STATE OF CALIFORNIA – THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
427-4863
HEARING IMPAIRED: (415) 904-5200

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Commission Action:	

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE AND DE NOVO HEARING

LOCAL GOVERNMENT: City of Pismo Beach

LOCAL DECISION: Approved with conditions, 06/16/98

APPEAL NUMBER: **A-3-PSB-98-062**

APPLICANT: **LESLIE GUSTAFSON**

APPELLANT: Commissioners Wan and Nava, and Bruce McFarlan

PROJECT LOCATION: 107 Indio Drive, Pismo Beach, San Luis Obispo County, APN: 010-205-006

PROJECT DESCRIPTION: Construction of a shoreline protective structure

SUBSTANTIVE FILE DOCUMENTS: City of Pismo Beach certified Local Coastal Program, Administrative Record for City permit 97-134, and file for Coastal Development Permit 4-83-479

STAFF RECOMMENDATION

Staff recommends that the Commission determine that **substantial issue exists** with respect to the grounds on which the appeal was filed. Staff recommends that the Commission then proceed immediately to a de novo hearing on the merits of the project. Finally, staff recommends that the Commission **deny** the project on the grounds that the proposed seawall is inconsistent with the LCP.

SUMMARY EVALUATION OF SUBSTANTIAL ISSUE

ISSUE	COASTAL ACT & LAND USE PLAN POLICIES	ZONING ORDINANCE	CONSISTENCY
Structure at Risk	LCP Policy S-6, Shoreline Protective Devices	17.078.050 and .060; Bluff Hazard, Erosion, Bluff Retreat Criteria and Standards; and Shoreline Protection Criteria and Standards	**Inconsistent.** The information contained in the geologic report has not established that the structure is in danger from erosion at this time.
Alternatives to approved proposal	S-6, Shoreline Protective Devices	17.078.060, Shoreline Protection Criteria and Standards	**Inconsistent.** Alternatives such as no project, a shorter wall, and beach nourishment were not considered.
Natural Landforms and Sand Supply	S-6, Shoreline Protective Devices	17.078.060, Shoreline Protection Criteria and Standards	**Inconsistent.** Wall would essentially stop erosion of potential beach sand supply material from the bluff.

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I. SUMMARY OF APPELLANTS' CONTENTIONS

(See Exhibit 1 for the full texts)

Appellant Bruce McFarlan contends that the City violated the LCP in the following ways:

1. The need for the seawall/bluffs protective structure has not been substantiated.
2. The project is to be built upon gunite placed illegally at the base of the bluff.
3. The project will tie into an illegal seawall on the south.
4. There is no point of reference for the erosion rate determined by the geologist
5. Alternatives were not investigated.
6. Cumulative impacts on sand supply.
7. Cumulative effect of continuous seawall over 180 feet in length.

Appellants Commissioners Nava and Wan contend that the City violated Policy S-6 and section 17.078.060 of the LCP in the following ways:

1. There is no indication that the house is in danger now or will be in the immediate future.
2. Sand supply will be adversely affected.
3. Additional alternatives were not investigated.

II. LOCAL GOVERNMENT ACTION

On March 24, 1998 the City Planning Commission approved a coastal development permit, architectural review permit, and a mitigated negative declaration for the proposed seawall. That action was appealed to the City Council by Bruce McFarlan. On June 16, 1998, the City Council denied the appeal and upheld the Planning Commission's action. Please see Exhibit 2 for the complete text of the resolution and the City's findings and conditions.

III. STANDARD OF REVIEW FOR APPEALS

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is between the sea and the first public road paralleling the sea.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project

unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the nearest public road and the sea and thus, this additional finding must be made in a *de novo* review in this case.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE AND COASTAL DEVELOPMENT PERMIT

A. Staff recommendation on Substantial Issue: Staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed, because the City has approved the project in a manner that is inconsistent with the certified Local Coastal Program and with the Chapter 3 public access policies of the Coastal Act.

MOTION. Staff recommends a **NO** vote on the following motion:

*I move that the Commission determine that Appeal No. A-3-PSB-98-062 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.*

Staff recommends a NO vote, which would result in a finding of substantial issue and bring the project under the jurisdiction of the Commission for hearing and action. To pass the motion, a majority of the Commissioners present is required.

B. Staff recommendation on Coastal Development Permit: The staff recommends that the Commission, after public hearing, **deny** a coastal development permit for the project, for the reasons discussed below.

Denial Resolution

The Commission hereby **denies** a permit for the proposed development since it is inconsistent with the certified City of Pismo Beach Local Coastal Program, will have adverse effects on the environment within the meaning of the California Environmental Quality Act, and feasible alternatives to the City-approved project exist.

MOTION Staff recommends a **NO** vote on the following motion:

I move that the Commission approve a permit for the proposed development.

Staff recommends a NO vote, which would result in a denial of the permit. To pass the motion, a majority of the Commissioners present is required.

VI. RECOMMENDED FINDINGS AND DECLARATIONS

A. Project Location and Description

The site of the proposed project is in the northern portion of the City of Pismo Beach at 107 Indio Drive (See Exhibits 5 and 6). The parcel is a residential lot of approximately 8000 square feet (about 85 x 95 feet). An existing single family dwelling is situated about 20 feet back, at its closest, from the bluff edge, with most of the house being 25 feet or more from the bluff edge. The lot slopes very gently toward the bluff edge which is at the top of a nearly vertical bluff about 34 feet high. The shoreline is mostly rocky with many tidepools. Gunite about one inch thick covers the base of the bluff and extends up to about elevation 10 feet. The seawall approved by the City would have its footing in the shale at the top of the gunite area and the wall would extend up in three tiers approximately 24 feet, to or just below the top of the bluff. As redesigned by the applicant's engineer after the permit was appealed to the Commission, the proposed wall would be closer to the beach than the City-approved wall, but still on the bluff above the beach, and about 8 feet tall. The redesigned wall would be closer to the beach to allow for the upper bluff to be sloped from the top of the wall to the top of the bluff. An existing seawall on the north of the subject site terminates at the property line while a seawall fronting the lot to the south continues onto the subject site. The proposed wall would span about 50 feet across the bluff face and would form the final link in what would be a continuous shoreline protection structure about 180 feet long. The wall would be stained to match the color of the existing bluff.

B. Substantial Issue Findings

1. Risk to Structure

a. Appellants' Contention: The appellants contend that the existing house is not now in danger from bluff erosion.

b. Local Government Action: On June 16, 1998, the City Council, on appeal, upheld the decision of the Planning Commission, denied the appeal, and approved the project. No formal finding was made concerning risk to structures, although Exhibit 2 of the City staff report states that "The geologic report also notes that the marine bluff below the project site is eroding at an estimated rate of 6 to 12 inches per year. This rate will hazard the residence in 20 years or less."

c. Applicable LCP Policies: ***LUP Policy S-6, Shoreline Protective Devices.*** *Shoreline protective devices, such as seawalls. . .shall be permitted only when necessary to protect existing principal structures. . .in danger of erosion. . . 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.*

Zoning Ordinance section 17.078.060(4), Shoreline Protection Criteria and Standards. *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.

d. Related Coastal Act Policy: ***Coastal Act Section 30235.*** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

e. Analysis: The Coastal Act and the LCP both recognize that existing structures may require some sort of protection, including seawalls, from coastal bluff erosion. Neither document provides guidance as to precisely when a structure may be considered in danger from erosion. Typically, geologic reports are used to determine the erosion rate, but there is no particular combination of erosion rate and distance of the structure from the edge of the bluff that is a standard for determining when a structure is at risk from erosion.

The existing residence is located, at its closest, 20 feet back from the edge of the bluff; most of the house is over 25 feet back from the bluff edge. For the subject site, the geologist estimated the erosion rate to be between six and twelve inches per year and concluded that erosion ". . . will hazard the residence in 20 years or less." At an average of six inches per year, erosion would reach the house in 40 years; at an average of 12 inches per year it would reach the house in 20 years.

After reviewing the submitted geological report, staff raised a variety of questions concerning the need for a shoreline structure. Specifically, a number of other variables could affect the rate of shoreline erosion, but were not addressed by the originally submitted geologic report. For example, do the calculations assume that the existing gunite surface will be renewed from time to time? And if the toe of the bluff is stabilized by the existing gunite, won't the mean annual rate of surface erosion decrease as the natural angle of repose is approached? Would such a progressively decreasing rate of erosion of the bluff edge predict that the bluff edge will merely become rounded, and the residence would never be exposed to the hazard of ocean wave erosion? What were the effects, if any, of the 1998 "El Niño" storm season? Is the bluff retreat rate for the bluff as a whole or only the unprotected upper portion? What data source was used to determine the indicated retreat rate, air photo time series comparison, technical surveys, other? Is the failure pattern episodic, i.e., in blocks or is it a generally steady rate? What is the role of groundwater, upslope springs or surface irrigation? What is the role of the adjacent seawall structures (which because of the flanking tendency of shoreline erosion, may be more at risk than the residential structure)?

In response to staff's request, an update containing additional geologic information was submitted in November. The additional information indicates that retreat rates of at least six to 12 inches per year could be expected "if the gunite cover is not maintained." The geologist confirmed that a rounded bluff top would result, but opined that "such a condition might increase wave run-up height (as the present gunite covering does), to an unknown degree, and with an unknown resultant." Regarding the basis for bluff retreat rate, measurements were made

from the street to the bluff edge, and compared to original Lot surveys. This method should be used cautiously as the bluff edge is not exactly reported on assessors parcel maps (the usual maps used), however, it is well to remember that errors from this source can vary on both sides of "More retreat" of "less retreat."

According to the update, it is suspected but has not been confirmed that groundwater is present in amounts which could weaken terrace stability. The geologist based this on the amount of water coming out of the lower bluff, reported instability of the bluffs, his personal work along the bluffs, and slumps and landslides on nearby lots. Indications of instability on the subject site include difficulty in moving a sliding door and windows facing the bluff and cracks in the house foundation and in the concrete walkway to the bluff.

However, at the present time there has been no showing that the structure is at imminent risk now or that it will be in the immediately foreseeable future. Even in the worst case erosion scenario estimated by the geologist, 12 inches per year, erosion would not reach the house for another twenty years. The Commission recognizes that coastal bluff erosion is often episodic with bluff erosion greatly exceeding the annual average. The structure of the bluff here is such that it is not likely that there would be large episodic erosion events that would threaten the house in the foreseeable future. A seawall is not allowed by the LCP unless the structure to be protected is in danger from erosion. **Therefore, the City's approval is inconsistent with Policy S-3 and ordinance section 17.078.060(4) and a substantial issue exists regarding the determination that the structure is in danger from erosion.**

2. **Sand Supply**

a. Appellants' Contention: The appellants contend that the proposed seawall will have adverse, cumulative impacts on sand supply.

b. Local Government Action: On June 16, 1998, the City Council, on appeal, upheld the decision of the Planning Commission, denied the appeal, and approved the project. No finding was made concerning sand supply.

c. Applicable LCP Policies: ***LUP Policy S-6, Shoreline Protective Devices.*** *Shoreline protective devices, such as seawalls. . .shall be permitted only when necessary to protect existing principal structures. . .in danger of erosion. . . 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.*

Zoning Ordinance section 17.078.060(4), Shoreline Protection Criteria and Standards. *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.*

d. Related Coastal Act Policy: ***Coastal Act Section 30235.*** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction*

that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

e. Analysis: Sources of sand for natural nourishment of beaches include rivers and creeks and coastal bluff erosion. Depending on the type of material that constitutes a bluff, its erosion may or may not contribute much to sand supply. Further, a small portion of a bluff would logically not contribute as much as a larger portion made up of the same type of material. Shoreline protective devices can impede sand supply in two ways. First, they obviously greatly slow the amount of material that is eroded from the bluffs, some of which may become beach sand. A second way these protective devices can impede sand supply is by interfering with the transport of sand along the shore. This is most pronounced in the case of groins that extend well out into the surf zone. Over time sand accumulations become very large on the side of the groin which blocks the passage of sand.

Although the project engineering geologist states that the seawall ". . . will not change the present long-shore sand depositional pattern in the is area," no reason is given. However, since the proposed seawall here would not be on the beach, but would be on the face of the bluff, it stands to reason that it would not interfere with sand depositional pattern or sand transport along shore.

More uncertain is the effect of the seawall on the sand supply to the shoreline from bluff erosion. It is unknown what the potential sand contribution would be from the 50 foot section of bluff. In the updated geologic report, the geologist states the following:

> As to the issue of beach sand supply; it is my opinion that the bulk of the sand carried in the littoral cell has come from materials carried to the shore by rivers and streams. Although some sand/beach materials are generated by erosion of the sea bluff and picked up by wave/tides and contribute to the sand load carried in the longshore current, the quantities are comparatively small. I, therefore, am of the opinion that the quantities of sand that will be impounded by this wall, or even a series of walls, is not significant.

Policy S-6 and ordinance section 17.078.060(4) require that shoreline protection devices not adversely affect sand supply. It may be that the proposed seawall would have no effect on sand supply; however that is not known because there is no quantification of the amount of sand the wall would preclude from reaching the beach nor is there any discussion of local sand supply system dynamics (i.e., relative contribution of sand, transport mechanism, sites of deposit, etc.). **Therefore, the City's approval is inconsistent with Zoning Ordinance section 17.078.060(4) and a substantial issue exists regarding sand supply.**

3. **Alternatives**

a. Appellants' Contention: The appellants contend that there are other alternatives to the proposed seawall that were not investigated.

b. Local Government Action: On June 16, 1998, the City Council, on appeal, upheld the decision of the Planning Commission, denied the appeal, and approved the project. Alternatives discussed included rip rap and a concrete bag wall.

c. Applicable LCP Policies: ***LUP Policy S-6, Shoreline Protective Devices.*** *Shoreline protective devices, such as seawalls. . .shall be permitted only when necessary to protect existing principal structures. . .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, and to maintain public access to and along the shoreline. Design and construction of protective devices shall minimize alteration of natural landforms, and shall be constructed to minimize visual impacts.*

Zoning Ordinance section 17.078.060(4), Shoreline Protection Criteria and Standards. *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.*

d. Related Coastal Act Policy: ***Coastal Act Section 30235.*** *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

e. Analysis: The project geologist stated that the proposed seawall would provide the strongest protection since there are existing seawalls on both sides of the site. Also considered but rejected were rip rap, a concrete bag wall, and a groin. The rip rap and bag wall were rejected because they would be less strong at their intersections with the existing vertical concrete seawalls. Additionally, rip rap would extend out from the bluff perhaps 50 feet, completely covering the narrow beach and probably extending out into the water. The groin alternative was rejected because of its impact on shoreline processes; a groin would lead to sand accretion on one side and sand depletion on the other.

At least eight other alternatives exist which were not considered originally: no project; a lower wall; replacement of the gunite with a properly engineered return seawall; deferred installation until the hazard is imminent; gunite surfacing of the upper bluff face; dewatering of bluff top sediments and/or subflows; moving the house landward, and beach nourishment. No project

would allow natural bluff erosion to continue and could contribute an unknown amount of material to the sand supply. A lower (shorter) wall to protect the shale below the terrace deposits from undercutting would provide stability for the base of the bluff while still allowing for the terrace material to erode and contribute to the sand supply. The complete replacement of the gunite with an engineered seawall, founded on bedrock, would have the same advantage. And, the erodability of the coastal terrace sediments could be reduced by reducing irrigation or diverting subsurface flows – and by coating the surface to inhibit ocean storm wave "splash" effects.

Sufficient area exists between the house and the property line along Indio Drive so that, in concept, the house could be moved away from the bluff at least five feet without a variance from front yard setbacks and potentially up to 20 feet with a variance. This would result in the house being from 25 to 40 feet back from the bluff edge and no protection would be needed for many years. Beach nourishment, addition of sand to the beach, could possibly build up the beach enough so that erosion would decrease.

Although no existing structure has been shown to be in danger, the City nonetheless did not consider the eight additional alternatives described above. **Therefore, the City's approval is inconsistent with Policy S-3 and ordinance section 17.078.060(4) and a substantial issue exists regarding alternatives.**

4. Illegal Gunite on Site and Illegal Seawall on the South

a. Appellant's Contention: Appellant McFarlan contends that the existing gunite on the lower portion of the bluff was placed illegally and that the seawall to the south (which extends onto the subject site) was illegally built.

b. Local Government Action: On June 16, 1998, the City Council, on appeal, upheld the decision of the Planning Commission, denied the appeal, and approved the project. (Previously, in 1992, in response to the Mr. McFarlan's complaints, the City investigated alleged illegal seawalls and gunite. For six locations, including the subject site, the City could find no plans or permits for shoreline protection construction that had occurred. The City's investigation failed to conclusively establish when the construction occurred, whether it was new construction or repair and maintenance, and whether or not the City gave tacit approval for the construction. On July 21, 1992, the City Council directed City staff to ". . . send letters to the property owners connected with the Seawall discussion to inform them that the investigation is over and to officially close the files on this issue.")

c. Applicable LCP Policies: ***LUP Policy S-6, Shoreline Protective Devices.*** *Shoreline protective devices, such as seawalls. . .shall be permitted only when necessary to protect existing principal structures. . .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, and to maintain public access to and along the shoreline. Design and construction of protective devices shall minimize alteration of natural landforms, and shall be constructed to minimize visual impacts.*

Zoning Ordinance section 17.102.115, Permitted Private Structures on Coastal Bluffs. *With a Coastal Permit, shoreline protective devices . . . shall be permitted when necessary to protect existing structures . . . in danger of erosion . . . .*

Zoning Ordinance section 17.124.030, Permits Required. *Developments . . . require a Coastal Development Permit . . . . Such permits are subject to the provisions of the Certified Land Use Plan, Certified Zoning Ordinance . . . .*

d. Analysis: Commission staff has not located any record of a pre-certification coastal development permit for the gunite on this property. Nor has the applicant requested that the gunite be incorporated in the application after-the-fact. In general the City's processing of the proposed seawall (to be perched above the gunite) is consistent with the LCP, i.e., a permit was required and the permitting procedures were followed.

While it is unknown when the gunite at the base of the bluff was applied and when the seawall on the south side of the site was built and if the work was done under authority of a permit, the proposed seawall is a separate project and would not be physically dependent on either the gunite or the existing seawall. Further, according to the City, no information leading to a conclusive determination of illegality was found by the City's investigation. Development without benefit of a coastal development permit would cause the development to be illegal. While allowing such illegal development would be inconsistent with the LCP, the processing of a permit for the proposed seawall is consistent with the LCP and therefore no substantial issue is raised on this point.

5. <u>There is No Point of Reference for the Erosion Rate Determined by the Geologist</u>

a. Appellant's Contention: Appellant McFarlan contends that there is no identified bench mark or point of reference on which the erosion rate was based.

b. Local Government Action: On June 16, 1998, the City Council, on appeal, upheld the decision of the Planning Commission, denied the appeal, and approved the project, based partly on the geologist's written report and his discussions with City staff.

c. Applicable Policy: ***LUP Policy S-4, Blufftop Guidelines/Geologic Studies.*** *Site specific geologic reports shall incorporate the information requirements contained in the State Coastal Commission's guidelines for Geologic Stability of Blufftop Development, as adopted May, 1977 and updated on December 16, 1981. This guideline in included in the Appendix.*

d. Analysis: The Commission's guidelines for Geologic Stability of Blufftop Development includes the following sentence:

> The report should indicate the location of the cliff or bluff edge, the toe of the cliff or bluff and other significant geologic features by distance from readily identified fixed monuments such as the centerline of the road nearest the bluff or cliff.

Although the geologic report does not specifically identify such a monument, City staff did contact the geologist for clarification. The geologist indicated that "The estimated rate of erosion of 6 to 12 inches per year is measured from the benchmark of the front property line to

the top of the bluff along the lateral lot lines at the side of the property." from the street to the bluff edge, and compared to original Lot surveys. In the update geologic report the geologist states that

> This method should be used cautiously as the bluff edge is not exactly reported on assessors parcel maps (the usual maps used), however, it is well to remember that errors from this source can vary on both sides of "More retreat" of "less retreat."

Thus a fixed monument was identified and no substantial issue is raised.

C. De Novo Findings

1. Risk to Structure

Since there is an existing structure which, according to the reports of the project engineering geologist and the City's consulting engineering geologist, is endangered by continuing bluff erosion, some sort of shoreline protection could be considered under LCP Policy S-6 and LCP ordinance section 17.078.060.

The originally submitted geologic report consists of two pages of text, a one page sketch of site cross sections, a one page "Generalized Columnar Section" showing the various rock types in the area, and two map pages.

The geologic report states that "Pertinent geologic and seismic data known and available to this office was used in the preparation of this report." Regarding the basis for bluff retreat rate, measurements were made

> from the street to the bluff edge, and compared to original Lot surveys. This method should be used cautiously as the bluff edge is not exactly reported on assessors parcel maps (the usual maps used), however, it is well to remember that errors from this source can vary on both sides of "More retreat" of "less retreat."

It is apparently upon that data that the project geologist based his conclusion that "[t]he marine bluff below Lot 6 is presently eroding at an estimated rate of 6 to 12 inches per year. This rate will hazard the residence in 20 years or less." Two issues are raised here. First, it does not appear that the geologist determined his estimated erosion rate based on the information required by the LCP. Second, the information presented in the geologic report does not support a finding that the structure is in danger from erosion.

a. Data.

Section 17.078.050(3) of the City's Zoning Ordinance requires geologic studies and reports to consider, describe and analyze the following.

a. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site.

b. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport.
c. Geologic conditions, including soil, sediment, and rock types and characteristics in addition to structural features, such as bedding, joints and faults;
d. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development and the potential effects of the development on landslide activity;
e. Impact of construction activity on the stability of the site and adjacent area;
f. Ground and surface water conditions and variations, including hydrologic changes caused by the development (i.e., introduction of sewage, effluent and irrigation water to the groundwater system); alteration of surface drainage'
g. Potential erodability of the site and mitigation measures to be used to ensure minimized erosion problems during and after construction (i.e., landscape and drainage design);
h. Effects of marine erosion on seacliffs;
I. Potential effects of seismic forces resulting from a maximum credible earthquake; and
j. Any other factors that might affect slope or bluff stability.

Information presented in the original geologic report relative to establishment of the erosion rate is minimal. There is the statement that data known and available to the project geologist was used in preparing the report. The entire discussion of the geologic characteristics of the bluff is as follows.

> The blufftop edge is crenulated and averages 34 feet above the beach. The marine bluff is irregular. Bedrock is of the Lower Miocene Obispo formation (tuffaceous shale) and floors the beach and is capped by 16 feet of Pleistocene sand and gravel (Pleistocene terrace). The lower 20 feet of bedrock is covered by gunite which has a limited number of windows to examine the bedrock type and attitude. No seacaves were found. A drainage channel in the central bluff area has been incised. It drains the central area of the bluff.

Two paragraphs later, the report states that "The marine bluff below Lot 6 is presently eroding at an estimated rate of 6 to 12 inches per year. This rate will hazard the residence in 20 years or less." There is no discussion of how that rate was arrived at in the geologic report. The project geologist, in a telephone conversation with city staff, indicated that "The estimated rate of erosion of 6 to 12 inches per year is measured form the benchmark of the front property line to the top of the bluff along the lateral lot lines at the side of the property." The updated geologic report indicates that these distances were then compared to the distances along the same lines as reported in the original lot surveys (the subdivision is about 35 to 40 years old). Presumably the difference in those distances was divided by the period of time since the lot surveys were made to arrive at an average annual erosion rate. There is no indication that any other particular data was used, such as air photos, which would provide a longer time frame to better determine the erosion rate range. While the information presented in the update is generally helpful, it does not provide any further reasons to accept the suggested erosion rate. More important, though, no showing has been made that the structure is in danger from erosion.

b. Structure in danger from erosion.

The report gives as the reason for the wall the following:

> The residence, only 25 feet from a low blufftop edge at an elevation of 34 feet is not high enough to protect it from storm-driven waves, especially those generated by EL NINO conditions as are expected during the winter of 1997/98. These waves could be expected to have enough energy to strip the remaining gunite that covers the bedrock and expose it to accelerated erosion of the underlying bedrock. These damaging conditions could occur during one storm of EL NINO capability.
>
> The marine bluff below Lot 6 is presently eroding at an estimated rate of 6 to 12 inches per year. This rate will hazard the residence in 20 years or less.

Apparently, according to the geology report, the residence is at risk from storm driven waves overtopping the bluff, and/or eroding the terrace material, and/or eroding the gunite at the base of the bluff. There is nothing to indicate an appreciable difference in the condition of the bluff between July 1997, when the geologic report was written, and August of 1998. Indeed, the updated geologic report states that

> El Nino storms were mild compared to the previous El Nino storms of 1982-1983. Since most damage occurs during major storm with co-incident high tides (which fortunately did not occur last year), erosional damage from this period (1997 – 1998) was comparatively mild.

Future storms might or might not have significant effects. However, given the severity of this past winter's storms, the lack of reported appreciable erosion from those storms, and the fact that the house is at least 20 feet back from the bluff edge (25 feet according to the geologic report) it has not been demonstrated that the structure is currently at risk. As discussed in the substantial issue findings, even in the worst case scenario, erosion would not reach the house for 20 years. Policy S-6 and zoning ordinance Section 17.102.115 allow shoreline protective structures only when necessary to protect an existing structure in danger from erosion. **Therefore, the Commission finds that the project must be denied.**

2. Alternatives

As mentioned in the preceding section, the LCP requires that a structure must be shown to be in danger from erosion before a seawall may be considered. If a structure has been shown to be in danger from erosion and a seawall is to be approved, then the City must find that it is the least environmentally damaging alternative.

One alternative would involve constructing a shorter wall that would extend up from the gunite to a height where the shale comprising the base of the bluff would be protected from erosion. The original proposal was for a three-tiered wall 20 feet tall. The applicant's engineer has subsequently redesigned the proposed wall to be a single wall eight feet tall. This would allow erosion of the terrace material to continue and by protecting the base of the bluff, would reduce the risk of undercutting of the terrace material that could cause large, episodic bluff failures. The unprotected terrace material would continue to erode under this alternative contributing some amount of sand to the beach; at some time the erosion of the terrace material could put the

house in danger. However, it has not been shown that the structure is in danger from erosion at this time, so this alternative should not be pursued.

A second alternative would be to move the house back away from the bluff edge. Sufficient area exists between the house and the property line along Indio Drive so that, in concept, the house could be moved away from the bluff at least five feet, without a variance from front yard setbacks, and potentially up to 20 feet, with a variance. This would result in the house being from 25 to 40 feet back from the bluff edge and no shoreline protection would be needed for many years. This may be a feasible alternative, depending on the cost of moving the house versus the cost of building a seawall. Were the house constructed in such a way that anticipated the likelihood of moving it away from the bluff edge, this definitely would be a feasible alternative. In areas where it is possible to do so, it may be beneficial to require that structures on bluff top sites be constructed in such a way that they can be moved if necessary.

A third alternative is nourishment of the beach with sand, that is, adding sand to the beach. This alternative has two subsets: beach nourishment to continue the bluff's contribution to sand supply and beach nourishment to maintain the beach. Either subset would require adding sand to the beach. Beach nourishment to continue the bluff's contribution to the sand supply would entail depositing on the beach the amount of sand that equals the sand contribution of the bluff if there were no seawall. However, there is no practical way for the homeowner to place sand directly on the beach at this location because the lots on both sides are developed and there is no room for dump trucks or other equipment to get to the bluff edge. If the concern is to ensure continued sand supply to the littoral cell, then it may not be necessary to place the sand on the beach directly in front of the subject parcel. Conceivably, sand could be placed on the beach from the top of the bluff at a street end about 500 feet north of the subject parcel. Rather than the homeowner actually placing sand on the beach, an in-lieu fee could be assessed and be used for mitigating adverse effects to sand supply. This would require the City to establish an in-lieu fee fund since one does not now exist.

Beach nourishment to maintain the beach would entail depositing on the beach the amount of sand necessary to prevent loss of the beach from erosion. A hard, non-eroding surface like a seawall that extends up from the beach tends to direct wave energy downward, resulting in erosion of the beach which deprives the public the use of the beach. Maintaining the beach by adding sand to it ensures that the beach will not be eroded due to the presence of a seawall. It also generally helps to reduce the need for shoreline protective devices such as seawalls because beaches absorb some of the wave energy. If there is no beach, then the wave energy impacts the bluff directly. In this case, the proposed seawall would be above the beach and so would not increase beach erosion by redirecting wave energy.

There are other alternatives as mentioned in Section B.3 above, including no project until the hazard is imminent. Although a lower wall as discussed above is feasible and appears to be less environmentally damaging that the three-tiered wall approved by the City, still it has not been shown that there is a need for shoreline protection at this time. Policy S-6 and zoning ordinance Section 17.102.115 allow shoreline protective structures only when necessary to protect an existing structure in danger from erosion. **Therefore, the Commission finds that the project must be denied.**

3. Sand Supply

The subject site is a developed lot in a developed area with existing seawalls on either side. A seawall here, as approved by the City would be three tiered and much taller than the existing walls on either side of the subject parcel. As redesigned by the applicant's engineer, the seawall would be very similar to the existing seawalls and in that sense would be infill. Will a seawall, either as approved by the City or redesigned by the engineer, on this site matter, in terms of sand supply? No one knows how much sand may be available to the local supply from this site or the bluffs in this part of the City or the bluffs in the entire City. Dealing with these questions on a site-by-site basis ignores the larger, regional picture.

It is possible to quantify how much sand a particular bluff contributes to the littoral system. The formula for such a quantification has been applied in prior Commission actions on seawalls (e.g., 3-97-065, Motroni/Bardwell, City of Capitola, approved April 8, 1998; A-3-PSB-98-049, Cliffs Hotel, City of Pismo Beach, denied November 5, 1998). Although the individual impact on sand supply from a single wall may be considered small by some, the cumulative effect of multiple devices may be significant. 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."

Significantly, the LCP does not exempt small amounts of sand supply loss from the requirement for mitigation. Rather, zoning ordinance Section 17.078.060(4)c requires that shoreline protective devices "eliminate or mitigate any adverse impacts on local shoreline sand supply." It is possible to add sand to beaches to keep them from being eroded when their natural supply is reduced or eliminated. However, that cannot be accomplished without knowing the percentage of sand making up a bluff.

Ultimately, reduction of loss of sand supply has adverse impacts on public recreation because without sand to replenish that which is eroded by waves, beaches grow smaller and may be lost altogether. This reduces the availability of beaches to the public for various forms of shoreline recreation including swimming, fishing, sunbathing, etc.

At present, the effects of the proposed shoreline protective device on sand supply are unknown. Yet zoning ordinance Section 17.078.060(4)c requires shoreline protective devices to eliminate or mitigate for any adverse impacts to sand supply. However, even if the impacts to sand supply were known for this proposal, there has been no showing that there is a structure at risk, as there must be according to Policy S-6 and zoning ordinance Section and zoning ordinance Section 17.102.115. **Therefore, the Commission finds that the project must be denied.**

4. Public Coastal Access and Recreation

Although none of the appellants stated any contention with the City's action relative to access, 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.

a. Applicable LCP Policies: *LU-A-11, Beach Access and Bluff Protection.* *The coastal tidal and subtidal areas should be protected by limiting vertical accessways to the rocky beach and intertidal areas. Lateral Beach access dedication shall be required as a condition of approval of discretionary permits on ocean front parcels pursuant to Policy PR-22.*

PR-22, Lateral Beach/Shoreline Access Required. *Coastal Beach Access Dedication - For all developments o 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.*

Zoning Ordinance section 17.066.020, Coastal Access Overlay Zone Criteria and Standards. ***(2)*** *For all new developments between the first public road and the ocean, the owner shall grant a lateral easement along the shoreline for public access per the requirements of Subsections 3 and 4 of this Section.* ***(3)*** *Lateral accessway dedication of the area between the toe of the bluff and the mean high tide line shall be required.* ***(4)*** *All dry sandy beach, intertidal and subtidal areas seaward of the toe of the bluff shall be dedicated to the State Department of Parks and Recreation or other appropriate public agency.*

b. Applicable Coastal Act Policies: *Section 30210.* *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.*

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212. *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby. . . .*

Section 30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

c. Analysis

Because the Commission finds that a shoreline protective device in this location is not warranted at this time, there are no impacts to public access to be analysed. However, were a structure found to be necessary, such a project would be generally consistent with the public access portion of the LCP and the Coastal Act.

The beach is generally physically passable from the existing vertical access point to and beyond the subject site; the beach ends about one-tenth of a mile upcoast where the bluffs project into the surf zone. When the tide is high, lateral access along the beach in front of the Gustafson parcel is difficult at best. At low tide, the beach is entirely passable.

The Pismo Beach LCP requires dedication of lateral access along the beach for the public benefit. The City did not require any lateral access along the beach because the proposed wall would not be located on the beach, finding that "The proposed seawall will not adversely impact existing public access to this portion of the shoreline." In the late 1950's and early 1960's, this area was subdivided. It was then not part of the City of Pismo Beach but rather was in unincorporated San Luis Obispo County. The Assessor's Parcel Maps for this area indicate that at that time when the area was subdivided, a dedication of a lateral easement was made to the County. A 1983 Commission permit (4-83-479) for two small additions to the Gustafson house stated

> Lateral access from the toe of the bluff to the mean high tide line was secured in the form of an easement to the County of San Luis Obispo at the time the tract was originally subdivided.

At the same time, the LCP discourages vertical accessways to sensitive rocky beaches and intertidal areas. The Gustafson site is located between Indio Drive and the coastal bluff and so development of a new seawall would trigger the lateral access dedication requirement. However, as discussed above, the proposed wall would not be located on the beach and lateral access has already been secured, so there would be no need for a lateral access dedication here, if the proposal was approved.

The Coastal Act also requires new development between the sea and the first public road to provide for public access and prohibits new development from interfering with public access to the sea where acquired through use or legislative authorization. The Coastal Act's requirement that new development between the sea and the first public road provide for public access is not absolute, such as where access would be inconsistent with the protection of fragile coastal resources. The tidepools on the rocky beach and intertidal area below the subject site are fragile coastal resources that can easily be severely damaged by overuse.

Additionally, since the proposed seawall would be located on the bluff face above the beach, it would not interfere with the public's right of access to the sea and the beach and along the coast. Currently, there is no established vertical access at the site although it is possible, but not advisable, to climb down the bluff in the vicinity of the site. The closest established vertical access is about one-half mile downcoast; a 22 lot subdivision has been approved within 1000 feet downcoast that will provide even closer vertical access. There is physically no area on the Gustafson lot for vertical access.

Were a seawall to be approved, the City's action on access would be consistent with Coastal Act sections 30210, 30211, and 30212 regarding public access because there would be no impact on lateral access, lateral access has already been secured, and because of the need to protect fragile coastal resources. The City's action is consistent with Coastal Act section 30221 regarding public recreation because the site is a developed residential lot in an area designated for residential use and is developed with residences.

VII. 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 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 that the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. This report has examined a variety of issues in connection with the environmental impacts of this proposal. The Commission finds that only the no project alternative will not have any significant adverse impacts on the environment within the meaning of CEQA.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

RECEIVED
JUN 30 1998
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

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):

BRUCE D. McFARLAN
331 PARK AVE. #2
PISMO BEACH, CA. 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: SEAWALL, BLUFFTOP PROTECTIVE STRUCTURE AND GUNITE POT ONTO BEACH AND ROCKS.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 107 INDIO DRIVE, PISMO BEACH APN 010-205-006

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: ✓ PROJECT # 97-134

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: _____

DATE FILED: _____

DISTRICT: _____

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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. V City Council/Board of Supervisors

d. __Other_____

6. Date of local government's decision: JUNE 16, 1998

7. Local government's file number (if any): PROJECT # 97-134
FILE # 451.1

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:
LESLIE GUSTAFSON
107 INDIO DRIVE
PISMO BEACH, CA. 93449

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 & ASS.
200 SUBURBAN Rd.
SAN LUIS OBISBO, CA.

(2) SURFRIDER FOUNDATION - SAN LOIS BAY CHAPTER
P.O. Box 3406
PISMO BEACH, CA. 93448

(3) _____

(4) _____

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

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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.)

1. THE NEED FOR SUCH A PROJECT, THE APPLICANT'S GEOLOGIST THAT THE RESIDENCE WILL BE IN HAZARD "IN 20 YEARS OR LESS" (WOOLEY LETTER TO CITY JULY 23, 1997. IN SAID LETTER IT ALSO STATES THAT THERE ARE "NO SEA CAVES," AND THAT "DAMAGING CONDITIONS COULD OCCUR DURING ONE STORM OF EL NINO CAPABILITY." WELL EL NINO IS OVER AND THERE WAS NO FAILURE OF THE BLUFF OR RESIDENCE. IN THE SAME LETTER IT IS FURTHER STATED THAT THIS PROJECT IS NEEDED BECAUSE

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. McFarlane
Signature of Appellant(s) or Authorized Agent

Date June 30, 1998

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

Section VI. Agent Authorization

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

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_____
Signature of Appellant(s)

"AT AN ELEVATION OF 34 FEET IS NOT HIGH ENOUGH TO PROTECT IT FROM STORM-DRIVEN WAVES," AGAIN EL NINO IS CITED. BUT WE DID NOT HAVE ANY 34 FOOT WAVES THIS YEAR AND I CAN NOT FIND RECORD OF ANY NOR WERE ANY DATES DATES GIVEN FOR THIS "STATEMENT" INFACT WHEN I MENTIONED THIS SO CALLED "FACT" FOR THE NEED OF THIS PROJECT SCHOTT THE PERMIT APPLICANT'S ENGINEER AND AGENT SAID THAT "IT'S THE NOT THE WAVES THAT ENDANGER THE RESIDENCE BUT THE MIST AND WATER FROM THE WAVE HITTING THE ROCKS ON THE BEACH AND THAT WILL DAMAGE THE PAINT ON THE HOUSE. WHAT KIND OF NEED IS THAT FOR THIS SEAWALL WHAT KIND OF "FACTS" ARE GIVEN HERE IN ASKING FOR THIS PROJECT?

2. THIS PROJECT IS TO BE BUILT UPON AND USE AS IT'S FOUNDATION AND STARTING POINT AN ILLEGAL PROJECT, THE ORIGINAL GUNITE PROTECTION DEVICE WAS NEVER PERMITTED BY THE CITY OR COASTAL COMMISSION NOR WERE ANY ENGINEERED PLANS SUBMITTED OR ENVIRONMENTAL IMPACT REPORTS OR STUDIES DONE ON IT. IT NOW CON-

STITUENTS A HAZARD TO THE ENVIRONMENT AS PIECE BY PIECE OF THIS ILLEGAL GUNITE BRAKES OFF TO FILL UP THE TIDE POOLS THAT LINE THAT BEACH. THE GUNITE ALSO HAS BEEN TAKEN OVER BY AN ALGEE AND GROWTH THAT IS NOT FOUND ANY-WHERE ELSE AND IS VERY, VERY SLICK AND IS A HAZARD AND DANGER TO BEACH GOERS WHEN THE TIDE IS HIGH ENOUGH TO FOREE THEM TO CLIMB ON THEM TO REACH THE NORTHERN PART OF THE BEACH. THE ABSENCE OF ANY INFORMATION AS TO THE BASIS FOR THE ORIGINAL PLACEMENT OF GUNITE IS HARDLY A GOOD FOUNDATION TO HAVE ANOTHER PROTECT GO FORWARD ESPECIALLY IF ITS MAIN PURPOSE IS TO SAVE A PAINT JOB!

3. PART OF THE SOUTHERN PROJECT IS TO TIE INTO AND INCORPORATE AN ILLEGAL SEAWALL. IN A LETTER SENT TO ME BY THE CITY (JUNE 25, 1992) ABOUT ILLEGAL SEAWALLS THAT INCLUDE THIS PROPERTY AT 107 INDIO IT STATES AT THE END OF THE LETTER "UNTIL SUFFICIENT EVIDENCE CLEARLY INDICATING AN UNSAFE CONDITION, IS OBTAINED, THE CITY DOES NOT INTEND TO TAKE ANY FURTHER ACTION AGAINST EITHER THE CONTRACTOR, MR. HOZIE,

OR THE PROPERTY OWNERS, RELATIVE TO THESE STRUCTURES." NOW THE APPLICANT IS ASKING FOR A PERMIT TO REPAIR AN ILLEGAL PROJECT THAT THEY SAY IS UNSAFE, THE CITY MUST ACCORDING TO THIS LETTER AND AGREEMENT RE-OPEN THEIR INVESTIGATION AND IF THEY REFUSE, THIS PROJECT MUST BE DENIED.

3. THERE IS NO BENCH MARK OR POINT OF REFERENCE FOR THE GEOLOGISTS EROSION RATE, WHERE IS THE DATA?

4. THERE WAS NEVER ANY REAL ALTERNATIVES SHOWN FOR THIS PROJECT

5. THEN THERE'S THE CUMULATIVE IMPACT ISSUE, AS NOTED BY THE COMMISSIONS' STEVE GUINEY'S LETTER (APRIL 23, 1998) TO THE CITY THERE ARE QUESTIONS AS TO THE OVERLY BROAD GEOLOGICAL REPORT AS TO 1. IMPACT OF BEACH SAND, AND 2. THE CUMULATIVE EFFECT OF THIS CONTINUOUS SEAWALL OF OVER 180 FEET IN LENGTH. THE ANALYSIS DONE BY THE MORRO GROUP, INC. IS IN NOWAY A RESPONSE TO MR. GUINEYS CONCERNS NOR MINE, IN FACT THERE IS NO MENTION, NOTHING ON THE SAND SUPPLY ISSUE. THE ACTIONS AND REPORTS TO THIS PROJECT ARE ARBITRARY & CAPRICIOUS.

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

RECEIVED
JUL 16 1998
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):

Commissioner Sara Wan, Commissioner Pedro Nava
45 Fremont Street, Suite 2000
San Francisco, CA 94105 (415) 904-5200
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:
   New 24 foot high bluff retaining wall/seawall

3. Development's location (street address, assessor's parcel number, cross street, etc.):
   107 Indio Drive, Pismo Beach, San Luis Obispo County, APN: 010-205-006

4. Description of decision being appealed:

   a. Approval; no special conditions:_____
   b. Approval with special conditions: XX
   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-98-062
DATE FILED: Appeal originally filed 7/7/98
DISTRICT: Central Coast District

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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: **June 16, 1998**

7. Local government's file number: **97-134**

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:
Leslie Gustafson
107 Indio Drive
Pismo Beach CA 93449

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

(1) **Jeanette Di Leo, Psimo Beach Public Services Department, 760 Mattie Road, Pismo Beach CA 93449**

(2) **Bruce McFarlan, 331 Park Avenue #2, Pismo Beach CA 93449**

(3) **Fred Schott, 200 Suburban Road, Suite A, San Luis Obispo CA 93401**

(4) **Surfrider Foundation - San Luis Bay Chapter, PO Box 3406, Pismo Beach CA 93448**

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.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program 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 Pismo Beach City Council granted a coastal development permit to the applicant to construct a new, 24 foot high seawall/bluff retaining wall, extending from the top of existing rock protected by gunite approximately 10 feet above sea level to the top of the bluff.

The City's approval is inconsistent with the certified Local Coastal Program for the following reasons. Policy S-6, Shoreline Protective Devices, and zoning ordinance section 17.078.060 allow shoreline protective structures only when necessary to protect existing structures in danger from erosion, where no less environmentally damageing feasible alternative is availaible and when such devices are designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

According to the geologic report, the existing house is approximately 25 feet back from the edge of the bluff. The geologic report indicated an erosion rate of between six and 12 inches per year and concluded that the house will be endangered in 20 years or less. However, there is no indication that the house in danger from erosion now or in the immediate future.

Alternatives disucssed include rip rap and concrete bag walls. However, other less environmentally damaging alternatives exist, including avoidance (no project), or a shorter wall that would extend up the bluff face only the amount necessary to protect the shale which comprises the bottom half of the bluff and which supports the terrace material comprising the upper half of the bluff.

Local shoreline sand supply has not been addressed. The effect of the proposed wall on sand that may be derived from the bluff has not been analysed.

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.

_____
Signature of Appellant(s) or Authorized Agent

Date_____

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

SECTION VI. Agent Authorization

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

_____
Signature of Appellant(s)

Date_____

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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.)

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 knowledge.

Signed_____
Appellant or Agent

Date July 16, 1998

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed_____
Appellant

Date_____

0016F

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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.)

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.

Signature of Appellant(s) or Authorized Agent

Date 7/15/98

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

Section VI. Agent Authorization

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

Signature of Appe

Date

EXHIBIT 1
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EXHIBIT A

RESOLUTION NO. 97-134

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PISMO BEACH APPROVING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, A COASTAL DEVELOPMENT PERMIT, AND ARCHITECTURAL REVIEW PERMIT FOR PROJECT 97-134.

WHEREAS, Leslie Gustafson (the "Applicant") has submitted applications to the City of Pismo Beach for approval of a Coastal Development Permit and Architectural Review Permit for the construction of a new seawall, located at 107 Indio Drive, Project No. 97-134; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the project at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Commission considered the written material included in their March 24, 1998 and April 28, 1998 agenda packet, considered testimony from City Staff, the Applicant, and members of the public; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Pismo Beach, California as follows:

A. FINDINGS FOR APPROVAL OF THE MITIGATED NEGATIVE DECLARATION AND MONITORING PROGRAM:

Based upon the information contained in the Initial Study and the Mitigation Monitoring Program, it is determined that the project is not categorically exempt. Although the project could potentially have an effect on the environment, the Planning Commission finds that the project as mitigated will not have a significant effect on the environment based on the following findings:

1. Land Use: The proposed use and improvements are consistent with the Land Use Element of the General Plan and the development standards of the Sunset Palisades/Ontario Ridge Planning Area.

2. Earth: To ensure that all grading conforms to City standards, a grading/drainage/erosion control plan shall be submitted for review and approval by the Public Works Department prior to the issuance of building permits. There will be no significant adverse impacts on earth conditions due to the mitigation measures required of this project.

3. Water: A grading/drainage/erosion control plan shall be submitted with the application for building permits to be reviewed and approved by the Public Works Department prior to the issuance of building permits to ensure that all surface water runoff will be controlled pursuant to City requirements.

4. Geology: Proposed mitigation requires construction of the seawall consistent with the

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project's geologic report, the approval of a drainage and erosion control plan, and limiting vegetation and irrigation on the bluff top. With these measures no significant geologic impacts would occur.

5. Social Factors: No adverse impact on social factors will be created by this project.

6. Traffic: There are no adverse impacts on traffic or circulation created by this project.

7. Cultural Resources: No adverse impacts on potential archaeological resources will result from the project because required mitigation provides that a qualified archaeologist review the bluff to determine the likelihood of damage to cultural resources as a result of the proposed seawall. In addition, project mitigation requires that if cultural materials are discovered, project construction will cease until adequate mitigation is put into place.

8. Noise: No significant increases in noise levels will be generated by this project.

9. Plant Life: There will be no significant adverse impacts on existing plant life.

10. Risk of Upset: No risk of an explosion or the release of hazardous substances is expected with the subject proposal.

11. Other: No other significant adverse impacts are known. Land Use issues are discussed in the staff report.

12. The Initial Study is a complete and adequate informational document. The project, with the Mitigation Monitoring Program, will not have a significant effect on the environment.

13. The Planning Commission hereby certifies the project's Mitigated Negative Declaration and Mitigation Monitoring Program (attached as Exhibit E).

B. COASTAL DEVELOPMENT PERMIT AND ARCHITECTURAL REVIEW PERMIT:

1. The proposed construction of a new seawall (23.5 feet high) and located along the property's rear bluff is appropriate in size so as to be compatible with the adjacent structures. Presently, seawalls exist north and south of the project site. The proposed project will provide a 180 foot continuous seawall, augmenting bluff protection in this area of Shell Beach.

2. The proposed construction of a new seawall (23.5 feet high) and located along the property's rear bluff is compatible with the immediate neighborhood. Presently, seawalls exist north and south of the project site. The proposed project will provide a 180 foot continuous seawall, augmenting bluff protection in this area of Shell Beach.

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The proposed seawall will not adversely impact existing public access to this portion of the shoreline.

3. The proposed construction of a new seawall (23.5 feet high) and located along the property's rear bluff is compatible with the visual quality of the Sunset Palisades/Ontario Ridge Planning Area. As designed, the seawall would provide colors matching the bluff face and constructing matching existing walls to the north and south.

4. The proposed construction of a new seawall (23.5 feet high) and located along the property's rear bluff is consistent with the General Plan, LCP Land Use Plan category of Low Density Residential.

5. The proposed construction of a new seawall (23.5 feet high) and located along the property's rear bluff will be in conformance with the requirements of the Zoning Code No. 320.

6. The proposed seawall is compatible with the nearby existing uses and is not detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the surrounding area of the proposed project. The seawall would provide protection of an existing single family residence.

7. The site is physically suitable for the addition of a seawall. Presently, seawalls exist north and south of the project site. The proposed project will provide a 180 foot continuous seawall, augmenting bluff protection in this area of Shell Beach.

8. The proposed construction of a new seawall (23.5 feet high) and located along the property's rear bluff is in keeping with the character of the surrounding area which includes seawalls north and south of the project site.

9. The proposed construction of a new seawall, as designed, will not be detrimental to the orderly and harmonious development in the surrounding area. Presently, seawalls exist north and south of the project site. The proposed project will provide a 180 foot continuous seawall, augmenting bluff protection in this area of Shell Beach.

10. The proposed construction of a new seawall will not impair the desirability of investment or occupation in the surrounding area.

11. Based upon the mitigation measures and project conditions relating to archaeology and historic resources, the proposal will not impact archaeological or historical resources.

12. The Planning Commission hereby approves the Permit and Conditions of Approval for the project attached hereto as Exhibit B.

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UPON MOTION of Commissioner Stocksdale w/changes*, seconded by Commissioner Rasori, the foregoing Resolution is hereby approved and adopted the 28rd day of April, 1998 by the following role call vote, to wit:

AYES: Commissioners Stocksdale, Rasori, Barrett, Kaeser and Exner

NOES: None

ABSTAIN: None

ABSENT: None

Thomas Rasori, Chairman

ATTEST:

Changes to the Conditions of Approval:

* Approval of Project No. 97-134 with the deletion of Items #8B and #8C on page 12 and #C1 on Page 13 and modification of #6 on page 12 as recommended by Director Delzeit

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procedures to implement the City's three percent growth limitation (continued from 2-3-98, 3-3-98 and 4-21-98).

ACTION(S): On motion of Councilmembers Halldin/Rabenaldt, the public hearing was continued to date certain July 7, 1998, at 6:30 p.m. (passed 5-0).

7B. ZONING CODE REVISIONS AND GP/LCP AMENDMENTS (DELZEIT - File #459.7 - 30 min.) (cont. from 3-3-98, 3-12-98, 4-1-98, 4-8-98, 4-15-98, 4-22-98, 5-4-98 and 5-13-98)

Continued public hearing to complete review of the Zoning Code Revisions and General Plan/Local Coastal Plan Amendments. Brief discussion held.

ACTION(S): On motion of Mayor Brown/Councilmember Reiss, the Planning Commission and City Council to get written comments to the Planner no later than July 6, 1998 relating to matters to be incorporated into the Draft Zoning Code documents. All comments to be forwarded to the Commission and Council. The public hearing was continued to a joint session of the Planning Commission and City Council on July 14, 1998, at 6:30 p.m., with the anticipation of a final hearing on July 21, 1998, at 6:30 p.m. to introduce the ordinance and adopt resolution.

7C. APPEAL OF PLANNING COMMISSION DECISION REGARDING REPAIR OF BLUFF PROTECTION AT 107 INDIO DRIVE (DELZEIT - File #451.1 - 15 min.)

Public hearing to consider an appeal by Bruce McFarlan concerning the Planning Commission's approval on April 28, 1998, of a Coastal Development Permit, Architectural Review Permit and a Negative Declaration for the repair of existing bluff protection with new bluff protection device. The project is located at 107 Indio Drive, APN 010-205-006. The site is zoned R-1 (Residential) and is located in the Sunset Palisades Planning Area; Leslie Gustafson, applicant.

PUBLIC HEARING:

Bruce McFarlan, 331 Park Ave., reviewed appeal points. He stated he would like to see more documentation in response to his appeal.

Fred Schott, Project Engineer, stated that Carolyn Johnson did a superb job in responding to allegations. He spoke in favor of moving forward with this project because a delay would cause a recess back on this particular lot.

Tom Barrett, Planning Commissioner, stated that he appreciated Mr. McFarlan's continued work on this project, but that Mr. McFarlan was wrong with his information on this project. He stated that the Planning Commission examined this project carefully and asked that the City Council deny the appeal.

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John Stocksdale, Planning Commissioner, stated that the Planning Commission has put a lot of time on this project and agrees with staff's recommendation to deny the appeal.

Bruce McFarlan stated that this recess will cause a flanking.

Fred Schott, Project Engineer, stated that there was a misunderstanding. He stated that we are not having flanking because we are filling in between two projections.

Seeing no further speakers come forward, the public hearing was closed.

COUNCIL COMMENTS:

Councilmember Mellow stated that she felt it is appropriate to have the sea wall to protect it.

Councilmember Halldin spoke in favor of denying appeal.

Mayor Brown stated that he supports the whole concept of protecting property. He spoke in favor of upholding staff recommendation to deny the appeal.

ACTION(S): On motion of Councilmembers Halldin/Rabenaldt, the appeal was denied and the Planning Commission decision was upheld (passed 5-0).

7D. **GREEN WASTE RECYCLING AND VARIABLE GARBAGE CAN RATES** (FUSON - Agrmt. Files "South County Sanitary Service, Inc., and File #462 and Agrmt. File "Ralcco - Curbside Recycling" and File #464.4 - 5 min.)

Public hearing to consider proposals and approve agreement(s) with So. County Sanitary Service, Inc., for implementing Green Waste Recycling and Variable Garbage Can Rates and with Ralcco for curbside recycling services.

ACTION(S): On motion of Councilmember Rabenaldt/Mayor Brown, to continue public hearing to date certain July 7, 1998, at 6:30 p.m. (passed 5-0).

8. **BUSINESS ITEMS:**

8A. **APPROVAL OF DESIGN/EXPENDITURE FOR POLICE ANNEX - 585 DOLLIVER** (BOON - File #626.1)

Dan Ott, Fire Chief, reviewed staff report.

Mayor Brown spoke in favor of exterior phone to get to police dispatch.

EXHIBIT B
AMENDED BY P.C. 4-28-98

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CITY OF PISMO BEACH CONDITIONS OF APPROVAL
PLANNING COMMISSION MEETING OF APRIL 28,1998
PERMIT/CASE NO. 97-134 / CDP / ARP
APPLICANT / OWNER: LESLIE GUSTAFSON
LOCATION: 107 INDIO DRIVE, APN 010-205-006

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.

AUTHORIZATION: Subject to the conditions stated below, approval of Permit No. 97-134 granting the permittee permits to construct a new seawall in three tiers, extending from an existing gunite protection device to the top of the bluff, as shown on the approved plans with City of Pismo Beach stamp of April 28, 1998. Approval is granted only for the construction and use as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

EFFECTIVE DATE: This permit shall become effective upon the passage of 20 days following the Planning Commission approval, provided that an appeal has not been filed to the City Council within 10 working days or the Coastal Commission within 20 working days following the receipt by the Coastal Commission of the City's Notice of Action. 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 April 28, 2000 unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

ENVIRONMENTAL: This project was reviewed as a negative declaration under CEQA.

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 ATTACHED STATED CONDITIONS OF THIS PERMIT

Approved by the Planning Commission on April 28, 1998

_____ _____
Applicant Date

_____ _____
Property Owner Date

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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.

A. CONDITIONS SUBJECT TO COMPLIANCE PRIOR TO ISSUANCE OF A BUILDING PERMIT:

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 APPROVAL. Prior to the issuance of a building permit, the Project Planner shall confirm that the construction plot plan, building elevations, and colors are in compliance with the Planning Commission's approval and conditions of approval.

3. CONSISTENCY WITH THE PROJECT'S GEOLOGIC REPORT. The proposed project shall be built consistent with the recommendations within the project's Geologic Report prepared by R.T. Wooley and dated July 23, 1997 as follows:
   a. A retaining wall (i.e., the proposed seawall) shall be built which extends across the width of the property. The retaining wall shall be designed by an engineer experienced in marine construction.
   b. All waters that presently drain across the terrace deposits shall be gathered and contained in an unerodable channel (piping, gunited ditch, etc.) and delivered onto the bedrock at, or near, beach level.
   c. No yard irrigation shall be permitted within twenty-five feet of the blufftop edge.

4. SEAWALL HEIGHT. The proposed seawall shall not exceed a height of 24 feet as measured from the top of the existing gunite protection device to the top of the bluff.

5. LANDSCAPING PLAN REAR YARD. Landscaping and irrigation plans encompassing the project's 25 foot rear yard setback shall be submitted by the project applicant to the City for review and approval by the project planner pursuant to PBMC 15.48. **Cost of the plan check and inspection shall be paid by the applicant upon submittal.** The landscape plan shall include the following provisions.
   a. Water Conservation Checklist
   b. Landscape Design Plan (including plant list) for the rear 25 foot (as measured from the bluff top landward).
   c. Irrigation Design Plan. The plan shall indicate that no yard irrigation shall be located within 25 feet of the bluff top as measured from the bluff top landward.
   d. Certificate of Substantial Compliance
   f. Plants proposed within 25 feet of the bluff top shall not require irrigation.

g. Plants proposed within 25 feet of the bluff top shall help stabilize the bluff top area.
h. Existing shrubs that are proposed to remain and those that will be removed. To extent feasible, the project shall attempt to incorporate existing shrubs and herbs on the bluff.

6. ARCHAEOLOGICAL REPORT. Prior to any alteration to the bluff face or obtaining building permits, the Director of Public Works will determine if an archaeological report is necessary for proposed tie-ins to the cliff face. If it is determined by the Director of Public Works that an archaeological report is necessary, the applicant shall provide a report from a qualified archaeologist. The report shall document whether the proposed seawall may potentially impact cultural resources. If the archaeological report indicates potential impacts, the project shall incorporate proposed mitigation prior to obtaining building permits for the proposed seawall or altering the bluff face. *(Amended by the Planning Commission on April 28, 1998).*

7. WATER QUALITY CERTIFICATION. Prior to obtaining a building permit, the applicant shall provide the City of Pismo Beach with documentation that either a certification or certification waiver has been provided by the Army Corps of Engineers in accordance with Section 401 of the Clean Water Act.

BUILDING DIVISION:

BUILDING REQUIREMENTS. The application for building permit shall be subject to the following requirements:

a. A soils investigation shall be required by this project.
~~b. Certification that the actual elevation of structures in relation to mean high sea level by a licensed surveyor/engineer.~~
~~c. Certification that the actual elevation of structures in relation to mean high sea level by a licensed surveyor/engineer.~~
d. Well-established engineering principles should consider the effect of hydrostatic and hydrodynamic forces.
e. Erosion control of the site shall be clearly identified and mitigated. *(Amended by the Planning Commission on April 28, 1998).*

FIRE DEPARTMENT:

9. UTILITIES. If gas meters, electric utilities or any part of the Fire Protection Water System are subject to vehicular damage, impact protection shall be provided.

10. FEES AND PERMITS. Any and all applicable fees and permits shall be secured prior to commencing work.

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B. CONDITIONS SUBJECT TO COMPLIANCE DURING CONSTRUCTION:

BUILDING DIVISION:

1. SITE MAINTENANCE. During construction, the site shall be maintained so as to not infringe on neighboring property. Said maintenance shall be determined by the Building Official.

2. ARCHAEOLOGICAL MATERIALS. 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 its disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.

~~C. CONDITIONS SUBJECT TO COMPLIANCE PRIOR TO REQUESTING A FRAMING INSPECTION:~~

~~PLANNING DIVISION:~~

~~1. SEAWALL HEIGHT. Prior to requesting a framing inspection, a licensed surveyor shall measure and certify the height of the seawall.~~ *(Amended by the Planning Commission on April 28, 1998).*

D. CONDITIONS SUBJECT TO COMPLIANCE PRIOR FINAL INSPECTION AND CERTIFICATE OF OCCUPANCY:

PLANNING DIVISION:

1. COMPLETION OF LANDSCAPING. All landscaping and irrigation systems shown on the approved landscape plan shall be installed by the applicant and shall be subject to inspection and approval by the project planner prior to the issuance of a Certificate of Occupancy.

E. 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. HOLD HARMLESS. The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

3. MITIGATION MEASURES - All Mitigation Measures as outlined in the Mitigation Monitoring

Program for Project No. 97-134 shall be Conditions of Approval as herein incorporated by reference.

F. MISCELLANEOUS/FEES:

1. REQUIRED FEES. The applicant shall be responsible for the payment of all applicable development and building fees including the following:
   a. All applicable development impact fees pursuant to Ordinance 93-01 and Resolutions 93-12 and 93-33.
   b. Water system improvement charge.
   c. Water meter hook-up charge.
   d. Sewer public facilities fee.
   e. Park development and improvement fee.
   f. School impact fees pursuant to the requirements of the San Luis Coastal School District.
   g. Building and construction and plan check fees: building fee, grading and paving fee, plan check fee, plumbing, electrical/mechanical fee, sewer connection fee, lopez assessment, strong motion instrumentation, encroachment fee, and other fees such as subdivision plan check and inspection fees.
   h. Other special fees:
      1. Assessment district charges.

   Other potential fees
   i. Any other applicable fees.

- END -

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ENGINEERING GEOLOGY
ENVIRONMENTAL GEOLOGY
EARTH STABILITY / EROSION
WATER SUPPLY

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

(360) 681-0728

July 23, 1997

GEOLOGY AND GEOLOGIC HAZARDS STUDY

APN: 010-205-006

LOT 6, BLOCK 14, TRACT 57, EL PISMO MANOR NO. 1
PISMO BEACH, CALIFORNIA (Leslie Gustafson, 107 Indio Drive, Shell Beach, California 93449)

SITE DESCRIPTIONS

This report will describe the geologic features of the subject lot, including the seismic and stability conditions, erosion characteristics and other significant features in order to permit the prudent assessment by the owner and such other agencies as he may desire, as to the feasibility and economic desirability of the proposed actions. At this time, the improvements under consideration include the stabilization of the bluff face and any other action that will contribute to the retention of the bluff top edge at its present alignment. Pertinent geologic and seismic data known and available to this office was used in the preparation of this report.

The subject lot, including the bluff face and adjacent beach areas, was inspected during July 1997, and a report prepared for submittal to agencies as desired by the client. A topographic sketch and cross section was made to show the relationships of the bedrock, terrace deposits, and beach to the existing residence.

TOPOGRAPHY

Lot 6 lies between the ocean and Indio Drive in the South Shell Beach Area. It is rectangular, measuring 93 feet along the westerly lot line (surveyed Lot corner to blufftop edge and 109 feet along the eastern line.

Lot 6 is almost flat with only a slight fall toward the ocean. The blufftop edge is crenulated and averages 34 feet above the beach. The marine bluff is irregular. Bedrock is of the Lower Miocene Obispo formation (tuffaceous shale) and floors the beach below the residence. Bedrock rises 14 feet above the beach and is capped by 16 feet of Pleistocene sand and gravel (Pleistocene terrace). The lower 20 feet of bedrock is covered by gunite which has a limited number of windows to examine the bedrock type and attitude. No seacaves were found. A drainage channel in the central bluff area has been incised. It drains the central area of the bluff.

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CONCLUSIONS AND RECOMMENDATIONS

The residence, only 25 feet from a low blufftop edge at an elevation of 34 feet is not high enough to protect it from storm-driven waves, especially those generated by EL NINO conditions as are expected during the winter of 1997/98. These waves could be expected to have enough energy to strip the remaining gunite that covers the bedrock and expose it to accelerated erosion of the underlying bedrock. These damaging conditions could occur during one storm of EL NINO capability.

The marine bluff below Lot 6 is presently eroding at an estimated rate of 6 to 12 inches per year. This rate will hazard the residence in 20 years or less.

To slow the erosion at the marine bluff, I recommend the following action be taken:

(1) A retaining wall be built that would extend across the width of the property. The retaining wall should be designed by an engineer experienced in marine construction.

(2) All waters that presently drain across the terrace deposits be gathered and contained in an unerodable channel (piping, gunited ditch, etc.) and delivered onto the bedrock at, or near, beach level.

(3) No yard irrigation should be permitted within twenty-five feet of the blufftop edge.

The recommended retaining wall can be constructed without harm to the present bluff edge, nor unnecessarily restrict the present limited access to the water's edge. It will not change the present long-shore sand depositional pattern in this area.

Of concern in regards to the construction of a protecting retaining wall are the numerous warnings of the scientific community that a major EL NINO event is presently building in the Western Pacific. If, as expected, this year's EL NINO period brings storms equaling the 1982-83 events, severe coastal erosion and bluff retreats can be anticipated. For these reasons it is recommended that the protecting retaining wall be completed before the onset of the usual November and December storms.

I feel that the conditions created by the construction can be properly planned and monitored so as to neither create nor contribute significantly to erosion, geologic instability, or the destruction of the site or the surrounding area.

Respectfully submitted,

R. T. Wooley CAEG #951
([redacted]GEOL.DOC)

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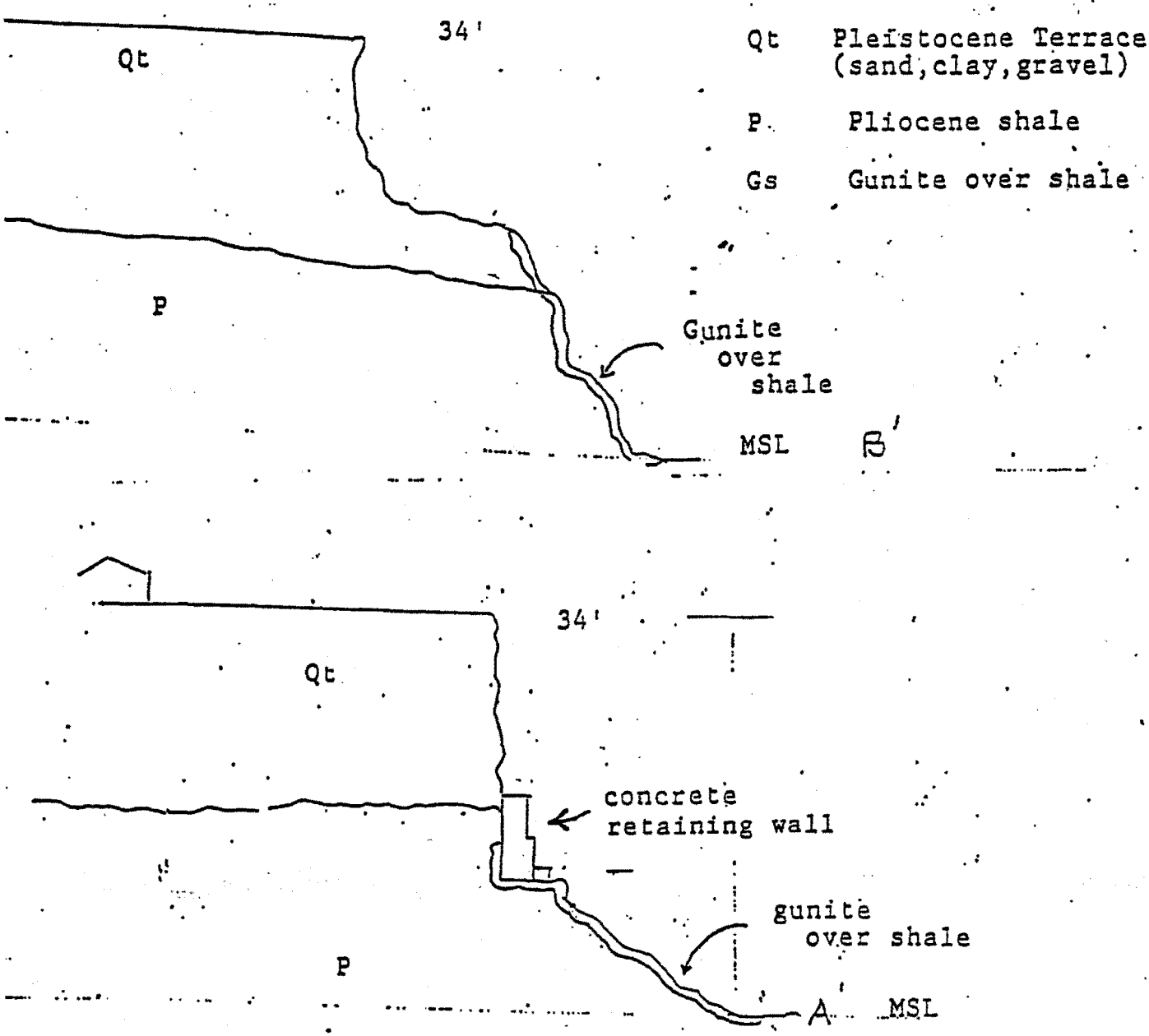

Cross Sectons A-A', B-B'
Lot 6 Tr. 57, El Pismo
Pismo Beach, CA

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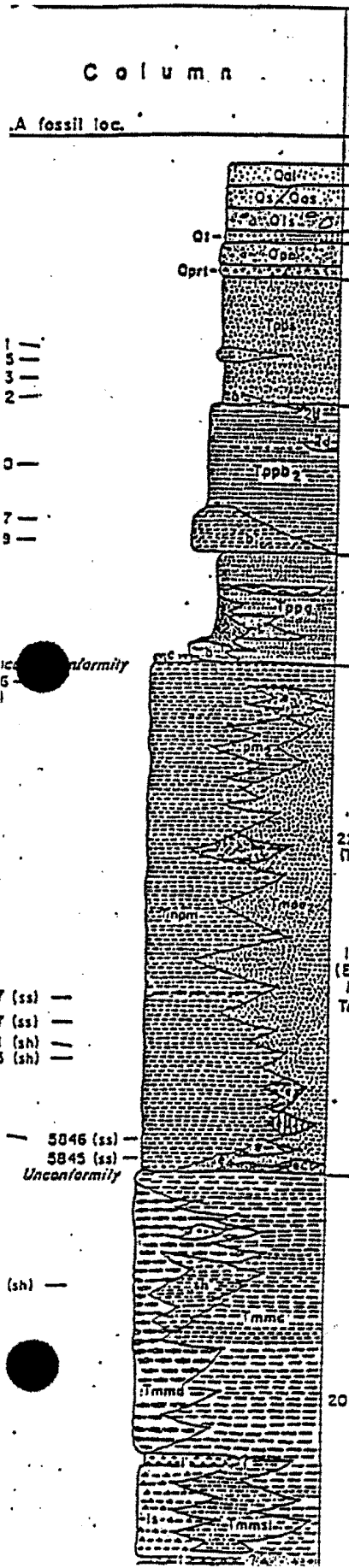
ENERALIZED COLUMNAR SECTION



Qal – Unconsolidated sand, silt, gravel. Older alluvial deposits in Nipomo Valley. Locally includes Qt and beach sand.

Qs – Dune sand. Well-sorted fine-grained sand. Qas – Older dune sand mapped where covered by vegetation.

Qls – Landslide deposits, numerous on serpentinite, Point Sal, and Franciscan terrane.

Qt – Terrace deposits. Marine deposited gravel and sand, one to 15 feet thick; locally fossiliferous. Sand and gravel on stream terraces.

Qpr – Poorly sorted and bedded conglomerate with local lenses of coarse- to fine-grained sandstone. The pebbles in the basal section are rounded to subangular; 40% white to brown chert, 20%-30% white tuff, 20% siltstone and dolomitic siltstone, 10% clasts of igneous rocks; uppermost beds locally contain a larger percentage of volcanic clasts. Qprt – Monolithic tuff clasts; locally the matrix of the breccia is medium- to coarse-grained tuff.

Tpps – Massive white calcareous arkosic sandstone; more calcareous and resistant near base; 75% – 80% quartz, 15%-20% feldspar, less than 5% mafic mineral grains. Fine- to medium-grained; grains subrounded to subangular, moderately well-sorted. Conglomerate of chert pebble clasts near middle of Tpps north of Edna fault zone (Tppc). Locally bituminous sandstone (b).

Tppb1 – Interbedded buff fine-grained sandstone and claystone. Claystone is spheroidally fractured, sandy beds are locally fossiliferous. Tppb2 – Light gray bedded resistant medium-grained sandstone and siltstone. Sandstone beds contain 60% quartz, 30% feldspar, some biotite, and locally 15% rock fragments. Tppb2d – Well-bedded (4-6 in. beds) resistant diatomaceous siltstone and claystone or silty diatomite.

Tppq – Massive resistant to soft medium-grained sandstone. Sandstone, white weathering buff; quartz (65%), feldspar (30%), clay (4%), mafic mineral (1%). Tppq1 – Well-bedded sandstone, beds 2 inches to 2 feet thick. Tppq2 – Massive buff siltstone. Diatomaceous siltstone, chert-pebble conglomerate, and bituminous sandstone locally within or at base of unit.

Tmpm – Miquelite Member – Interbedded brown siltstone and claystone, moderately resistant, bedded (beds average 4 in. thick). Locally, claystone hackly fractured with lenses of siliceous or dolomitic siltstone. Opaline and porcelaneous shale in west. Locally bituminous sandy siltstone. Tmpm2 – Brown silty claystone and siltstone; poorly bedded.

Tmpe – Edna Member – Bituminous sandstone; quartz (80-95%), feldspar (less than 5% to 15%); fine- to coarse-grained. Tmpe2 – Similar to Tmpe, except non-bituminous. Tmped – Fine-grained gray dolomitic sandstone. Tmpec – Conglomerate, clasts are 1/4 in. to several feet in diameter; Monterey chert, Franciscan, and docile clasts (locally vesicles in clasts of docile contain oil). Commonly the conglomerate is poorly sorted, locally the clasts are well-rounded and well-sorted pebbles of vari-colored chert. Tmpe3 – Massive medium- to coarse-grained pebbly sandstone; grains are sub-angular to angular; locally calcareous and fossiliferous. Tmpe4 – Hard buff to gray tuffaceous sandstone, locally siliceous and bituminous.

Tmme – Resistant bedded chert. Color variable but usually white and brown to grey and reddish-brown, weathering to chalky white. Dense, brittle rock with sub-conchoidal fracture. Beds 1/2 in. to 6 in. thick, laminations less than 1/4 inch thick; color banding common. Commonly fractured and sheared. Locally interlaminated and interbedded with diatomite. Tmmd – Chalk-white to light buff diatomite with minor tuff, opaline chert, and tuffaceous sandstone beds. Tmmts – Tuffaceous siltstone; locally dolomitic siltstone with some opaline chert. Tmmt – White to blue gray very fine-grained to coarse-grained tuff, locally a vitric tuff or tuffaceous sandstone. Tmmsi – Brown to white siltstone, with some claystone. Tmmsh – Massive to poorly bedded well-indurated phosphatic or porcelaneous shale with some chert and diatomite lenses. Color is variable, usually reddish brown to greenish gray; generally fractured; beds 2 to 10 inches thick.

Generalized Geol

EXHIBIT 3

Sunset Palisades A-2 PSP 98-062

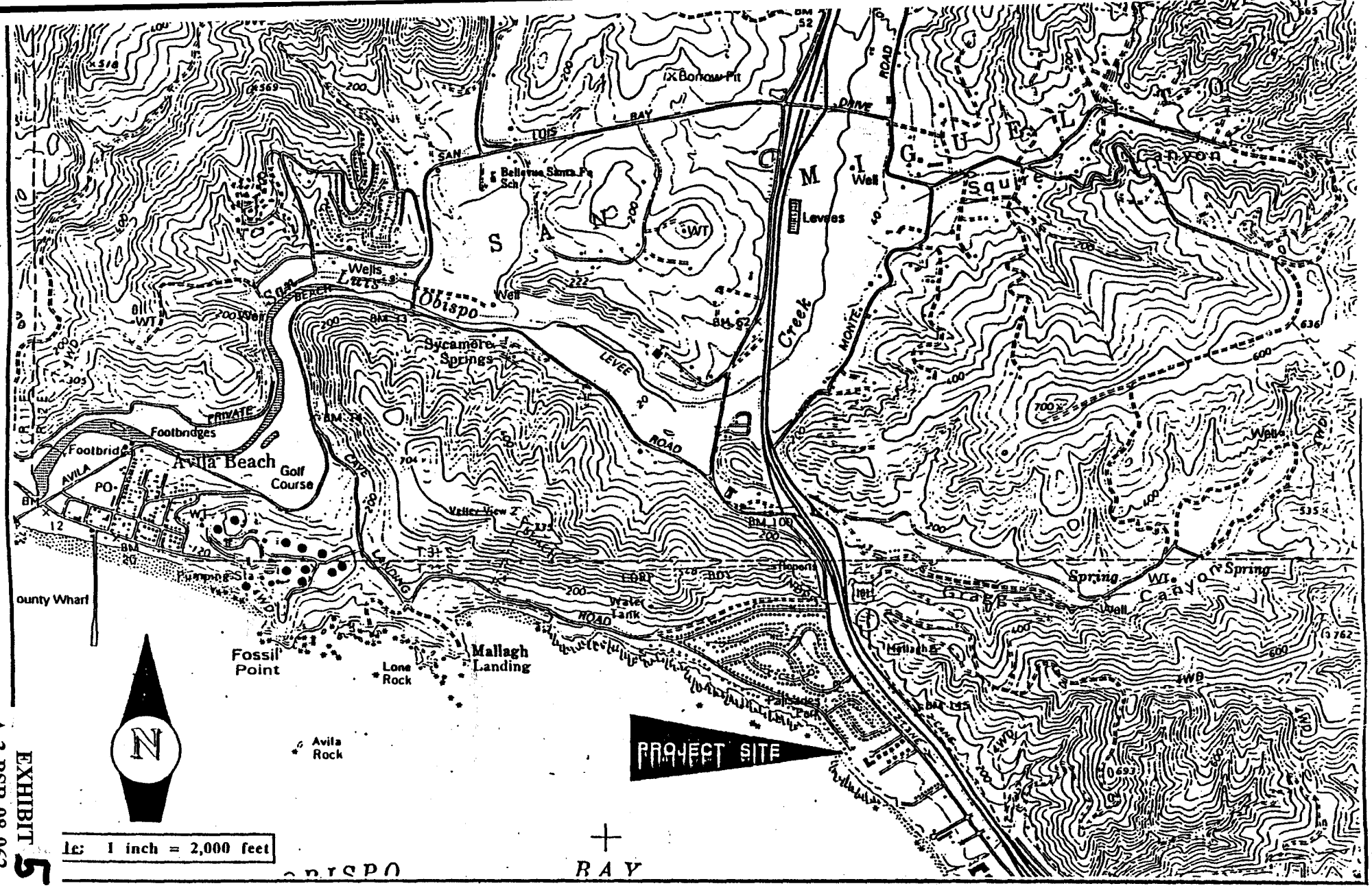


Exhibit 3 – Figure I
PROJECT LOCATION MAP

Source: U.S.G.S. Topographic Map; Pismo Beach Quadrangle

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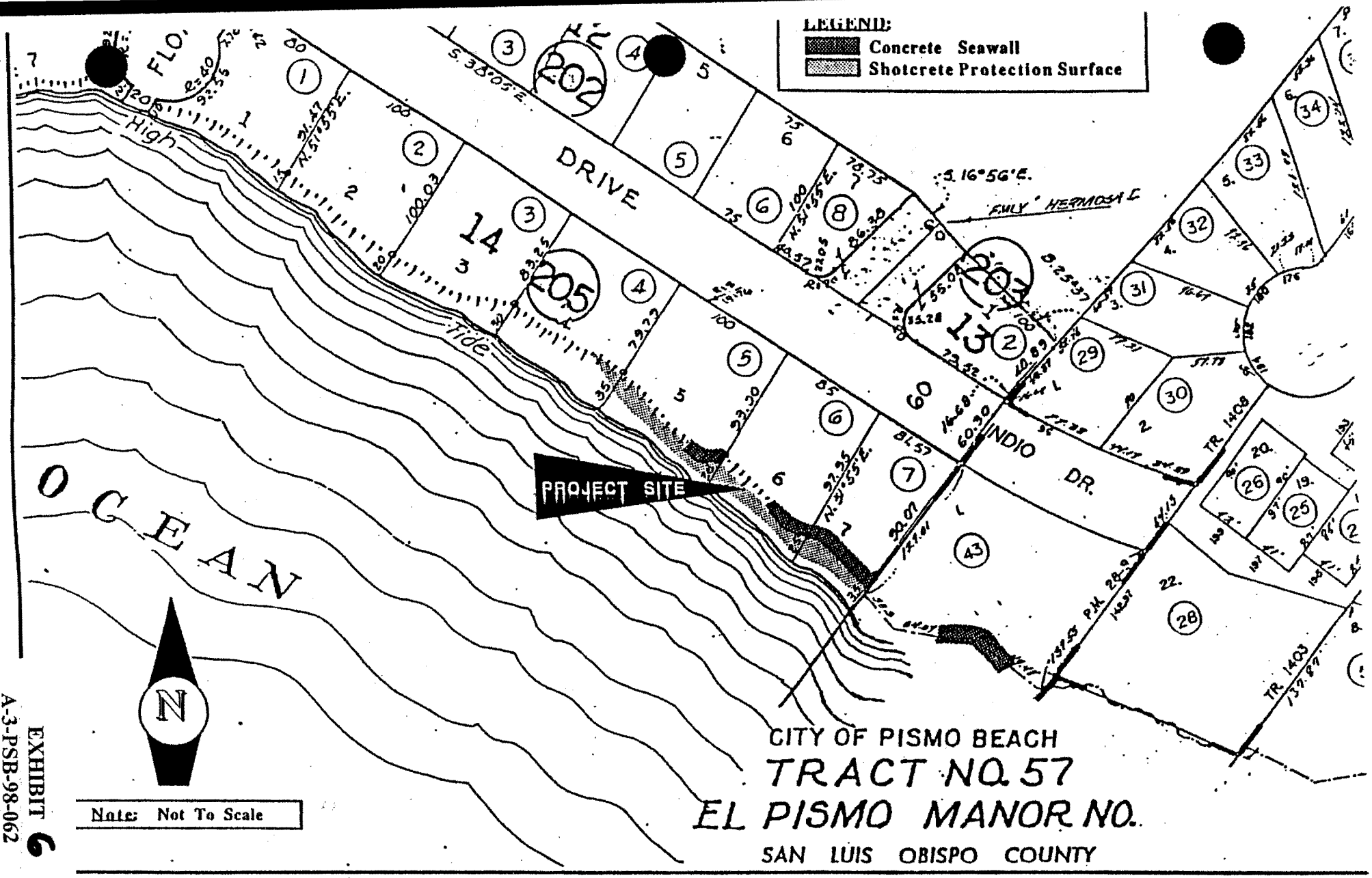

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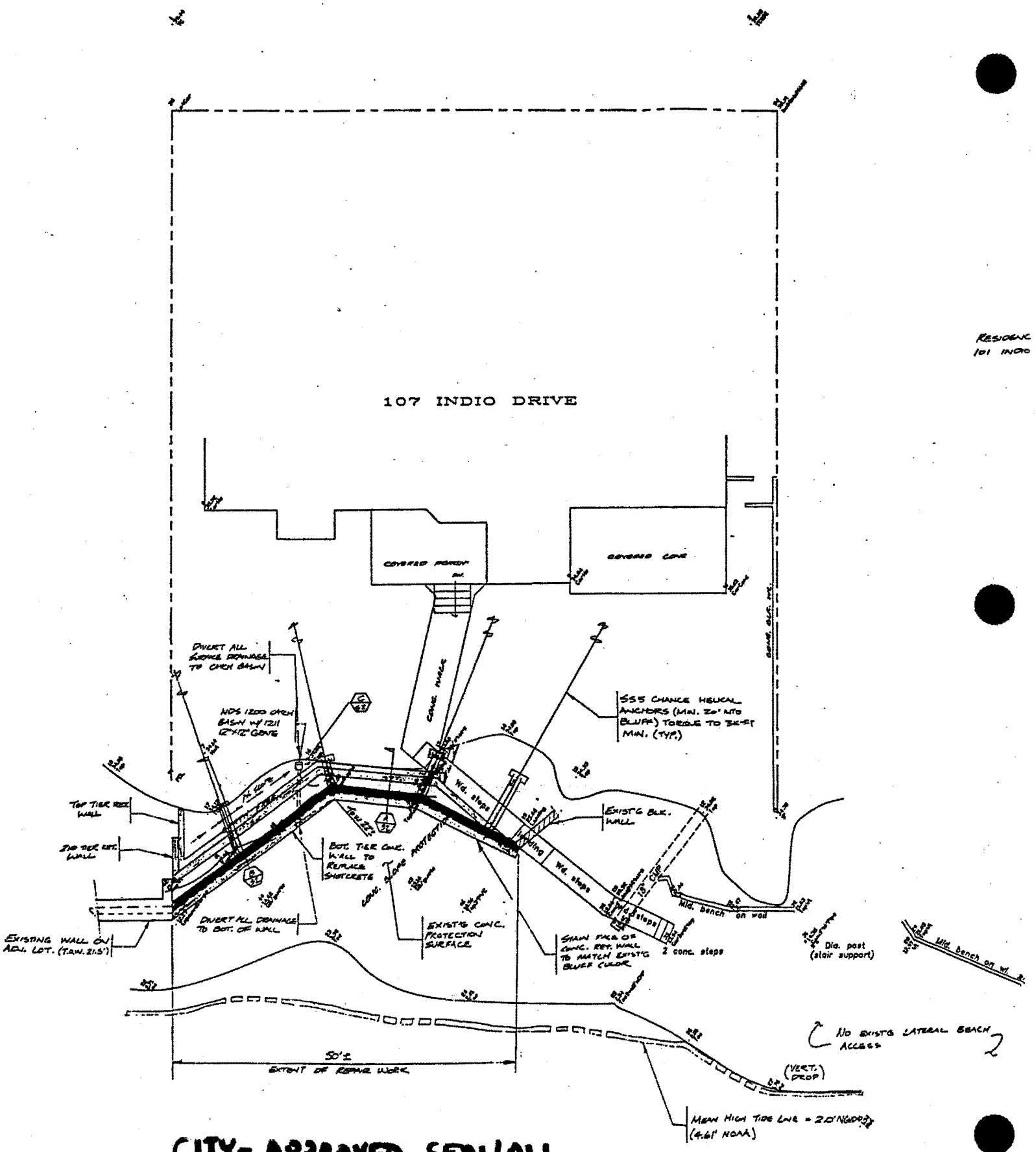
Exhibit 4 – **Figure II**

CUMULATIVE ANALYSIS STUDY AREA

Source: San Luis Obispo County Assessor's Office



CITY-APPROVED SEAWALL PLAN VIEW

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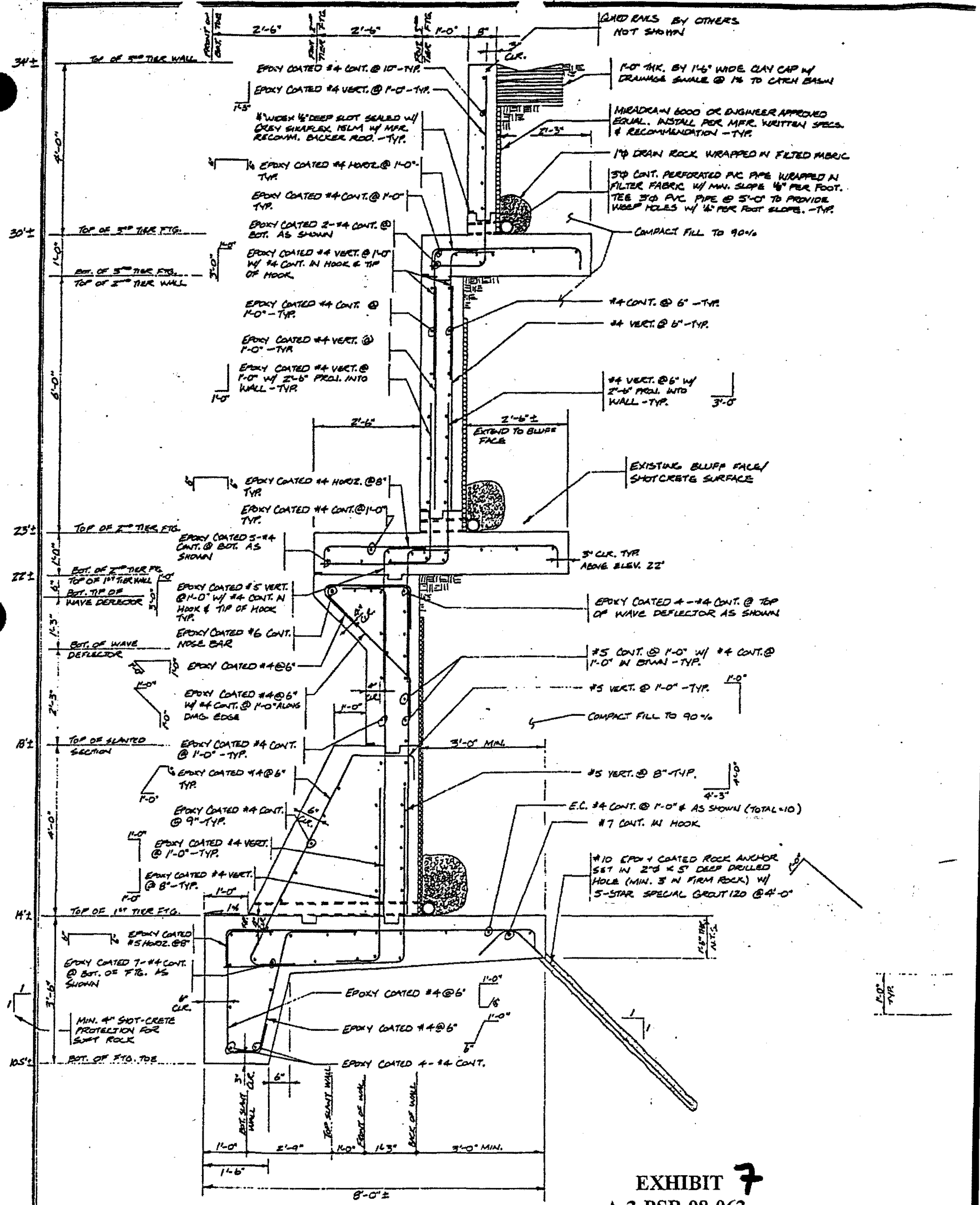

RETAINING WALL SYSTEM - SECTION (TYP.)

A / S2

CITY-APPROVED SEAWALL CROSS SECTION

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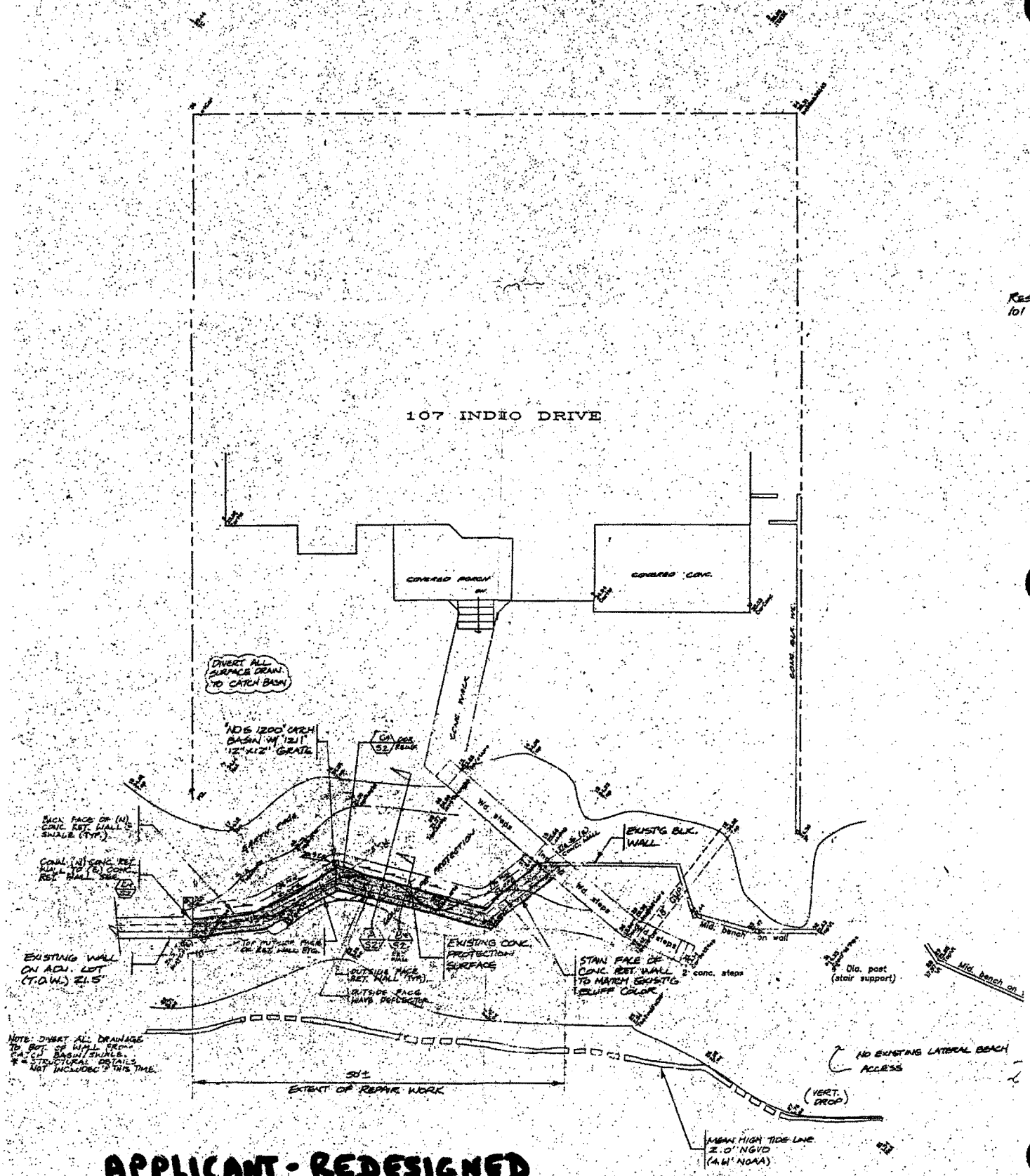

APPLICANT - REDESIGNED SEAWALL PLAN VIEW

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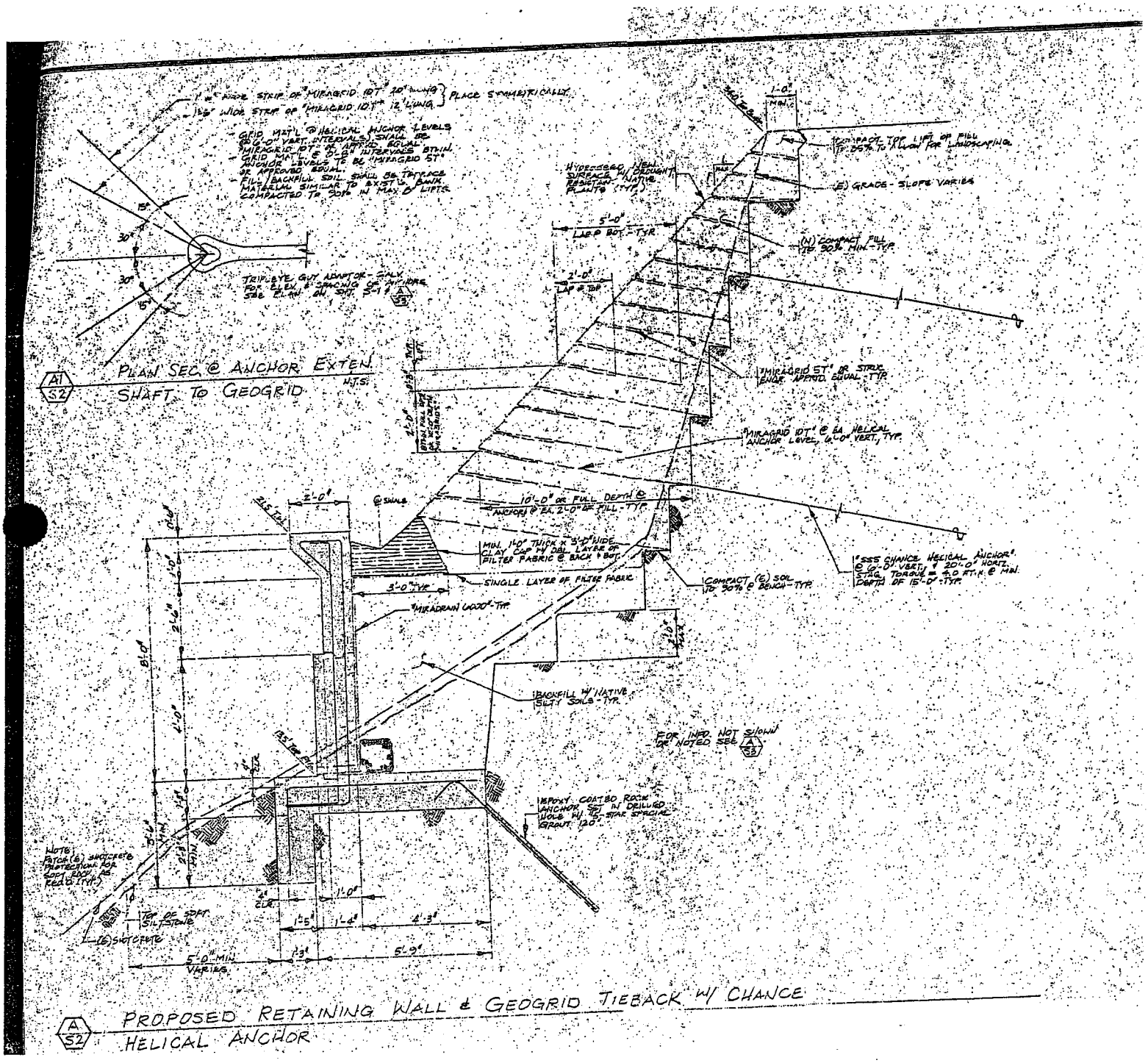

APPLICANT - REDESIGNED SEAWALL CROSS SECTION

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STATE OF CALIFORNIA – THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

October 9, 1998

Mr. Fred Schott
200 Suburban Road
Suite A
San Luis Obispo CA 93401

Subject: ***Revised Plans for Gustafson, A-3-PSB-98-062***

Dear Mr. Schott:

We have received your letter dated September 18, 1998, along with five photos and revised plans for a seawall at the Gustafson residence in Pismo Beach. We appreciate this new information. However, although you stated in your letter that you discussed with Mr. Wooley the erosion issues, we did not find anything in your recent submittal regarding the need for a seawall at this site at the present time. The geotechnical report needs to be updated to reflect current (post-El Niño) conditions, it needs to contain sufficient information to establish risk to existing structures, and it needs to provide adequate information to determine impacts on sand supply. Specifically, we need information that answers the following questions:

1. Do the estimated erosion rates assume that the gunite will be renewed from time to time?

2. If the toe of the bluff is stabilized by the existing gunite, won't the mean annual erosion rate decrease as the natural angle of repose of the upper bluff material is approached? If not, why not?

3. Would a progressively decreasing rate of erosion of the bluff edge as it approaches its angle of repose result in a rounded bluff edge, greatly reducing the possibility of exposing the residence to the hazard of ocean wave erosion? If not, why not?

4. What effects, if any, did this past winter's El Niño storms have on the bluff erosion at this site?

5. What is the data source for the indicated bluff retreat rate (e.g., air photo time series comparison, technical surveys)?

6. What is the role and effect of groundwater, upslope springs, or excessive surface irrigation on bluff erosion?

This information is necessary to determine what structures, if any, are actually at risk -- and whether or not the hazard is imminent. Without such information, we cannot adequately analyze the bluff erosion situation at this site. If clarification is needed, please do not hesitate to call the assigned planner, Steve Guiney, at the above number.

Sincerely,

Lee Otter
District Chief Planner
Central Coast District Office

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STATE OF CALIFORNIA - THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

April 23, 1998

Jeanette Di Leo
Planning Division
City of Pismo Beach
760 Mattie Road
Pismo Beach CA 93449

SUBJECT: Project No. 97-134, Gustafson Seawall, and Other Similarly Situated Seawalls

Dear Ms. Di Leo:

It appears that this proposed seawall will be located above an existing gunite surface, about 10 feet above the beach and would therefore appear to not have any impact on beach lateral access. Similarly, since the wall will not be on the beach or extend into the surf zone, it should nave no adverse impact on sand transport.

Two issues do arise, however, which are on concern. First, the seawall will impact beach sand supply by essentially eliminating the bluff material (Pleistocene-age sand and gravel) that would otherwise erode onto the beach and be carried into the littoral cell and transported downcoast. It is unclear if this issue has been addressed. It is important because of its potential cumulative adverse effects on sand supply.

Second, and closely related to the first concern, it appears that the proposed seawall will link existing seawalls to the north and south, one of which extends onto the Gustafson property, resulting in a continuous seawall about 180 feet in length. While the presence of the existing seawalls is something over which the applicant has no control, it is possible that the City could take steps to mitigate for the potential adverse effects of these walls. It is very possible that future protection of other ocean bluff sites in the City will result in additional lengthy seawall structures. Cumulatively, these features may adversely affect lateral beach access, beach sand supply, and scenic views. Increased beach erosion is also a possibility.

With these issues in mind, the City may want to consider formal ways to mitigate for at least some of the cumulative effects of additional seawalls. This could include an in-lieu fee program where the applicant would pay a fee to the City to be used to mitigate for adverse impacts to sand supply. Calculations to support such a program have been developed by staff in the Commission's San Diego office and we can provide the City with relevant information.

Sincerely,

Steven Guiney
Coastal Planner

cc: Dennis Delzeit

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STATE OF CALIFORNIA - THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

August 29, 1997

Dennis Delzeit
Director
Public Services Department
PO Box 3
Pismo Beach CA 93449

SUBJECT: Bluff Setbacks

Dear Mr. Delzeit:

On August 13, 1997, the Coastal Commission found that there was a substantial issue raised in the Conroy appeal. The Commission then approved the proposal with conditions.

The City-approved the seawall at the Conroy site (111 Indio) where a portion of the house is as close as 15 feet to the bluff top and other portions are as far as 27 feet back from the bluff top. We understand that for lots subdivided prior to January 23, 1981, zoning ordinance section 17.078.050(1)(a) requires the minimum blufftop setback to be 25 feet and that a geologic investigation may be required at the discretion of the City Engineer. The City's Local Coastal Program (LCP) requires that new structures be set back a distance that will make them safe from the threat of bluff erosion for a minimum of 100 years.

The City recently approved the Grossman house at 125 Indio with a 25 foot bluff top setback. One of the issues brought up at the August Coastal Commission meeting was the problematic nature of requiring only a 25 foot setback on the Grossman site, apparently without benefit of a geologic report, while Conroy, at 15 feet back, needs a seawall. This is of great concern because the Conroy house is certainly much less than 100 years old, yet it is now being threatened by erosion. Most likely, no geologic report was done on the Conroy site when the house was built. It is highly likely that the Grossman house will also need a seawall or other protection from erosion in much less than 100 years.

If the intent of the bluff setback criteria is to eliminate the threat of bluff erosion to blufftop structures for a minimum of 100 years but some blufftop lots, solely on the basis of the date of their creation, do not need to have a geologic report to determine the appropriate setback, then the ordinance is internally inconsistent. Is there some known geologic feature or quality that makes the bluffs in the Indio Drive area, or other areas where lots were created before 1981, less susceptible to erosion than other bluffs? If so, are those bluffs so much more erosion resistant that a 25 foot setback, without lot-by-lot geologic reports, will result in 100 years of erosion protection? What do your files show as the reason for allowing these blufftop lots to be developed without geologic reports?

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Although the certified LCP generally does not require a geologic report for sites such as Grossman and Conroy, we believe that it is appropriate to revisit this issue. The City should seriously consider amending the LCP to require a geologic report when development is proposed on any blufftop lot.

Another way to deal with this issue is for the City to condition permits for blufftop structures such that they must be moved back away from the blufftop if erosion threatens them. However, this could result in situations where there is no room on the lot to move a structure, unless the structure was designed with that in mind. On smaller lots, this could make building a house infeasible. It appears that the more straightforward way to deal with blufftop setbacks is to require a geologic report for the development of each blufftop lot, regardless of the date of its creation.

We look forward to the City's response. We are more than willing to work with the City on this issue and we will assist in any way that we can.

Sincerely,

Charles Lester
District Manager

STATE OF CALIFORNIA - THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

February 24, 1997

Dennis Delzeit
Public Services Department Director
760 Mattie Road
PO Box 3
Pismo Beach CA 93449

SUBJECT: Shoreline Protective Structures

Dear Mr. Delzeit:

In November of last year we received a copy of a letter from Mr. Paul Schiro suggesting several instances where the City could address shoreline protective structures on a larger-than-one-lot-at-a-time basis. I sent a copy of his letter to the Commission's coastal engineer. She had several comments and responses. I will attempt to synthesize those in this letter.

Any comprehensive approach to addressing shoreline protective structures will almost assuredly involve obtaining funding from sources outside the City. The Commission has no money to support such an approach. However, several years ago, the Commission was able to secure federal funding for ReCAP (Regional Cumulative Assessment Project), a Monterey Bay-region study that reviewed the results of 10-plus years of permits dealing with coastal access, hazards, and wetlands. The objective of the study was to attempt to devise management strategies for creating and implementing changes in policies to reduce adverse cumulative impacts in the areas of access, hazards, and wetlands. Whether or not such funding might be available now or in the future to apply to a similar type of effort in the Pismo Beach area I don't know but I will check into it.

Santa Barbara County has had for a long time something known as CREF (Coastal Resource Enhancement Fund). We don't have any details of that program; I'm sure you or your staff could call Santa Barbara County and get additional information. I believe the program resides in the Resource Management Department (their planning department). San Luis Obispo County may be trying to develop a similar program; you might want to check with them.

Another possibility would be to get the Corps of Engineers involved. This would require a locally elected official getting the Corps to take an interest in a comprehensive survey. If that happens, the Corps could undertake a Reconnaissance study which would identify past studies of the shoreline, historic erosion, and significant problem areas and would determine if there is a federal interest in any shoreline protection effort. The Reconnaissance study would be fully federally funded but can be undertaken only after Congress approves an appropriation for the work; that's why a local elected official needs to support it. Costs of work beyond the

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Reconnaissance study would be shared, with both local and federal money (I don't know the percentage from each).

Beyond money to conduct investigations of the shoreline, there is existing and soon-to-be released information that addresses various aspects of shorelines and shoreline protective structures. The Commission information includes the ReCAP document (copy of executive summary enclosed); the BEAR (Beach Erosion And Response) task force document, forthcoming sometime later this year; and a document dealing with shoreline erosion and protective structures in the San Diego area, to be released sometime later this year.

If the City decides to pursue policy actions such as developing guidelines for permits for shoreline protective structures, it would be very important first to determine the nature of the shoreline. For example, if it is mostly armored it may be more useful to address repair and maintenance rather than spend time preparing procedures for a few remaining unarmored lots. Conversely, if there is very little armoring, but the City anticipates receiving a number of applications for new shoreline protection, it may be more useful to develop procedures for new projects.

Some thought could also be given to beach nourishment if there are areas where the addition of sand could provide shoreline protection and recreational opportunities. This would require beach areas that are continuous along at least several lots. The beach north of the pier may be an area where nourishment could be successful; it would take some study to determine if in fact it would be feasible there or elsewhere.

I don't know what their availability or areas of interest may be, but Cal Poly students in the City and Regional Planning Department and the Landscape Architecture Department may be interested in undertaking some studies as part of their senior projects or master's theses. Walt Bremmer of the Landscape Architecture Dept. is involved with utilizing GIS to track land use, runoff, etc., as those affect the estuary of Morro Bay. He could give you further information on what, if anything, GIS could be used for relative to the Pismo shoreline.

Finally, there are several "coastal events" planned for the next couple of months that you or your staff may want to attend. In November, I believe that Carolyn's name was put on the mailing list for a one day workshop held last month in Huntington Beach on improving shorelines and beaches. Having her name on that list may generate mailings for other shoreline management events. In March there is the "California and the World Ocean '97 Conference" (info. enclosed) in San Diego put on by the State Resources Agency. That conference will deal with all aspects of ocean resource problems including shoreline erosion, water quality, etc.

There are various resources available or potentially available; I hope one or more of those I've discussed will prove helpful. If you have any questions, please call.

Sincerely,

Steve Guiney

Steve Guiney
Coastal Planner

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STATE OF CALIFORNIA - THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

August 19, 1996

Peggy Mandeville
Planning Division
City of Pismo Beach
P.O. Box 3 / 760 Mattie Road
Psimo Beach, CA 93449

SUBJECT: Negative Declaration for Project No. 96-135, Conroy Residence Bluff Protection Wall

Dear Ms. Mandeville:

On Page 11 of the subject document, the third statement is checked under section IV. Preliminary Determination, which concludes that an Expanded Initial Study has been prepared. There was nothing in the packet we received entitles "Expanded Initial Study" so we do not know if we have all of the information on which to base our comments.

As you are aware, the construction of structures to protect existing development on shoreline properties is allowed by both the Coastal Act and the City's LCP. The structure selected must be the least environmentally damaging and must not interfere with shoreline sand supply and sand movement. The geologic report states that the proposed construction is the least environmentally damaging and that it will not interfere with sand transport. However, the report is silent on the issue of interference with sand supply. Further, the report does not explain why the proposed structure is the least environmentally damaging or why it will not interfere with sand transport along the shore.

The report also states that the lot measures 95 feet from curb to blufftop along its western edge and 90 feet along its eastern edge. That is at variance with the Assessor's map which appears to show the westerly lot line being 83.25 feet from the street to the blufftop and the easterly lot line being just under 80 feet. The geologic report also states that the house foundation presently is located 23 feet from the blufftop edge on the western side of the lot and more than 40 feet on the eastern side of the lot. However, the geologic sketch accompanying the report shows that the west side of the house is farther from the blufftop edge than the eastern side. The geologic sketch also gives a scale of 1" = 100'. It appears that the scale is approximately 1" = 20' feet.

Thank you for the opportunity to comment.

Sincerely,

Steve Guiney
Coastal Planner

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