal access exists to the sandy beach at the mouth of Arroyo de la Cruz.

Highway One exists on an 80 foot wide easement granted by Hearst to the State of California in 1938. Caltrans owns none of the underlying or surrounding land. According to Caltrans, the work will be at least partly outside of the easement; however, the easement does allow for work to occur outside of the easement as necessary to maintain the road. A requirement for Caltrans to provide access would be meaningless since the easement granted by Hearst does not give Caltrans that ability or authority and at least some of the work is outside of the easement. Since Caltrans, and not Hearst, is the applicant, Hearst cannot be required to provide access.

The proposed rock slope protection will impede public access along the shore for about 150 feet. On the north, that stretch of beach ends where the bluff projects out into the ocean. It will be possible to scramble over the rock slope protection and continue either north on the bluff top or south along the beach. Currently, there is no real way to get up the vertical bluff face. By allowing approximately 2,600 square feet of beach to be covered with the proposed slope protection structure, it will be possible to pass more easily from the beach to the bluff top. Thus, by allowing continuity of lateral access northward from the beach, the proposal actually will result in an improvement over the existing situation. Therefore, the proposal is consistent with Coastal Act policy 30210.

b. Marine Environment. Section 30235 of the Coastal Act permits revetments when required to protect existing structures. Since roads are considered structures under the definition of development in the Coastal Act, Highway One is an existing structure and it needs the protection of a revetment. Failure to protect the roadway would lead to at least partial closure of Highway 1 and impairment of public access along the San Luis Obispo County North Coast. No feasible, less environmentally damaging alternatives have been identified. Therefore, the project will conform with the requirements of Coastal Act section 30235. A related consideration is that about 2,600

square feet of sand, cobble, and rock ledge substrate will be covered by the proposed slope protection structure. As a biologic habitat, the existing mostly barren surface will be replaced by far more surface area around and between the boulders within the new rockwork, representing a substantial increase in potential habitat niches. Accordingly, the project will conform with section 30230 regarding marine biologic resources.

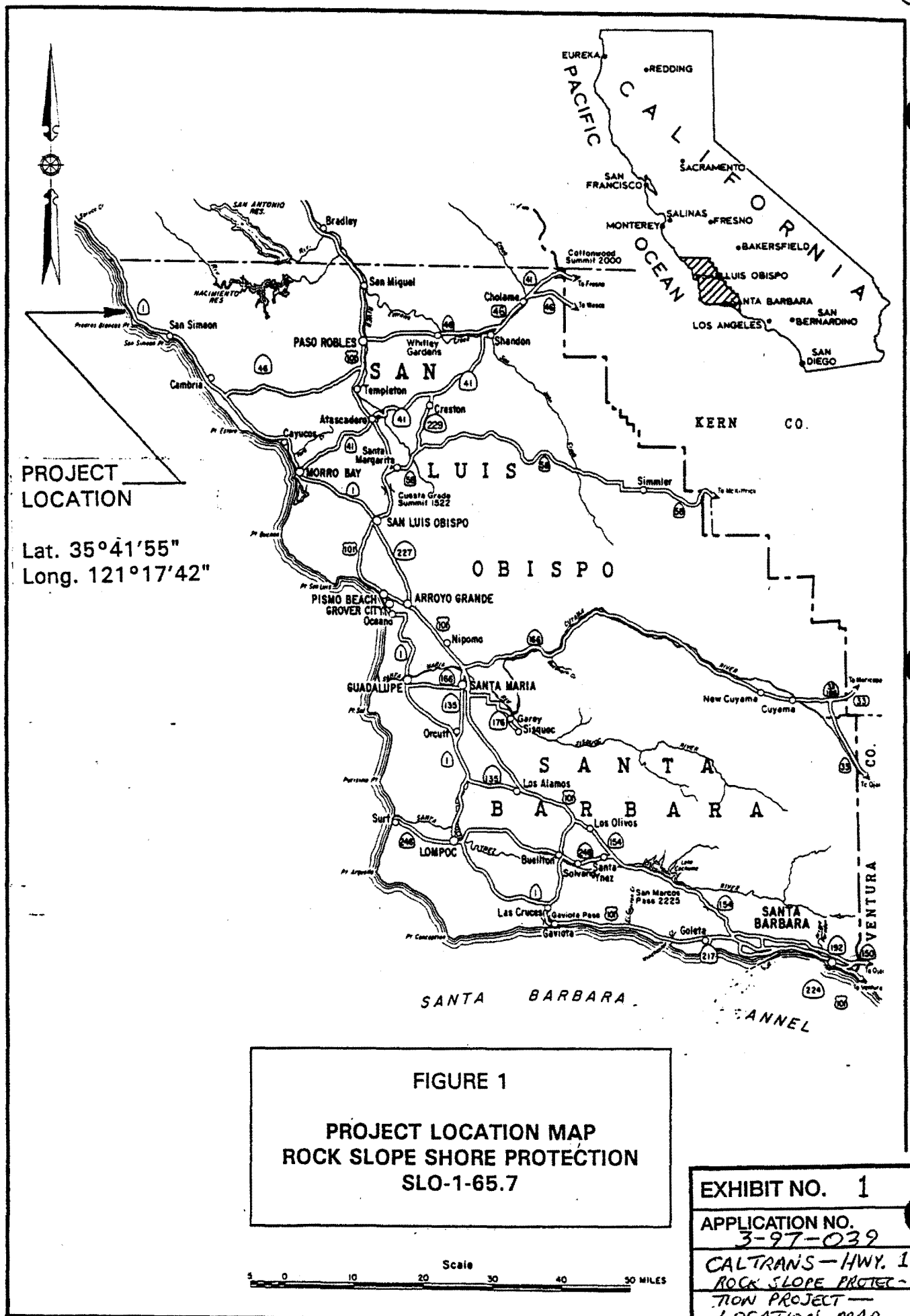
c. Coastal Hazards: Coastal Act section 30253 requires, among other things, that development :

- 1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

Placing the rock slope protection would protect the highway from erosion hazards and would thereby minimize risks to life and property in a geologic hazard area. Therefore the proposed rock slope protection will provide for conformance with Coastal Act section 30253.

3. Consistency with the 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. The County's review process found that there were no feasible less environmentally damaging alternatives and that there were no significant adverse impacts associated with the proposal. The Commission finds that as approved and conditioned by the County, the proposed project will not have any significant adverse impacts on the environment and can be found consistent with CEQA.



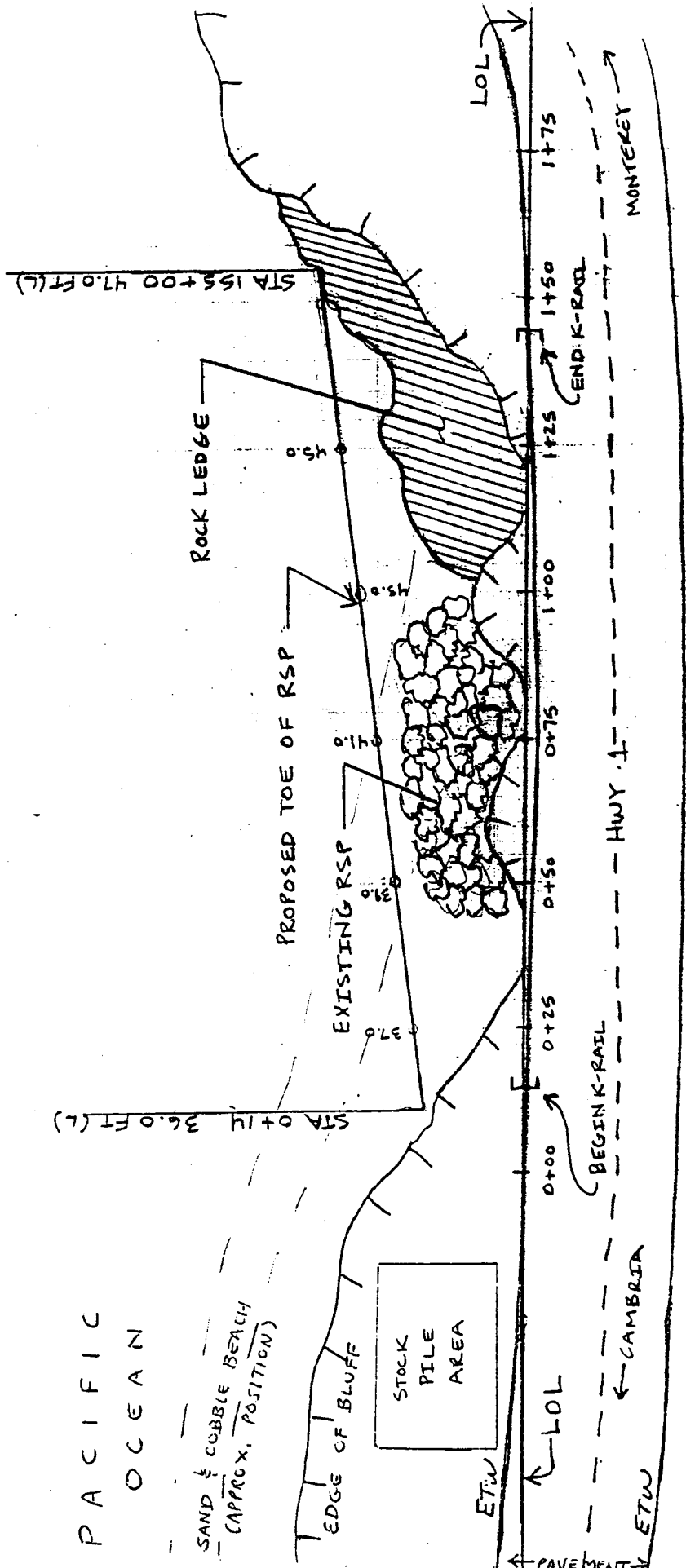
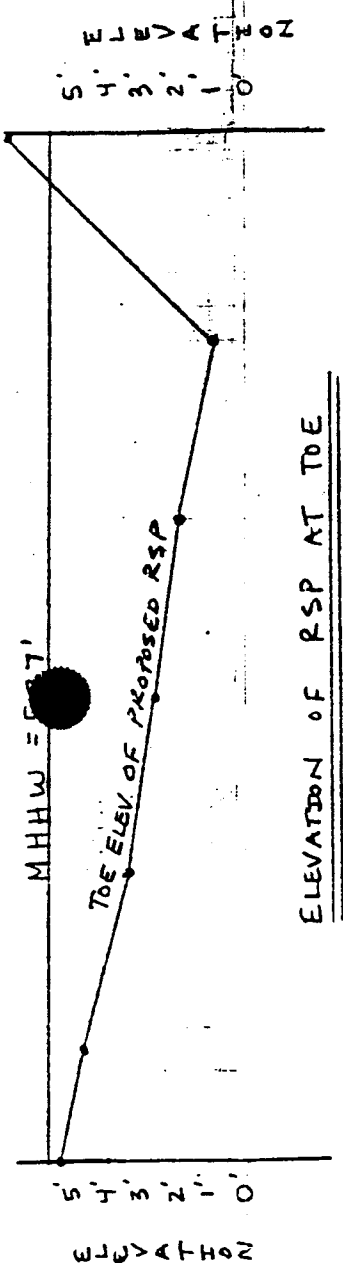


EXHIBIT NO. 2
APPLICATION NO. 3-97-039
CALTRANS-HWY. 1
ROCK SLOPE PROTECTION-SITE MAP

SLO - 1 - 65.7

PLACE ROCK SLOPE PROTECTION (RSP)

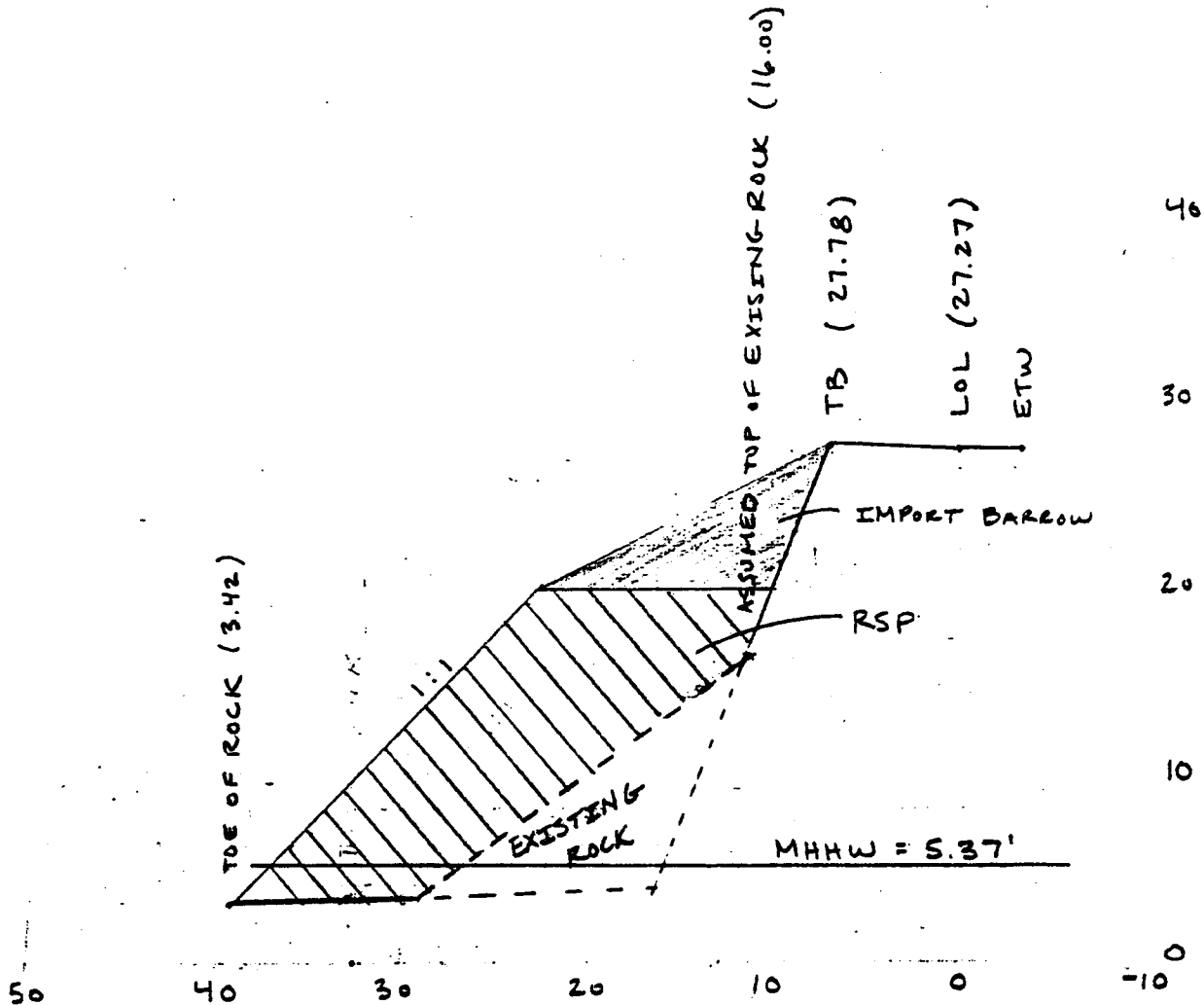
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NO SCALE

X-SEC 0+50
SLO - 1 - 65.7
Z. DELLAMAS

455501

4-10-97



SCALE 1" = 10'

EXHIBIT NO.	3
APPLICATION NO.	3-97-039
CALTRANS - HWY. 1 ROCK SLOPE PROTECTION	
CROSS SECTION (TYP.)	

D960151P - Conditions
CalTrans Seawall

JANUARY 3, 1997.

1. This permit authorizes the a rock rip-rap seawall/slope and shore rock slope protection structure approximately 200 feet long and 25 feet high to protect Highway 1 from the rapid erosion by wave action.
2. Work under this permit shall be limited to the following:
 - a. the replanting of the bluff face where soils exist to stabilize the soils.
 - b. the rip rap seawall as shown on the approved plans and as further conditioned in this permit.
3. All work shall be done with review and approval of the project engineer with a minimum of three on site visits; to establish the mean high tide prior to construction, general placement of the filter fabric, inspection of the placement of the base rip rap, and a final inspection when work has been completed with a written letter or report by an engineering geologist on the project to be submitted to the Department of Planning and Building stating how the project met the conditions of approval.
4. Because the area near the base of the bluff is assumed to be tidelands, submerged lands, or public trust lands, no equipment shall be placed there or work done from or to that area below mean high tide without approval of California State Lands Commission and the California Coastal Commission. All equipment and materials storage shall take place above the bluff except for workers and light equipment as necessary near the face of the bluff to carry out the approved project.
5. The applicant shall place the toe of the new seawall as close as feasible to the existing toe of bluff.
6. All excavated material, if any, other than dirt, rock, and clean beach sand shall be removed from the beach prior to the next high tide following excavation. Such material shall be disposed of in either an approved fill location or a permitted landfill.
7. This permit does not provide for relocation of any part of the existing roadway lost to the natural actions of weather. It only permits for stabilization of the existing soils and structures.
8. All equipment used for seawall construction shall be removed from the beach at the end of the working day. If high tides encroach into the construction area, such equipment shall also be removed from the wetted beach area during each tidal cycle.
9. No fueling or scheduled maintenance of equipment shall occur on the beach. Equipment shall be removed from the sandy beach for such activities.
10. All equipment shall be inspected for leakage of petroleum products (e.g. gasoline, diesel fuel, hydraulic oil) or antifreeze on a daily basis. Equipment showing obvious signs of such leakage shall not be used on the beach.

EXHIBIT NO.	4
APPLICATION NO.	3-97-039
S.L.O. COUNTY CONDI-	
TIONS (CDP #D96015P)	

11. The applicant is aware that construction of new or temporary equipment access-ways onto the beach may require additional review and permits.
12. The applicant is aware that spillage of any petroleum product on the beach requires immediate notification of the proper authorities. In the event of a spill, notification shall be accomplished as follows:
 - a. During normal business, notify the County Division of Environmental Health at (805) 781-5544.

or,

During "off" hours, contact the San Luis Obispo County Sheriff at (805)781-4553 or (805) 781-4550 and request to be connected with the On-duty Hazardous Materials Coordinator at County Environmental Health.

- b. Contact the State Department of Fish and Game, Office of Oil Spill Prevention and Response at (805) 772-1756 (24 hours).

If the spill presents an immediate or imminent hazard to life and/or safety, call 911.

ctscawal.mdd

EXHIBIT 4
(CON'T)