

**CALIFORNIA COASTAL COMMISSION**

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**COASTAL DEVELOPMENT PERMIT AMENDMENT APPLICATION**

**Application number** .....4-83-490-A2, Cliffs Hotel Revetment Removal and Blufftop Utilities

**Applicant**.....La Noria IMS, LLC (Representative: King Ventures)

**Project location**.....The Cliffs Hotel property at 2757 Shell Beach Road in the northern portion of the City of Pismo Beach in southern San Luis Obispo County (APN 010-041-044). The specific portion of the property involved includes the seawardmost portion of the parking lot (for the sewage lift station relocation) and the blufftop, bluff, and beach seaward of the Cliffs Hotel and Restaurant structures (for all other proposed project components).

**Project description** .....Removal of rock revetment at base of bluffs below the Cliffs Hotel and removal, phased (future) abandonment in place, and/or relocation of several structures in the blufftop (including sewage holding tank, sewer lift station, utility lines, pathway, and landscaping). After-the-fact recognition and phased (future) relocation of sewer collection lines.

**File documents**.....City of Pismo Beach certified Local Coastal Program; City of Pismo Beach permit files 96-080, 97-130, 33-CP-87, 00-0035; Coastal Commission coastal permit and appeal files 4-83-490, 4-83-490-A1, A-3-PSB-96-100, A-3-PSB-98-049, 4-83-490-A1-R, A-3-PSB-98-049-R; Coastal Commission Cease and Desist Order CCC-00-CD-04; Coastal Commission Restoration Order CCC-00-RO-01.

**Staff recommendation** ...Approval with Conditions

**Summary:** The Cliffs Hotel was originally approved by the Commission in 1983 with a setback from the bluff edge that was deemed at that time to be sufficient to avoid the future need for future shoreline armoring. The area seaward of the Hotel was thus deed restricted for public access and as an erodable geologic hazard area; no non-public access development was to be placed in this area. Despite this, substantial sewer and drainage facilities were installed (subsurface) in the blufftop seaward of the Hotel. Subsequently, the previous property owners (not the current Applicant) were denied shoreline armoring by the Commission in 1996, then installed such armoring anyway in 1997 (under emergency authorization from the City), and denied the installed shoreline armoring by the Commission again in 1998. The Commission issued cease and desist and restoration orders to the current Applicant in March 2000. The denied revetment has been in place since fall of 1997.



**California Coastal Commission**  
**November Meeting in Los Angeles**

Staff: D. Carl Approved by:  
4-83-490-A2 (Cliffs Hotel) staff report 11.14.2001.doc

The Applicant now proposes to remove the existing revetment that was denied by the Commission. The Applicant also proposes to remove an abandoned sewage holding tank in the blufftop, relocate the Hotel's sewage lift station inland of the deed restricted blufftop setback area, and to restore the bluff in this area. The Applicant also proposes to leave in place sewer collection and drainage facilities (subsurface) and the public access pathway in the blufftop setback area, and to relocate these features inland (also within the setback area) as future bluff erosion dictates following revetment removal. The Applicant also proposes to designate a "fire lane" area in the blufftop and to designate an "action line" which, if reached by bluff erosion, would trigger the need for shoreline armoring.

The applicable Coastal Act and Local Coastal Program (LCP) policies require that development be sufficiently set back away from bluff edges so as to allow for natural erosion to take place without threatening the development, and without reliance on shoreline armoring. These policies require that the setback area be preserved for conservation and public access purposes; other development is prohibited in these areas. The coastal public viewshed must be protected and enhanced. All existing public access areas (such as that found on the blufftop, beach, and ocean waters seaward of the Cliffs Hotel) are protected, and uses or development in these areas that are incompatible with the primary purpose of providing for public access and recreation are not allowed. These requirements are complemented by the property's deed restrictions seaward of the Hotel that prohibit non-public access development.

The Applicant proposes to resolve the most obvious unresolved problem at the site by removing the revetment. In addition, the Applicant proposes to remove and/or relocate outside of the blufftop setback the most problematic of the unpermitted development present there (the sewage holding tank and the lift station). Provided these components of the proposal are completed in a timely fashion and according to acceptable engineering standards, then such measures can be found consistent with the Commission's directions for this site, and consistent with the applicable LCP and Coastal Act policies.

However, these relatively straight-forward portions of the proposal are entwined with requests to retain substantive non-public access development in the blufftop, and to define through a complicated plan conceptual (fire lane and action line) and physical (sewer and drainage facilities) development that would remain in the blufftop erosion setback area. These elements of the project are inconsistent with LCP policies and the underlying geologic hazard deed restriction that prohibit non-public access development in this area, and LCP policies that require a minimum 100 year setback to, among other things, negate the need for future shoreline armoring.

Thus, the project as proposed is inconsistent with the Coastal Act and the LCP.

To maintain Coastal Act and LCP consistency and integrity, and because of the inherent dangers of development along a naturally eroding shoreline, the project can only be approved if these inconsistencies are rectified to the applicable policies. Thus, special conditions are identified to ensure that: the development proposed within the blufftop setback area (i.e., the sewer lines, drainage system, pathway, and landscaping) and the relocated inland sewage lift station will not be used as justification for future shoreline armoring requests; any and all debris from the blufftop that falls to the beach below (e.g., abandoned sewer lines) and/or that daylight in the bluff and creates a public safety nuisance or



visual blight must be retrieved and properly disposed; the blufftop may be used for emergency access, but the proposed "fire lane" area is not recognized; the "action line" enjoys no status under the Coastal Act nor the LCP and is not recognized; impacts to public access from construction are to be mitigated by an easement for lateral access upcoast; and finally, the Applicant must assume all risks for developing in light of the known hazards present at this location.

As so conditioned, Staff recommends approval.

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## **I. Staff Recommendation on CDP Amendment Application**

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

**Motion.** I move that the Commission approve Coastal Development Permit Amendment Number 4-83-490-A2 pursuant to the staff recommendation.

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

**Resolution to Approve a Coastal Development Permit Amendment.** The Commission hereby approves the coastal development permit amendment on the grounds that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act and, as appropriate, the certified City of Pismo Beach Local Coastal Program. Approval of the coastal development permit amendment complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

## **II. Conditions of Approval**

### **A. Standard Conditions**

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the



Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## **B. Special Conditions**

1. **Removal of Revetment, Sewage Holding Tank, and Sewage Lift Station.** The removal of the rock revetment located on the beach and bluffs seaward of the Cliffs Hotel and the restoration of the bluff and beach in this area; the removal of the sewage holding tank located in the bluff seaward of the Cliffs Hotel and the restoration of the blufftop in this area; and the removal of the sewage lift station located in the bluff seaward of the Cliffs Hotel and the restoration of the blufftop in this area, shall be completed according to the methodology identified for these tasks as specified in the proposed Facility Relocation Plan (*Facility Relocation Plan for the Cliffs Hotel and Restaurant* dated June 25, 2001) as refined by the methodology identified for these tasks by GeoSolutions Inc. in letter reports dated June 7, 2001, August 8, 2001, and August 11, 2001. These removal and restoration events shall be completed in their entirety as soon as possible, and in no case later than October 1, 2002.
2. **Blufftop Development Stipulations.** By acceptance of this permit amendment, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns that:
  - (a) **No Armoring For Blufftop Development or Sewage Lift Station.** No bluff or shoreline protective device(s) shall be constructed for the purpose of protecting any development (including but not limited to pathways, sewer lines, dewatering wells, drainage pipes, fences, landscaping, and electrical utilities) located in the blufftop area seaward of the Cliffs Hotel or the sewage lift station (see exhibit G on page 63 of the exhibits for a graphic showing the location of the "blufftop area" and the "sewage lift station") in the event that these developments are threatened with imminent damage or destruction from waves, erosion, storm conditions, landslides, bluff retreat or other natural hazards in the future. The Permittee hereby waives, on behalf of itself and any successors and assigns, any rights that may exist under Public Resources Code Section 30235 or City of Pismo Beach Local Coastal Program Land Use Policy S-6 and Zoning Sections 17.078.060 and 18.16.100 to construct bluff or shoreline protective device(s) to protect any development located in the blufftop area seaward of the Cliffs Hotel or the sewage lift station.
  - (b) **Daylighting Development in the Bluff.** If any development located in the blufftop area seaward of the Cliffs Hotel, including but not limited to subsurface developments, or any component of the sewage lift station protrude seaward from the bluffs seaward of the Cliffs Hotel and these developments are determined to be a public safety hazard, visual blight, and/or a nuisance by the appropriate City of Pismo Beach official or the Executive Director, then the Permittee shall immediately remove all portions of such developments that are deemed necessary to protect public safety and/or the public viewshed by the City of Pismo Beach official or the Executive



Director.

(c) **Debris Removal.** The Permittee shall immediately remove all debris, including but not limited to that emanating from abandoned developments in the blufftop, that may fall from the blufftop area seaward of the Cliffs Hotel to the beach below.

The Blufftop Development Stipulations shall affect the entire area seaward of the Cliffs Hotel and the sewage lift station area (see exhibit G on page 63 of the exhibits).

3. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit amendment, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (a) that the site is subject to hazards from episodic and long-term bluff retreat and coastal erosion; (b) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (e) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

The Assumption of Risk, Waiver of Liability and Indemnity Agreement shall affect the entire Cliffs Hotel parcel (APN 010-041-044).

4. **Revised Geologic Hazard Deed Restriction.** The existing Geologic Hazard Deed Restrictions shall be combined into one deed restriction to be recorded on the Cliffs Hotel parcel (APN 010-041-044). This combined Geologic Hazard Deed Restriction shall include the same provisions as currently identified in the existing Geologic Hazard Deed Restrictions with the exception that Section VIII subsection (a) shall specify that, in addition to the already stated pathways and stairways, subsurface drainage and sewer utilities may also be allowed within the identified 100 foot setback provided that any such development shall not constitute existing structures within the meaning of Public Resources Code Section 30235 or City of Pismo Beach Local Coastal Program Land Use Policy S-6 and Zoning Sections 17.078.060 and 18.16.100.
5. **Revised Public Access Deed Restriction.** The existing Public Access Deed Restrictions shall be combined into one deed restriction to be recorded on the Cliffs Hotel parcel (APN 010-041-044).
6. **Combined Deed Restriction.** PRIOR TO JANUARY 1, 2002, the Permittee shall execute and record a combined deed restriction, in a form and content acceptable to the Executive Director incorporating all of the terms of special conditions 2, 3, 4, and 5 above. The combined deed restriction (Deed Restriction) shall affect the entire Cliffs Hotel parcel (APN 010-041-044) and shall include a legal description and a site plan of each of the following areas: (1) the Blufftop



Development Stipulations area per special condition 2; (2) the Assumption of Risk, Waiver of Liability and Indemnity Agreement area per special condition 3; (3) the Geologic Hazard Deed Restriction area per special condition 4; (4) the Public Access Deed Restriction area per special condition 5; and (5) the Permittee's entire parcel (APN 010-041-044). The Deed Restriction shall include a combined site plan that includes a graphic demarcation of each of the above 5 areas on one site plan. The Deed Restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This Deed Restriction shall not be removed or changed without a Commission amendment to coastal development permit 4-83-490.

7. **Public Access OTD.** PRIOR TO JANUARY 1, 2002, the Permittee shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director a permanent public easement for public pedestrian access and passive recreational use that applies to the approximately 2,500 square foot triangular area north of the existing public access beach stairway more specifically depicted on exhibit H. The recorded document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to the acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. The recorded document shall include legal descriptions of both the Permittee's entire parcel and the area of dedication. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.
8. **Revised Project Plans.** PRIOR TO JANUARY 1, 2002, the Permittee shall submit Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be substantially in conformance with the plans submitted to the Coastal Commission as Figures 1 through 6 of the proposed Facility Relocation Plan (*Facility Relocation Plan for the Cliffs Hotel and Restaurant* dated June 25, 2001) but shall show the following changes to the project:
  - (a) **Facility Relocation Plan.** The Facility Relocation Plan shall be eliminated, except for Figures 1 through 6 and except as directed by the remainder of this condition.
  - (b) **Phasing.** All phasing shall be according to Table 1 on Page 19 of the proposed Facility Relocation Plan, shall be clearly defined in terms of the conditions that initiate commencement of each phase, and shall be described in plan notes and/or accompanying narrative. At a minimum, the Revised Project Plans shall include a site plan and representative cross sections that show each phase.
  - (c) **Site Plans and Cross Sections.** All Revised Project Plans site plans and cross sections shall at a minimum illustrate Cliffs Hotel structures (including but not limited to Hotel building, Restaurant building, pool, patio, stairs, parking lots, sewer lines, drainage lines, pathways, and sewage lift station), blufftop edge, base of bluff sand-bluff interface, and all property lines in



both site plan and cross section views.

- (d) **Fire Lane.** The "Fire Lane" notation shall be eliminated from the Revised Project Plans. Plan notes may indicate that the blufftop seaward of the Cliffs Hotel is available for emergency access response, but the plans shall not demarcate a formal area for this purpose.
- (e) **Action Line.** The "Action Line" notation shall be eliminated from the Revised Project Plans.
- (f) **Native Blufftop Plantings.** The Revised Project Plans shall indicate via plan notes that all native blufftop plantings shall be drought and salt tolerant native species consistent with bluff vegetation indigenous to the Pismo Beach area, and that these native species shall be maintained in good growing condition in all areas seaward of the any public access pathways at all times.
- (g) **Landscaping.** The Revised Project Plans shall indicate via plan notes that all blufftop landscaping, including but not limited to the native blufftop plantings, shall be maintained in good growing condition at all times and shall be replaced as necessary with new plant materials to maintain the approved blufftop landscaping configuration.
- (h) **Fencing.** A fencing detail shall be provided that specifies the type, configuration and location of all fencing proposed in the blufftop. All such fencing shall be see-through to the extent feasible (e.g., chain-link, cable, or equivalent), treated to further diminish its intrusion on the blufftop viewshed (e.g., black anodized metallic fencing or cabling), and the minimum height and bulk necessary for public safety purposes.
- (i) **Combined Deed Restriction and OTD.** The restrictions on the Cliffs Hotel property (APN 010-041-044) pursuant to the Combined Deed Restriction required by special condition 6 shall be included as plan notes on a separate plan sheet that shows the combined site plan (demarcating each of the deed restriction areas) required by special condition 6. On the same plan sheet, the public access offer to dedicate easement required by special condition 7 shall also be included as plan notes and the offer to dedicate easement area shall be demarcated on the plan sheet. At a minimum, all Cliffs Hotel structures (including but not limited to Hotel building, Restaurant building, pool, patio, stairs, parking lots, sewer lines, drainage lines, pathways, and sewage lift station), blufftop edge, base of bluff sand-bluff interface, and all property lines shall be shown on the plan sheet.

The Revised Project Plans shall be submitted with evidence of review and approval by the appropriate City of Pismo Beach official.

The Permittee shall undertake development in accordance with the approved Revised Project Plans. Any proposed changes to the approved Revised Project Plans shall be reported to the Executive Director. No changes to the approved Revised Project Plans shall occur without a Commission amendment to coastal development permit 4-83-490 unless the Executive Director determines that no amendment is necessary.





9. **Previous Conditions.** Special conditions 2 and 3 of coastal development permit amendment 4-83-490-A1 are replaced by special condition 8 above. All other previous conditions of approval associated with coastal development permit 4-83-490 and coastal development permit amendment 4-83-490-A1 remain in full force and effect.
10. **Enforcement.** Failure to comply with the conditions of this approval shall result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

### III. Findings and Declarations

The Commission finds and declares as follows:

#### A. Property Location and Description

The Cliffs Hotel is sited on an approximately 6 acre parcel located between Shell Beach Road and the Pacific Ocean immediately west of State Highway 101 in north Pismo Beach.<sup>1</sup> There is a steep arroyo on the north side of the property, to the south is a vacant parcel, and to the west is the Pacific Ocean. Cliffs Hotel and restaurant is located on top of an approximately 80 foot high bluff. At the base of the bluff is a narrow stretch of pocket beach, which is part of Shell Beach. At the northern property line, a stairway along the edge of the steep arroyo provides access to the beach from pathways originating at Shell Beach Road and along the blufftop itself. The area offshore of the northern portion of the subject property is the site of a well-known reef-based surfing area, commonly known as "Reefs Right." It is also known as "Palisades" or "The Cliffs." "Finger Jetty," another surfing area, is located offshore near the southern property boundary. See exhibits A and B.

#### B. Background of Original CDP Approval and Subsequent Actions

The Cliffs Hotel and Restaurant complex (hereafter Cliffs Hotel or Hotel) was originally approved by the Coastal Commission on October 13, 1983.<sup>2</sup> The Cliffs Hotel development consists of a 4-story, 170 unit hotel building and a separate smaller building housing a 250 seat restaurant and conference facility between which is a courtyard area with a swimming pool; a parking lot fills the area between the hotel and restaurant buildings and inland Shell Beach Road. The Cliffs Hotel is perched on top of a near vertical bluff, approximately 80 feet high, on the northern Pismo Beach bluffs. Fronting the bluffs is a narrow stretch of beach which opens up to a larger pocket beach, approximately 450 feet long and about 75 feet wide. Both the bluffs and the beach area seaward of the hotel were secured exclusively for public coastal access by recorded property restrictions as part of the original 1983 approval.<sup>3</sup> Because of the

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<sup>1</sup> APN 010-041-044. Note that the Applicant also owns the smaller parcel (roughly ¼ acre) located between Shell Beach Road and State Highway 101 (APN 010-041-043).

<sup>2</sup> CDP 4-83-490.

<sup>3</sup> See "Existing Deed Restrictions" section of this report below.



known erosion and bluff retreat hazard at this location, this original approval also required the Cliffs Hotel to be set back 100 feet from the bluff edge. With this setback, the Commission found that after 100 years of erosion, there would still be approximately 75 feet of blufftop between the proposed hotel structures and the bluff edge. The Commission further found that shoreline protective devices would not be required to protect the Cliffs Hotel in the future. In fact, the 100-foot setback area was deemed adequate by the Commission and the Applicant to allow for natural retreat processes to continue without reaching the structures on the site for 400 years. By recorded deed restriction, the property owners assumed liability for knowingly developing on a parcel subject to extraordinary hazard from erosion and bluff retreat.<sup>4</sup>

Subsequently, in December 1996, the Coastal Commission denied, on appeal from a City of Pismo Beach approval decision, a coastal development permit request for concrete and pile upper bluff stabilization, modified surface/underground drainage system, and a rock rip-rap revetment designed to thwart further bluff retreat at the site.<sup>5</sup> This 1996 project was denied in part because the proposed armoring was designed to protect an unpermitted sewage holding tank in the 100-foot (non-developable) setback area (contrary to the Commission's original approval and contrary to the recorded property restrictions),<sup>6</sup> and in part because the Commission determined that less environmentally damaging alternatives had not been considered, and that the project likewise did not consider or mitigate impacts to shoreline processes, sand supply, and the public viewshed.

Shortly thereafter, in August 1997, citing new geotechnical information, potential public safety issues, and the length of the regular permit processing time frame in relation to upcoming El Niño storms, the City of Pismo Beach issued an emergency permit for a rock rip-rap revetment in the same location denied by the Commission 8 months prior. Commission staff expressed concern to the property owners and City at that time that allowing such development under emergency procedures, procedures that do not allow for appeal of emergency authorizations, when a similar project had just been denied after intensive review was problematic. As highlighted for the Applicant and City by Commission staff at the time, the City's emergency authorization allowed for the placement of temporary measures only; if, after a public hearing, this temporary shoreline protective device were denied, the revetment would have to be removed. After the revetment was fully installed, the City approved a regular coastal permit authorizing the revetment. The City's approval was subsequently appealed to the Commission.<sup>7</sup> Because of the Commission's original approval of the project, the Commission simultaneously reviewed the appealed project as an amendment to the original Cliffs Hotel approval.<sup>8</sup>

After public hearings, the Coastal Commission found that: (1) the property's deed restrictions (recorded

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<sup>4</sup> Again, see "Existing Deed Restrictions" section.

<sup>5</sup> Appeal Number A-3-PSB-96-100. Note that by this time the original developers, Stephen Cox and Joseph Wade, had sold the property to Tokyo Masuiwaya Corporation (acquired April 4, 1989)

<sup>6</sup> Subject of Coastal Act Violation Number V-3-96-003.

<sup>7</sup> Appeal Number A-3-PSB-98-049; appellants Commissioners Arcias and Nava, the Surfrider Foundation, and local citizen Bruce McFarlan.

<sup>8</sup> Amendment Number 4-83-490-A1.



pursuant to the Commission's original approval) did not allow a revetment; (2) the Cliffs Hotel structures were located between 78 and 130 feet from the bluff edge and, as a result, were not at that time in danger from erosion; based upon the erosion rate at the site, approximately 50 feet of blufftop setback would remain after another 7 years of erosion at the site; (3) there were a range of upper bluff dewatering measures available to help reduce potential future threats; (4) even were the structures to have been in danger, and were a revetment required to protect these structures (tests that must be met pursuant to the City's LCP and the Coastal Act), the revetment project: (a) did not mitigate its negative public access impacts (approximately 4,900 square feet of beach covered with rocks blocking useable beach area and blocking pedestrian access along the beach; impacts on the surfing break including decreased surfer safety due to rocks in the entry/exit zone); (b) did not mitigate its negative impacts on sand supply (the revetment would reduce the volume of sand supplied to the beach at this location by 7,149 cubic yards the first year and 2,249 cubic yards every year thereafter); (c) was not designed to minimize public viewshed impacts in a scenic recreational area; (d) was not designed to assure structural stability (revetment was not keyed into hard materials but rather placed on top of the beach; lacked a long term maintenance program); (e) was not designed to respect the natural bluff landform. The Commission further found that even if a shoreline protective device had been shown to be necessary to protect existing structures in danger, consistent with the parameters of the Coastal Act and of the City's LCP, the preferred shoreline alternative at this site would be a vertical seawall that could be contoured, colored, textured and rilled to match the existing bluff at this location.

Based upon these findings, on November 5, 1998, the Commission denied the proposed revetment and approved a comprehensive set of blufftop dewatering elements. Subsequently, the then Cliffs Hotel owners asked the Commission to reconsider these decisions based upon additional information that had been developed by the Cliffs Hotel's engineers. On February 3, 1999, the Commission denied the reconsideration requests, finding that the additional information cited did not constitute relevant new information that would alter the Commission's original decision on the project.<sup>9</sup> The property was then sold to the current owners of the property.<sup>10</sup>

After a failed series of attempts at an administrative solution to the issues of unpermitted development, including the denied revetment and the blufftop utilities placed in violation of the original permit, the Commission on March 16, 2000 adopted cease and desist and restoration orders requiring the Applicant to apply for CDPs to remove the revetment, to retain and/or remove blufftop structures placed inconsistent with the original approval, and to comply with all other approved conditions of approval.<sup>11</sup> The Applicant filed litigation in San Luis Obispo Superior Court challenging the permit decisions and the cease and desist order. In July 2001, in a ruling that has now become final, the court upheld the Commission's decisions and the order.

The Applicant then proceeded to develop plans to remove the subject revetment and to bring the project

<sup>9</sup> Reconsideration requests 4-83-490-A1-R and A-3-PSB-98-049-R.

<sup>10</sup> The current owners of the property, and the applicant for the current application, La Noria IMS, LLC, acquired the property in June 1999.

<sup>11</sup> Cease and Desist Order CCC-00-CD-04 and Restoration Order CCC-00-RO-01.



into coastal permit compliance. This application is the culmination of that effort.

### C. Proposed Amendment Project

The Applicant has submitted a "Facility Relocation Plan" as the proposed project description (hereafter, "proposed project;" see exhibit D for the "Facility Relocation Plan" submitted). In sum, the proposed project is to: (1) remove the existing revetment and restore the bluff and beach to their original configuration; (2) remove the abandoned sewage holding tank and restore the bluff to its original configuration; (3) relocate the sewage lift station to a location inland of the original 100 foot setback; (4) modify the previous requirement for an impermeable geomembrane under any turf areas to instead use a subsurface irrigation system; (5) identify a conceptual "fire lane" area seaward of the Cliffs Hotel; (6) identify a conceptual "action line" on the blufftop designed to be an indicator for when shoreline armoring might be pursued in the future; and (7) relocate (in phases) other structures (i.e., storm drain lines, sewer lines, pathway, drainage facilities, electrical connections, fencing, etc.) located within the blufftop seaward of the Cliffs Hotel as future erosion dictates.<sup>12</sup>

This submitted plan has its genesis in the previous partial approval by the Commission in 1998 in which a required condition was for the submittal of a "Facility Relocation Plan;"<sup>13</sup> special condition 2 of 4-83-490-A1 states as follows:

*Facility Relocation Plan. WITHIN 60 DAYS OF THE COMMISSION'S ACTION ON THIS PERMIT AMENDMENT REQUEST, the permittee shall submit to the Executive Director for review and approval a plan for progressively relocating and/or removing all development authorized by this permit amendment under Special Condition 1 commensurate with actual or expected shoreline erosion in advance of the retreat of the bluff. For each type of facility, the plan shall: identify the existing location; specify (in terms of remaining distance from the bluff edge) when the removal or relocation shall occur; where (on the site plan) the new facility location will be; and how the old facility components will be disposed of or preferably reused. The plan may provide for more than one relocation event for any particular facility. However, facilities shall be removed or relocated prior to the time when such removal or relocation would destabilize the bluff or exacerbate bluff retreat. It is recognized that while certain essential facilities may from time to time need to be relocated landward, they must unavoidably remain located seaward of the permitted hotel and restaurant buildings in order to function (e.g., the blufftop lateral access path and the bluff sediment dewatering system); accordingly, the plan shall also specify the maximum feasible landward alignment for each of these essential facilities. The plan shall specify that no man-made materials or excavation spoils will be allowed to fall over the bluff edge, and any man-made materials which do find their way over the edge will be*

<sup>12</sup> Note that the Facility Relocation Plan also includes measures to be taken by the Applicant to achieve condition compliance with the original CDP requirements related to public access parking and signage. These elements are being addressed separately by Commission staff in their condition compliance role. See also section on Condition Compliance at the end of this report.

<sup>13</sup> Note that the current submittal is the first such plan received notwithstanding the requirement that it be submitted within 60 days of the Commission's action on the previous permit amendment request (i.e., it was to be submitted by January 4, 1999).



*immediately retrieved. PRIOR TO INSTALLATION OF ANY RELOCATED FACILITY, specific construction plans shall be submitted for review and approval by the Executive Director; such plans shall be submitted with evidence of review and approval by the City of Pismo Beach. If, upon review of any construction plans so submitted, the Executive Director determines that an amendment to Coastal Development Permit 4-83-490 is necessary to authorize the development described by the submitted plans, the permittee shall submit an amendment request upon notification of this determination.*

The intent of the original 'relocation plan' required in 1998 was that it be developed to address the elements in the blufftop that were approved by the Commission at that time.<sup>14</sup>

Thus, the current application is to remove the revetment previously denied by the Commission, and to modify the originally approved CDP to allow for a variety of structures in the blufftop setback area that was previously deemed appropriate only for public access-related structures. In addition, two conceptual measures are being applied for here: a 24 foot wide emergency fire lane area and the aforementioned "action line." These proposed developments have been placed within the context of a "facility relocation plan."

The revetment would be removed in the same way it was installed; namely by crane placed atop the bluff seaward of the hotel. A backhoe/loader would be lowered to the beach to position the boulders for the crane, the crane would then lift the rock to the blufftop where it would be loaded into trucks for removal. The final disposal location has not yet been determined.<sup>15</sup> The Applicant estimates that roughly 5,000 tons of rock, an estimated 1,500 individual stones, would be removed in this way. The Applicant estimates 4 weeks would be required for rock removal, and an additional 2 weeks necessary for restoration of the bluffs. The Applicant indicates that, barring unforeseen weather/storm difficulties, the work would commence this year immediately following Commission approval. If it is too late in the storm season, or if the project must be halted midway, the work would (re)commence next year following the culmination of the rainy season.

As to the blufftop structures proposed, these need to be understood as those that have been approved by the Commission previously (in 4-83-490-A1) versus those that would be retained or removed under this proposal. Previously approved structures in the blufftop consist of: the blufftop concrete path/swale with

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<sup>14</sup> Special Condition 1 of 4-83-490-A1 describes the previously approved project as follows: "As shown on the Applicant's submitted plans and as modified by the conditions below, this Coastal Development Permit Amendment authorizes only: the installation of three dewatering wells with underground electrical connection; a sump pump and pit with underground electrical connection; a blufftop concrete path/swale with black anodized chain link fence no higher than four feet; a storm drain drop inlet; an irrigation system with moisture sensing controls; an impermeable geomembrane under any turf areas consistent with the landscape irrigation control recommendation of the Geologic Bluff Study by Earth Systems Consultants dated January 30, 1996; drought and salt tolerant native blufftop landscaping; and the existing storm drain location. This approval does not include construction of the rock rip-rap revetment. Any other development will require a separate coastal permit or a separate amendment to Coastal Development Permit 4-83-490."

<sup>15</sup> The Applicant is not applying for disposal of the rocks, and in no way is the Commission reviewing the ultimate disposal of the rocks in this amendment application. The disposal of the rock would be subject to whatever permitting was necessary depending on the final location chosen by the Applicant. If it is a location within the coastal zone, the Applicant will need a separate coastal development permit or its equivalent issued by the Commission and/or the local government involved should there be a certified LCP.



black anodized chain link fence; three dewatering wells with underground electrical connection; one sump pump and pit with underground electrical connection; the storm drain line and drop inlet; an irrigation system with moisture sensing controls; and drought and salt tolerant native blufftop landscaping. All other existing structures located in the blufftop seaward of the hotel have not yet been permitted by the Commission. Therefore, any such existing structures that would remain as shown in the proposed project (i.e., those structures that would not be removed as described below) are proposed for after-the-fact approval of their installation. The currently existing (but not yet permitted) structures that would remain in the blufftop as proposed consist of the existing sewer line and sewer manhole (see also lift station discussion below), and the 7 existing dewatering wells installed in addition to the 3 previously permitted.

The abandoned sewage holding tank (located roughly 10 feet below the bluff surface and measuring roughly 33' x 8' x 8') would be immediately removed and the resultant "hole" filled with soil having the same permeability and strength as the native surrounding soils. There has been some debate over whether it would be more protective of the bluff resources to leave the sewer holding tank in place and remove it in the future when and if it "daylights" in the bluff. The Applicant's geotechnical consultants indicate such removal in the future would be expected to exacerbate bluff erosion since it would likely take place during uncontrolled circumstances when the structure daylights. During such a time (for example, during a winter storm), removal of the tank could result in large-scale bluff failure. Removal of the tank now, when it can be done in a controlled manner and appropriately backfilled, would be more protective of the restored natural bluff.

The sewage lift station would likewise be immediately removed from the bluff area seaward of the Hotel and relocated to a location under the existing parking lot inland of the previously required bluff setback (see exhibits B and G). Coinciding with the relocation, approximately 50' of new sewer collection line would be installed to connect the existing sewer line to the relocated lift station. Since the existing sewer line in the blufftop has not yet been permitted, the proposed project would be for after-the-fact approval of the existing sewer line installation. When the bluff erodes to within 6 feet of the existing line, a new sewer line would be installed in the blufftop roughly 15 feet seaward of the hotel; the existing line would then be abandoned in place.

As the bluff erodes following the removal of the revetment, the proposed project provides that the blufftop improvements would be relocated inland in phases in advance of the bluff's retreat.

See exhibit D for the proposed "Facility Relocation Plan" and exhibit B for proposed site plan.

#### **D. Existing Deed Restrictions**

The Commission's original approval of the Cliffs Hotel in 1983 required that the Hotel be sited 100 feet back from the bluff edge and that the area seaward of the Cliffs Hotel be deed restricted for public access and geologic hazard setback purposes. The Commission found at that time that shoreline protective devices would not be required to protect the Cliffs Hotel in the future and that the required public access area would be protected. The Commission found as follows:



*The Commission finds that the proposed project, as conditioned, is consistent with PRC Section 302[5]3 (1 & 2) and will assure structural stability and structural integrity and neither create or significantly contribute to erosion, geologic instability, or destruction of the site or surrounding area, nor require the construction of bluff or cliff protective devices (seawalls, etc.)*

*The 100 foot setback proposed in the plans as submitted...should be sufficient to protect [the blufftop] accessway from erosion for 100 years.*

To implement these findings, the original Cliffs Hotel developers were required to record a deed restriction designed to ensure the project's consistency with Coastal Act Section 30253 over the course of its lifetime. This deed restriction states:

*The undersigned Owners, for themselves and for their heirs, assigns, and successors in interest, covenant and agree: (a) that no development other than pathways and stairways shall occur within the 100 foot setback portion of the Subject Property shown and described on Exhibit B attached hereto and incorporated herein by reference; (b) that the Applicants understand that the portion of the Subject Property described on Exhibit A is subject to extraordinary hazard from erosion and from bluff retreat and that the Applicants assume any liability from these hazards which may result to the California Coastal Commission from its granting of Permit No. 4-83-490; (c) the Applicants unconditionally waive any claim of liability on the part of the California Coastal Commission for any damage from such hazards; and (d) the Applicants understand that construction in the face of these known hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of erosion or landslides.*

This deed restriction, in which the property owner assumes the risk for building along an eroding coastline, is supplemented by a second, and complementary, deed restriction also required as a condition of the Commission's original approval. This second property restriction states, in applicable part:

*[N]o grading, landscaping, or structural improvements that in the opinion of the Executive Director of the California Coastal Commission, or his successor, would impede public access, other than public walkways and stairways, shall be constructed on the Subject Property.*

Thus, the first deed restriction is for geologic hazards and waiver of liability, and the second is for ensuring that public access would be permitted on the site.<sup>16</sup> Although the current Applicant was not the original Cliffs Hotel developer, the current Applicant knowingly and voluntarily accepted the property restrictions when the property was purchased.

The access deed restriction covers the area between the oceanside elevation of the Cliffs Hotel and the

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<sup>16</sup> Note that there are actually four deed restrictions, two each for public access and geologic hazards. The reason for this is because there were two properties at the time the deed restrictions were recorded. The two properties have since been combined into one parcel (APN 010-041-044). In any case, the respective property restrictions (e.g., for access and geologic hazards) are the same between the applicable deed restrictions and together cover the area seaward of the Cliffs Hotel on current APN 010-041-044.



seaward property line (see exhibit C for deed restricted area). An exhibit attached to the deed restriction when it was recorded in 1984 shows the deed restricted area to be about 200 feet in length (as measured from the Hotel towards the ocean), and evenly divided between bluff top and beach portions. These proportions have now changed as portion of the blufftop land have eroded. The deed restriction limits development to access pathways/stairways and any other grading, landscaping or structural improvements that, in the opinion of the Executive Director, would not impede public access. Thus, under the terms of the deed restriction, before any development can occur in the deed restricted access area, the Executive Director must be consulted and find that the proposed development will not impede public access. If the Executive Director determines that the proposed development will impede access, then the project cannot go forward unless the deed restriction is amended to allow the development. The deed restriction can only be amended by submitting a request for such a change to the Coastal Commission.

The deed restriction for geologic hazard setback and waiver of liability flatly precludes any development within 100 feet of the Hotel (as measured towards the ocean) other than "pathways and stairways" (see exhibit C for deed restricted area). This other deed restriction on the property provides for a geologic setback, places future owners on notice regarding dangers associated with the site (eroding bluffs), and places the assumption of risks involved in building and maintaining structures on the site on the property owner. The geologic setback area runs the width of the site and extends out 100' from the Cliffs Hotel to what was, at the time the deed restriction was recorded, the edge of the bluff.

Thus, the deed restricted geologic hazard setback area and the blufftop portion of the deed restricted public access area occupy the same physical space on the site (i.e., the blufftop seaward of the Hotel). This is relevant because the deed restrictions do not contain equivalent limitations on new development. As discussed above, the access deed restriction allows new grading, landscaping and other structural improvements if the Executive Director determines that the proposed development will not impede public access (and of course, if the proper permits are obtained). The geologic hazard deed restriction does not allow any development within the setback area except "pathways and stairways;" there are no provisions for any other future improvements in the document.

The sum effect of these property restrictions (in terms of how the land can be developed) is that the entire area between the Cliffs Hotel and the Pacific Ocean is restricted to appropriate public access uses. The deed restriction for geologic hazard setback and waiver of liability flatly precludes any development within 100 feet of the Hotel other than "pathways and stairways." The deed restriction for public access implies a potential for additional development within the 100-foot geologic hazard deed restriction area if it will not "impede access."<sup>17</sup> Thus, in order to allow new development in this blufftop area, the geologic deed restriction would need to be amended and the Executive Director would need to find that

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<sup>17</sup> Of course, the remainder of the property seaward of the 100-foot geologic hazard deed restriction area includes this same prohibition since the public access deed restriction extends to the Pacific Ocean.





the new development would not impede access.<sup>18</sup>

## E. Standard of Review

Although the Cliffs Hotel was originally approved under the Coastal Act, the standard of review in this amendment is bifurcated since the City's LCP has since been certified. The Commission retains original coastal permitting jurisdiction over that portion of the site roughly extending seaward from the toe of the original slope below the Cliffs Hotel; the standard of review in this area is the Coastal Act. Inland of that area, the applicable standard of review is the City of Pismo Beach LCP as well as the public access and recreation policies of the Coastal Act (since the project lies between the first public road and the sea). The line between the LCP versus Coastal Act policy application (and coastal permitting jurisdiction) thus appears to bisect the existing revetment.

Therefore, for the revetment removal, the standard of review is both the Coastal Act and the LCP. Since the proposal is to remove the previously denied revetment, and since the LCP and Coastal Act are both supportive of such a project, the exact boundary need not be resolved here. As applicable, both Coastal Act and LCP policies will be cited in this context.

For all other portions of the proposed project, the standard of review is the City's LCP and the access and recreation policies of the Coastal Act.

Because the City's LCP is certified, the City would generally take the lead on processing CDPs within their jurisdiction (extending inland from the toe of the bluff slope). However, because this proposed project involves blufftop development that must be rectified to the original Cliffs Hotel CDP, the Applicant, City staff and Commission staff all agreed that the appropriate coastal permitting process in this case was for the Coastal Commission to review the requisite coastal permit amendment application. The City has already given all necessary discretionary approvals for the proposed project under their General Plan.

## F. Coastal Development Permit Amendment Determination

### 1. Applicable Policies

#### Long term stability and setbacks

Section 30253 of the Coastal Act addresses the need to ensure long-term structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future:

*30253: New development shall:*

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

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<sup>18</sup> See findings that follow for further elaboration of this issue and the associated conditions of approval necessary to resolve this component of the project.



- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ...*

The City of Pismo Beach LCP mirrors the Coastal Act in this regard. Specifically, LUP Policy S-3 states, in applicable part:

*S-3 (Bluff Set-Backs). All structures shall be set back a safe distance from the top of the bluff in order to retain the structures for a minimum of 100 years, and to neither create nor contribute significantly to erosion, geologic instability or destruction of the site or require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The Cliffs Hotel Site is located within the City's Hazards and Protection (H) overlay zone (IP Chapter 17.078 et seq). IP Sections 17.078.050 and 18.16.100 reiterate the 100 year setback requirement stating identically in applicable part as follows:

*17.078.050 (Bluff Hazard, Erosion and Bluff Retreat Criteria and Standards) and 18.16.100 (Bluff Protection). New structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 100 years. ...*

IP Section 17.078.060 likewise reinforces the 100 year setback requirement stating in applicable part:

*17.078.060 (Shoreline Protection Criteria and Standards). ... New development shall not be permitted where it is determined that shoreline protection will be necessary for protection of the new structures now or in the future based on a 100 year geologic projection. ...*

Under LUP Policy S-3, IP Sections 17.078.050, 17.078.060 and 18.16.100, and Coastal Act Section 30253, new blufftop development must be setback a sufficient distance from the bluff edge to allow the natural process of erosion to occur without creating a need for a shoreline protective device. At a minimum, new development should be set back far enough to protect the principal structures from erosion for the reasonable economic life of the project (a minimum of 100 years per City policy). Under this approach, obviously, future erosion of the setback area (including even undercutting and large block failure) is to be expected.

#### **Shoreline protective devices**

LUP Policy S-6 of the City of Pismo Beach LCP addresses the use of shoreline protective devices:

*S-6 (Shoreline Protective Devices). Shoreline protective devices, such as seawalls, revetments, groins, breakwaters, and riprap shall be permitted only when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion. If no feasible alternative is available, shoreline protection structures shall be designed and constructed in conformance with Section 30235 of the Coastal Act and all other policies and standards of the City's Local Coastal Program. Devices must be designed to eliminate or*



*mitigate adverse impacts on local shoreline sand supply...maintain public access...shall minimize alteration of natural landforms...and shall be constructed to minimize visual impacts.*

This LUP policy reflects, and indeed incorporates, Section 30235 of the Coastal Act:

*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.*

LUP Policy S-6 is reiterated almost verbatim by IP Section 18.16.100, which states in applicable part as follows:

*18.16.100 (Bluff Protection). ... Shoreline protective devices, such as seawalls, revetments, groins, breakwaters, and riprap shall be permitted when necessary to protect existing structures, coastal dependent uses, and public beaches in danger of erosion, and must be the least environmentally damaging alternative that is feasible. Devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Design and construction of protective devices shall respect to the degree possible natural landforms, and shall be constructed to minimize visual impacts.*

This IP section likewise mirrors IP Section 17.078.060 (Shoreline Protection Criteria and Standards) which states in part:

*17.078.060 (Shoreline Protection Criteria and Standards). ... Shoreline structures, including groins, piers, breakwaters, pipelines, outfalls or similar structures which serve to protect existing structures, or serve coastal dependent uses and that may alter natural shoreline process shall not be permitted unless the City has determined that when designed and sited, the project will: (a) eliminate or mitigate impacts on local shoreline sand supply; (b) provide lateral beach access; (c) avoid significant rocky points and intertidal or subtidal areas; and (d) enhance public recreational activities. ...*

#### **Public Access and Recreation**

The project is located between the first public road and the sea. As such, the project must be consistent not only with the certified LCP but also the access and recreation policies of the Coastal Act. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. This includes protecting public visual access as well. In particular:

*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.*

*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.*

*30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

*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.*

*30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Coastal Act Section 30240(b) also protects parks and recreation areas such as the beach and surfing area below the Cliffs Hotel. Section 30240(b) states:

*30240(b): Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

These Coastal Act policies are generally reinforced by City LCP policies, including primarily policies in the LUP Land Use (LU) and Parks and Recreation (PR) elements. They are also complimented by the LUP and IP requirements to protect public access when considering setbacks and shoreline protective structures as cited above. In addition, the subject property is also located within the Open Space (OS-2) Overlay Zone (whose "purpose is to ensure that adequate public access and recreational activities are provided and that sensitive ecological or scenic areas are protected") and the Coastal Access (AC) Overlay Zone within which specific standards for access apply. LUP Policies PR-23 and PR-33 state in applicable part:

*PR-23 (Lateral Bluff-Top Open Space and Access Required). ...Development of structures shall be prohibited within the [blufftop public access and geologic hazard setback] zone, except for public amenities such as walkways, benches, and vertical beach access stairs. ...*

*PR-33 (Permitted Development in Blufftop Access Areas). Development permitted in the areas reserved for public access or recreation shall be limited to structures and facilities designed to accommodate recreational use of the area, including but not limited to stairways, benches, tables, refuse containers, bicycle racks, public parking facilities, seawalls, groins, etc. In no case shall any development except public access paths and access facilities and public stairways be permitted within the bluff retreat setbacks identified in the site specific geologic studies.*



IP Chapter 17.066 defines the Coastal Access (AC) overlay zone. Applicable sections of the Coastal Access IP Chapter include its purpose (IP Section 17.066.010) and its required standards (IP Section 17.066.020) and include:

*17.066.010 (Purpose of [Coastal Access Overlay] Zone). The Coastal Access (AC) Overlay Zone is intended to carry out the requirements of Section 4 of Article X of the California Constitution to ensure the public's right to gain access from the nearest public roadway to the shoreline ....*

*17.066.020 (Criteria and Standards [of the Coastal Access Overlay Zone]. ...Development permitted in the areas specific in the Local Coastal Program Land Use Plan for public beach access or recreation shall be limited to structures and facilities designed to accommodate passive recreational use of the area, including but not limited to stairways, benches, tables, refuse containers, bicycle racks and public parking facilities. In no case shall any development except public access paths and public stairways be permitted within the bluff retreat setbacks identified in site specific geologic studies.*

Protection of viewsheds is also elaborated by LUP Principal P-7 which states in part:

*Principal P-7 (Visual Quality is Important). The visual quality of the City's environment shall be preserved and enhanced for the aesthetic enjoyment of both residents and visitors and the economic well-being of the community. ...*

### **Policy Summary**

In sum, the applicable LCP and Coastal Act policies require that development be sufficiently set back away from bluff edges so as to allow for natural erosion to take place without threatening the development, and without reliance on shoreline armoring. These policies require that the setback area be preserved for conservation and public access purposes; other development is prohibited in these areas. The coastal public viewshed must be protected and enhanced. All existing public access areas (such as that found on the blufftop, beach, and ocean waters seaward of the Cliffs Hotel) are protected, and uses or development in these areas that are incompatible with the primary purpose of providing for public access and recreation are not allowed.

## **2. Consistency Analysis**

The proposed amendment can be broken down into the following functional elements: revetment removal; sewage holding tank removal and lift station relocation; sewer line relocation; public access pathway and blufftop runoff control; fire lane; action line; Facility Relocation Plan; assumption of risk; and existing property restrictions. Each of these is discussed separately below.

### **Revetment Removal**

The removal of the revetment is clearly consistent with the Commission's directions for this site, and is likewise consistent with the applicable LCP and Coastal Act policies. By removing the revetment and restoring the beach and bluff to their pre-revetment installation condition, all of the following can be



realized: (1) the beach area currently occupied by the revetment will be returned to public use, both direct recreational use as well as space for lateral pedestrian access, particularly at higher tides, along the pocket beach currently covered by rock; (2) the potential migration of rock(s) seaward on the beach and into the intertidal zone where they could become a public access and public safety impediment can be eliminated; (3) any negative impacts from the existing revetment on the offshore surfing areas (due to altered shoreline dynamics, wave refraction, and a reduced exit/entry point on the beach) will be eliminated; (4) the natural landform will be returned; and (5) the blemish in the public viewshed will be removed. In addition, the ongoing impacts to shoreline sand supply and overall beach retention from the revetment (due to its fixing the back beach location, retaining potential beach materials, contributing to beach scour, potentially altering the longshore transport of materials, and contributing to erosion and steepening of the shore profile) will be eliminated, thus protecting beaches, tidelands, and the public trust.

The Applicant has proposed a straight-forward revetment removal plan that has been evaluated and endorsed by their consulting engineering geologist.<sup>19</sup> Aside from the inherent dangers of developing along the immediate shoreline here (and the corresponding need for the Applicant to assume the responsibility for such risks<sup>20</sup>), the proposed revetment removal can be found consistent with the applicable policies cited above.

That said, there are some general timing considerations with the removal because of the desire to avoid potential complications of work taking place during inclement weather, given the oncoming winter rainy/storm season. The Applicant indicates that it will take roughly 4 weeks to remove the rock, and 2 additional weeks to repair the blufftop. So as to provide the most stable blufftop surface from which to work from the top, the blufftop area will be dewatered (i.e., irrigation activities suspended) in advance of the removal work. The Applicant indicates that the blufftop will be dewatered in advance of the Commission hearing so as to be ready to proceed immediately should the Commission approve the revetment removal. The Applicant likewise indicates that there appears to be a window of opportunity to complete the job this year before winter rains commence in earnest, and that they are committed to doing so if at all possible. However, there is the possibility that the job will be interrupted and/or will not be able to commence this year due to bad weather. Should that be the case, the removal would need to be postponed until after the rainy season, and potentially to following the summer tourist season.

The Commission would like the revetment removed as soon as possible, beginning in November 2001 weather permitting. However, the Commission is also cognizant of the special timing issues given the late date in terms of the approaching winter storm season. To ensure that the revetment is timely removed, this approval is conditioned for removal as soon as possible, and in no case later than October 1, 2002 (see special condition 1). Such a deadline will allow the Applicant flexibility to adjust the schedule as necessary to address winter storm concerns, and will ensure that the revetment is ultimately removed.

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<sup>19</sup> GeoSolutions Inc, Richard Pfost, Senior Engineering Geologist. See also "Assumption of Risk" section that follows.

<sup>20</sup> Again, see "Assumption of Risk" section below.



All the same, the Commission notes that the subject revetment has been in place for over 4 years and the public has borne the burden of its negative impacts for that long.<sup>21</sup> If it remains in place another 6 to 9 months, the impacts and burden on public resources will only increase. The impacts of the revetment being in place, however, are not before the Commission at this time. Rather, the revetment impacts being evaluated here relate narrowly to the removal activities that are currently proposed.

Impacts associated with the revetment removal (and the blufftop sewage lift station and holding tank removal) are that the public would be barred from using the blufftop seaward of the Hotel, and would be barred from using the beach below the Hotel, for a period of roughly 6 weeks when construction is taking place. The public viewshed would be disrupted during this 6 week time frame as well. In addition, and as discussed in subsequent sections, there is a likelihood that debris from the structures abandoned in the blufftop may fall to the beach and thus disrupt beach access. Furthermore, such structures that "daylight" in the bluff, remaining protrusions until falling to the beach, will likewise contribute to public viewshed degradation.

To address these impacts from the project, some form of mitigation is necessary. The State Coastal Conservancy is currently working with the City of Pismo Beach to more fully develop the northern Pismo Beach bluffs with a connected blufftop trail system as directed by the LCP. This trail system already exists at several locations, including the component of the system represented by the blufftop area in front of the Cliffs Hotel. The lateral upcoast connection is, however, blocked at current time by the arroyo north of the Hotel. The City and Conservancy have developed a preliminary plan that would connect the existing beach trail and stairway (required as part of the original Cliffs Hotel approval and located along the arroyo immediately north of the Hotel) to the upcoast property by means of a stairway connected to the existing Cliffs Hotel stairway; informal access already takes place in this area.<sup>22</sup> Such a plan would require agreements from the Applicant because the connecting stairway segment would be placed partially on the Applicant's property located on the northern side of the arroyo. Formalizing an agreement from the Applicant would be an appropriate mitigation tool in this case inasmuch as the impacts to be borne by the public from the project will diminish public access and the new stairway would enhance public access. The area in which the connecting trail segment would be placed is along the steeply sloping side of the arroyo (the opposite side of the arroyo from the Cliffs Hotel) nearest the ocean. This steeply sloping area does not appear to be useful to the Applicant for any other purpose. A new upcoast connection at this location would likewise increase the ability of Cliffs Hotel patrons to maneuver upcoast, correspondingly increasing the desirability of a stay at the Cliffs. In addition, such connection was contemplated by the Commission, and agreed to by the Permittee at that time (and by extension the current Applicant when they acquired the property), when the Cliffs Hotel was originally permitted. Special Condition 1 of 4-83-490 states in applicable part:

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<sup>21</sup> See above discussion of the permitting decisions here, including the Commission's denial of the revetment in 1998 pursuant to CDP amendment number 4-83-490-A1 and appeal number A-3- PSB-98-049.

<sup>22</sup> Note that a subdivision application has been filed for the property adjacent to the Cliffs Hotel on the upcoast (north) side of the Cliffs property. It is presumed that the City will require a lateral blufftop easement on this upcoast property (as required by the LCP) and that the City may require the subdividers to contribute funds towards the construction of the stairs. See exhibit H for the location of the proposed connecting stairway segment.



*The plans [for the construction of the public access pathways seaward of the Hotel and from Shell Beach Road to the beach] shall specifically provide means for connecting the access paths on the subject property to any accessways that may be created on adjacent properties, and the applicant, by accepting the terms and conditions of the permit, shall agree to connect these accessways at the earliest possible time.*

This approval is therefore conditioned for the Applicant to offer to dedicate (OTD) a public access easement over the proposed stairway location (see special condition 7 and exhibit H).

### **Sewage Holding Tank Removal and Lift Station Relocation**

The proposed removal of the abandoned sewage holding tank and the relocation of the sewer lift station to a location inland of the blufftop setback area are consistent with the Commission's previous direction and the applicable policies cited above. By removing the sewage holding tank and restoring the bluff in that location, a potential contributor to bluff instability is eliminated, as is any chance that the sewage holding tank will become a hindrance to public access in the future inconsistent with LCP policies and underlying property restrictions applicable to the blufftop. Furthermore, by removing the holding tank now in a controlled manner as opposed to waiting until the abandoned tank must be removed for safety purposes (e.g., if the structure daylights during a winter storm), the integrity of the bluff is better protected. As with the revetment, the Applicant has proposed a straight-forward holding tank removal and void-filling plan that has been evaluated and endorsed by their consulting engineering geologist.<sup>23</sup> Aside from the inherent dangers of developing along the immediate shoreline here (and the corresponding need for the Applicant to assume the responsibility for such risks<sup>24</sup>), the proposed holding tank removal and void-filling plan can be found consistent with the applicable policies cited above.

The sewage lift station relocation would move the sewer lift station outside of the blufftop setback area to an inland location under the parking lot, roughly 90 feet inland of the existing bluff edge, and roughly even with the line of setback of the Cliffs Hotel (see exhibits B and G). At the currently estimated rate of bluff erosion of 6 to 32 inches in the southern portion of the bluffs, the lift station would not be reached by bluff erosion for roughly 34 to 180 years.<sup>25</sup> Since the LCP requires 100 year setbacks, this placement is technically inconsistent with the LCP since it could potentially be threatened in the next 30 years or so, possibly leading to further shoreline armoring requests. However, the relocated lift station would be

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<sup>23</sup> Again, GeoSolutions Inc, Richard Pfof, Senior Engineering Geologist. See also "Assumption of Risk" section that follows.

<sup>24</sup> Again, see also "Assumption of Risk" section below.

<sup>25</sup> The Applicant's consulting geotechnical engineers (GeoSolutions Inc, Richard Pfof, Senior Engineering Geologist) estimate current rates at 1 to 3 inches in the northern portion of the site and 6 to 32 inches in the southern and more unstable portion of the site (see exhibit D, exhibits pages 35 through 43). As noted when the revetment was last denied by the Commission at this location (4-83-490-A1 and A-3-PSB-98-049), bluff retreat rates can be difficult to accurately predict. Case in point, the currently estimated rate of erosion at the Cliffs Hotel is the fourth different retreat rate used by the Cliffs Hotel in as many applications before the Commission. The first application (for the hotel complex itself approved in October of 1983) based setback distances upon a 3-inch per year rate. When the Commission then denied a revetment project in December of 1996 (A-3-PSB-96-100, as previously described), the consulting geotechnical engineers at that time estimated the bluff retreat rate at the site as ranging from 4.5 inches (northern section) to 13 inches (southern section) per year based upon a four decade time frame (i.e., from 1955 to 1996). In the third application, when the revetment was last denied in 1998, the consulting geotechnical engineers at that time estimated a bluff retreat rate of 4 feet (or 48 inches) per year.





placed in an area just inland of the setback currently maintained by the Cliffs Hotel structures themselves (i.e., inland of the originally required setback). So while these structures could be threatened some time in the next thirty years (depending upon actual erosion), they should not be threatened before such time as the Cliffs Hotel itself were threatened. It would be at that time and within that context that decisions on whether shoreline armoring at this location was required to protect principal structures in danger from erosion. Nevertheless, to ensure that coastal resources are not threatened by impacts from armoring identified to protect the lift station, and to ensure that the objectives of the LCP are not compromised, this approval is conditioned to have the Applicant stipulate that shoreline armoring will not be pursued in the future to protect the lift station (see special conditions 2 and 6). In any case, and as with the other development here, the responsibility for the inherent dangers of developing along the immediate shoreline here must be assumed by the Applicant.<sup>26</sup>

### **Sewer Line Relocation**

As described in the project description above, the sewer line currently in the blufftop would be relocated in the future as necessary to address continuing bluff retreat following revetment removal. As proposed, the existing sewer collection line in the blufftop would remain in place, continuing to gravity-collect sewage from the Cliffs Hotel. Approval for this component of the proposed project would represent after-the-fact approval since the sewer line is not to date permitted. A new roughly 50 foot segment of 8" pipe would be installed to connect this existing line to the relocated sewage lift station. Should the bluff retreat to within 6 feet of the existing sewer collection line in the blufftop, a new sewer collection line would be installed at a location roughly 15 feet seaward of the Cliffs Hotel in the blufftop. At that time, use of the existing line would be discontinued and the line and all associated apparatus would be abandoned in place.

As proposed, the Applicant indicates that the proposed future sewer collection line location is as close to the Hotel as the lines can physically be placed without compromising the Hotel (from the line trenching necessary).

To avoid placing any relocated sewer line in the required blufftop setback area, the Applicant considered an alternative of locating such sewer collection lines inland of the Hotel itself. However, such an option would require substantial excavation underground the Cliffs Hotel structure itself, as well as additional lift station(s) under the hotel. Such an option would be extremely costly and potentially detrimental to the structural stability of the bluff and the Cliffs Hotel itself. See Applicants submittal on this point attached as exhibit F.

Should the new sewer collection line be installed in the future as proposed (and the existing line abandoned), the new sewer line location would likely be threatened by bluff erosion prior to the Cliffs Hotel itself because it would be placed roughly 15 feet seaward of the Hotel. At the Applicant's estimated rates of erosion, bluff retreat could reach portions of such relocated lines within 20 years or

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<sup>26</sup> See "assumption of risk" section below.



so.<sup>27</sup>

Note that the LCP and the underlying geologic hazard deed restriction prohibit the placement of sewer lines, whether the after-the-fact recognition of the existing line or its proposed future location, in the geologic hazard setback area. The LCP requires a minimum 100 year setback to, among other things, negate the need for future shoreline armoring. The sewer lines as proposed are inconsistent with these policies and property restrictions. Thus, a judgement call must be made: either the lines are allowed in the blufftop notwithstanding these requirements, or all such lines are placed inland of the setback area. Based on the Applicant's analysis of removing such lines from the setback area altogether, it appears that this choice may be infeasible if the Cliffs Hotel is to remain in operation; both in terms of the costs and technical difficulties as well as the potential impacts to the site and structural stability from excavation under such a large structure.

Thus if the Cliffs Hotel is to remain viable at the current time, it appears that such sewer lines will need to be allowed in the setback area. Of course such a choice is predicated on the fact that there is currently space available in the blufftop within which to install and operate such lines. Should such choice be presented in the future, and there not be adequate blufftop space within which to place and/or operate such lines, they would necessarily need to be relocated inland where physical space existing for them irregardless to the technical difficulties that would need to be overcome at that time. Therefore, if the lines are to be placed into the setback area, their placement must be considered temporary. In addition, the underlying property restrictions would need to be amended to account for this. In terms of the LCP prohibitions, these policies do not include any exception criteria. Thus, the Commission would need to broadly interpret the intent of the applicable LCP policies that are intended to (a) avoid development incompatible with public access use, and (b) avoid the need for shoreline armoring. Since the sewer lines would be underground, they are not likely to affect ongoing public access use of the blufftop. If and when such lines daylight in the bluff and/or fall to the beach, then they would negatively impact public access and public access views. However, immediate removal of such daylighting structures and/or debris on the beach could address this issue. The only way that the sewer lines in the blufftop could be considered consistent with LCP policies requiring minimum 100 year setbacks is to ensure that such structures are not themselves used to justify shoreline armoring (that brings with it its attendant negative coastal resource and public access impacts) when these lines may be threatened in the future. Of course, lacking any exception criteria themselves, a variance would be required to allow the placement of the lines in the blufftop area.<sup>28</sup>

Thus, as with the lift station, to ensure that coastal resources are not threatened by impacts from armoring identified to protect the sewer collection lines, and to ensure that the objectives of the LCP are not compromised, this approval is conditioned to have the Applicant stipulate that shoreline armoring

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<sup>27</sup> For the northern bluffs (estimated by the Applicant as a 1" to 3" per year bluff retreat rate), the range is from 280 to 840 years. For the southern bluffs (estimated by the Applicant as a 6" to 32" per year bluff retreat rate), the range is from 22 to 120 years.

<sup>28</sup> See "Variance Required" finding that follows.



will not be pursued in the future to protect the sewer lines (see special conditions 2 and 6).<sup>29</sup> To ensure that any abandoned sewer collection lines that daylight and/or fall to the beach do not adversely affect public access, the Applicant must commit to retrieval of any debris that falls to the beach below, and/or removal of any segments of pipe that daylight in the bluff face and represent a public viewshed blight or public safety nuisance (see special conditions 2 and 6). The geologic hazard deed restriction must be amended to allow such lines in the blufftop (see special conditions 4 and 6). In any case, and as with the other development here, the responsibility for the inherent dangers of developing along the immediate shoreline here must be assumed by the Applicant (see special conditions 3 and 6).<sup>30</sup>

### **Public Access Pathway and Blufftop Runoff Control**

The control of runoff and subsurface drainage is critical for maintaining the stability of this site, particularly the upper terrace deposit half of the bluff. The Applicant proposes a comprehensive solution including a series of dewatering wells, a shallow drain system under landscaped areas, subsurface moisture sensors, a swale (incorporated into the blufftop pathway) draining to the existing storm drain line, drought tolerant native plantings seaward of the pathway, and a 'no-plant' zone at the immediate bluff edge. Most of these elements describe the dewatering elements permitted by the Commission in 1998 (e.g., the pathway swale to storm drain, the moisture sensors, native plantings, etc). There are three exceptions. First, the shallow drain system is proposed in lieu of the geomembrane required in CDP amendment 4-83-490-A1. This change is proposed because the shallow drain system would be more effective method of controlling subsurface water than would be a geomembrane system, according to the Applicant's consulting geotechnical engineers. Second, the Commission approved 3 dewatering wells in 1998 and there are currently 10 existing in the blufftop. Thus, 7 of these are for after-the-fact recognition. And third, the proposal is for the phased relocation of these structures inland as future erosion dictates.

Other than the pathway/swale that simultaneously provides for public access and drainage, and similar to the sewer line discussion previous, all other such drainage structures in the blufftop are prohibited by the LCP (i.e., not allowed in the geologic hazard setback area, not allowed if not setback a sufficient distance to allow a minimum of 100 years of erosion and to negate the need for future shoreline armoring) and not allowed by the underlying blufftop geologic hazard property restrictions. Again, as with the sewer collection lines, to allow such structures, the Commission must broadly interpret LCP intent. The drainage measures proposed should help to stabilize the bluff, helping to avoid the need for shoreline armoring. Such measures are predominantly subsurface (other than the path/swale and runoff collection points) and shouldn't impact ongoing public access (other than, as with the sewer line, when any such abandoned components eventually daylight and/or fall to the beach below). Provided such structures are not themselves used to justify armoring, are removed if they daylight and cause a public safety nuisance or visual blight, are disposed of properly should they fall to the beach, and the geologic

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<sup>29</sup> Since the sewer lines are not to be used to justify future shoreline armoring requests and must be considered temporary, it would appear prudent for the Applicant to develop a contingency plan to address sewage collection in the event such lines are made unstable by future erosion. Such a contingency plan may entail alternatives thus far evaluated by the Applicant or other alternatives not yet identified.

<sup>30</sup> See "Assumption of Risk" section below.



hazard deed restriction is amended to allow these structures, then the Commission can find them consistent with LCP intent. In other words, such structures must be considered temporary in nature.

Accordingly, this approval is conditioned to have the Applicant stipulate that shoreline armoring will not be pursued in the future to protect the drainage and runoff control developments nor the pathway in the blufftop,<sup>31</sup> and any such development that falls to the beach below and/or daylight in the bluff face will be removed (see special conditions 2 and 6). The geologic hazard deed restriction must be amended to allow such structures in the blufftop (see special conditions 4 and 6). In any case, and as with the other development here, the responsibility for the inherent dangers of developing along the immediate shoreline here must be assumed by the Applicant (see special conditions 3 and 6).<sup>32</sup>

### Fire Lane

The Applicant proposes a "Fire Department Emergency Access" on the blufftop seaward of the hotel. This emergency access area is shown as a 24-foot wide "Fire Lane" with a 60-foot long hammerhead (for turning around large vehicles) on the submitted plans. The Applicant has included a letter from the Pismo Beach Fire Department indicating that such emergency vehicular access west of the Hotel is necessary and would meet the Fire Department's requirements (see exhibit D on exhibits page 47). According to the Applicant, the proposed fire lane would not involve any physical development (such as paving or other demarcation), but rather represents a space that would be reserved for this use.

No evidence has been identified that shows that the Commission ever contemplated emergency access on the seaward side of the Hotel when the Hotel was originally permitted in 1983. In fact, as previously discussed, the area seaward of the Hotel was given over to a geologic setback that was meant to erode over time; hardly an area appropriate for any type of required access. In addition, the LCP does not include any such emergency access requirements. To better understand the Pismo Beach Fire Department position on the proposed "Fire Lane" in light of their letter submitted by the Applicant, Commission staff communicated with the Fire Department personnel responsible for such matters. Notwithstanding the letter submitted on their behalf by the Applicant, the Pismo Beach Fire Department indicates that while the blufftop area could be used for emergency response, they would not take emergency response vehicles onto the blufftop as it is too dangerous an area for such vehicles. Rather, the Pismo Beach Fire Department indicates that the blufftop might be used to transport ladders by foot to the seaward side of the hotel if necessary for emergency purposes. As long as space was available to walk on the seaward side of the Hotel, space would be available for emergency response. There is also an open corridor through the center of the Hotel (i.e., between the Hotel and Restaurant structures) leading from the inland parking lot to the blufftop that could be used for the same purpose.

The Commission is concerned that, similar to the physical developments proposed for the blufftop, the

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<sup>31</sup> Note that in terms of ensuring public access, the entire blufftop area is deed restricted for this purpose. As such, while the concrete blufftop path at the Cliffs Hotel (and/or a relocated path inland as proposed should bluff retreat warrant) certainly facilitates public access, it is not critical to ensuring public access. As long as any blufftop remains in front of the Cliffs Hotel, this area is restricted to public access uses by the underlying property restrictions.

<sup>32</sup> See "Assumption of Risk" section below.



conceptual fire lane could be used as future justification by the Applicant for shoreline armoring. At the Applicant's estimated rates of erosion, bluff retreat could reach the southern portion of the conceptual fire lane within 13 years or so; the northern portion of the site is not expected to erode as quickly and the proposed conceptual fire lane would not be expected to be reached by bluff retreat for several hundred years.<sup>33</sup>

As with the physical developments proposed in the blufftop (i.e., sewer lines and drainage apparatus), a fire lane is not allowed in the LCP-required blufftop setback area, it is not allowed by the underlying property restrictions, and it would not be set back a sufficient distance from the bluff to provide a 100 year setback and would thus not negate the need for future shoreline armoring. As a result, it would be inconsistent with the LCP and the underlying property restrictions. Further, as indicated by the Pismo Beach Fire Department, the blufftop seaward of the Cliffs Hotel would not be used for vehicles regardless. Rather, it would be used for foot transport of ladders, if at all. There is no need to designate such an area as a "Fire Lane" (or any other name) to confer this status on the area. The blufftop is, de facto, an emergency access area. The same could be said for the courtyard, the pathway running along the northern side of the Hotel, the parking lot, and indeed any area surrounding the Hotel. To ensure that the "Fire Lane" or its equivalent is not used to justify shoreline armoring requests (armoring that would bring with it its attendant negative coastal resource impacts), and although it can be indicated that the blufftop may be used for emergency access (as it de facto is now), revised plans must be submitted that remove the "Fire Lane" designation from the blufftop area (see special condition 8). Only in this way can it be guaranteed that a conceptual designation – a fire lane – will not be used for shoreline armoring justification and will not be inconsistent with the LCP and the underlying property restrictions.

### Action Line

The Applicant proposes a conceptual "Action Line" corresponding to a line on the blufftop which, should the bluff retreat to this pre-determined point, "it becomes necessary to initiate measures to arrest continued bluff erosion."<sup>34</sup> The Action Line was calculated by the Applicant's consulting geotechnical engineers based upon the location of the aforementioned proposed "Fire Lane" and the amount of bluff that would need to remain in order to support truck loading in the "Fire Lane" area. The Applicant estimates that the Action Line would be reached by bluff erosion roughly 7.5 to 40 years from the time the revetment is removed.<sup>35</sup>

The Applicant has clarified in several places (both in the submitted plan and by letter correspondence) that the Action Line is not the point when armoring is required, but rather the point at which it would need to be pursued. However, the proposed "facility relocation plan" is both unclear and internally inconsistent on this point.

<sup>33</sup> For the northern bluffs (estimated by the Applicant as a 1" to 3" per year bluff retreat rate), the range is from 240 to 720 years. For the southern bluffs (estimated by the Applicant as a 6" to 32" per year bluff retreat rate), the range is from 13 to 70 years.

<sup>34</sup> See submitted "facilities relocation plan."

<sup>35</sup> The 7.5 to 40 year estimate based upon the Applicant's estimated 6" to 32" inch bluff retreat rate for the southern portion of the site. The "Action Line" is roughly 20 feet from the blufftop edge at its closest point (in the southern portion of the site).



It needs to be clear that the "Action Line," either that proposed here or some variation thereof, enjoys no status under the Coastal Act nor the LCP. It is entirely within the Applicant's rights to propose shoreline armoring whenever they believe it is necessary. Likewise, when that application is made, the City of Pismo Beach and the Coastal Commission need to evaluate that application in light of the policies of the certified LCP and the Coastal Act, and the existing property restrictions, and render appropriate decisions. The Commission notes that the Applicant is not here proposing shoreline armoring, and the Commission is not here evaluating if shoreline armoring is warranted; whether it be now or at some point in the future. It will be up to the Applicant to make their case for shoreline armoring when and if they believe it to be justified and appropriate under the applicable policies, and up to the City and the Commission to decide on that application at that time.

The Commission is concerned that, similar to the other physical and conceptual development being proposed for the blufftop, that the Action Line, if endorsed, could be used as justification for shoreline armoring in the future at this site. There is no mechanism under the Coastal Act nor the LCP for such a predisposition. Defining such an element within the geologic hazard setback area runs counter to the LCP prohibitions for this area, the underlying property restrictions, and the parameters of the original approval of the Hotel in 1983. Accordingly, because the Action Line enjoys no status, because it could be used as justification for shoreline armoring (that brings with it its attendant negative coastal resource impacts) in the future, because it was calculated based on the position of a "Fire Lane" that does not exist (and not based on the inland location of the Hotel – roughly 25 to 60 feet inland of the conceptual "Fire Lane" proposed), and because the Commission does not want to prejudice future decisions on any future applications at this site, revised plans must be submitted that eliminate reference to the "Action Line" (see special condition 8).

#### **Facility Relocation Plan**

As described in the project description, the Applicant's proposed amendment submittal is incorporated into a "Facility Relocation Plan." This Plan has its genesis in the Commission's partial dewatering elements approval in 1998; an approval that required a "Facility Relocation Plan."<sup>36</sup> However, the 1998 requirement was to apply only to those elements approved at that time with the intent being that the submitted plan would provide for the relocation and/or removal of the approved blufftop elements (i.e., pathway, drainage line, etc.) in advance of the retreat of the bluff. This was meant to avoid a situation where these blufftop dewatering elements being approved at that time themselves were used to justify shoreline armoring in the future. In other words, to stipulate that such blufftop development was temporary in nature and not to be used to justify armoring at any time.

The Applicant's submittal substantially alters the intent and effect of the previously required Facility Relocation Plan premise. The submitted plan appears to more aptly be described as a plan defining locations for blufftop elements that cannot be altered and for which, ultimately, shoreline armoring will

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<sup>36</sup> Special condition 2 of CDP Amendment 4-83-490-A1. As noted before, the "Facility Relocation Plan" was required to be submitted within 60 days of the Commission's action on the previous permit amendment request (i.e., it was to be submitted by January 4, 1999). The current submittal is the first such plan received notwithstanding this requirement.



be necessary. Such intent is highlighted by the Fire Lane and Action Line concepts.

The submitted plan needlessly confuses the issues present at this location. If the Applicant wants to pursue shoreline armoring at this location, it needs to be clear that the only structure for which such armoring could even begin to be considered is the Cliffs Hotel itself. The Cliffs Hotel is the only principal structure on this site, all other development here is secondary to it. Even then, the Cliffs Hotel was originally permitted in 1983 with a blufftop setback that the Commission and the Applicant at that time determined to equate roughly to a 400 year setback; a setback deemed adequate for consistency with Coastal Act Section 30253 requirements that it not require shoreline armoring in the future.

Other than public access pathways, the LCP and the underlying property restrictions at this site prohibit development in the blufftop setback area seaward of the Cliffs Hotel. As such, allowing development within the setback area, such as the various utilities proposed as above discussed, can only be found consistent with the LCP when one takes a broad interpretation of the subject policies read together with the LCP objectives for the blufftop (namely that it be protected exclusively for public access uses and development). To even begin to assert that such non-access development in the blufftop could be used to justify future shoreline armoring, armoring for which negative impacts to public access would be expected, for which the underlying property restrictions do not currently allow, and for which the Coastal Act may not allow, is contrary to the LCP and the existing requirements here. As described above, the only way such blufftop development can be found consistent with the intent of the LCP and the applicable policies is to make sure that it is considered temporary and not used to justify armoring in the future. The facility relocation plan premise contradicts these requirements and confuses the core issues at the Cliffs Hotel site.

Accordingly, this approval is conditioned to delete the previous requirement for a Facility Relocation Plan. In its place, the Applicant will need to submit revised plans showing the locations for all facilities following the removal of the revetment, the removal of the sewage holding tank, and the relocation of the sewage lift station. Such plans must omit reference to "action lines," "fire lanes," or the landwardmost location for different structures. Previous blufftop landscaping and fencing requirements as amended should also be folded into the revised as-built plans for future ease of reference. To ensure that fencing does not block or otherwise disrupt public views inconsistent with the Coastal Act and LCP, fencing details must be provided. The revised as-built plans must indicate that all development in the blufftop seaward of the Cliffs Hotel will be relocated as necessary in response to bluff erosion, and cannot be used as justification for shoreline armoring proposals. See special conditions 2 and 6.

#### **Assumption of Risk**

The experience of the Commission in evaluating the consistency of proposed developments with Coastal Act policies regarding development in areas subject to problems associated with geologic instability, flood, wave, or erosion hazard, has been that development has continued to occur despite periodic episodes of heavy storm damage, landslides, or other such occurrences. Oceanfront development is susceptible to bluff retreat and erosion damage due to storm waves and storm surge conditions. Past occurrences statewide have resulted in public costs (through low interest loans and grants) in the



millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden on the people of the state for damages, the Commission has regularly required that Applicants acknowledge site geologic risks and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Such was the case when the Cliffs Hotel was originally permitted by the Commission in 1983.

In the case of the current proposal, there is some inherent risk associated with excavation of soils and rocks (i.e., the revetment) in a dynamic coastal bluff environment – an environment that the Applicants have acknowledged by deed restriction is “subject to extraordinary hazard from erosion and from bluff retreat.” Working on and around eroding bluffs is clearly a difficult undertaking.

During the 1998-99 revetment denial and subsequent reconsideration hearings, there was much discussion in front of the Commission over the method to be used to remove the revetment safely. The previous owners claimed at one time that the only way to remove the revetment safely was to excavate the blufftop to a 1:1 slope (i.e., to essentially remove the entire bluff seaward of the Hotel).<sup>37</sup> At that time, the Commission identified at least 3 options (and observed that there were likely many more) that could be pursued to remove the revetment without excavating the entire bluff. One option was to remove the revetment in the same way it was installed (by crane plucking rocks one-by-one); this is the method being pursued here in this application with the permutation that a support loader will be placed on the beach. A second option identified at that time was to combine support by a blufftop crane with a smaller pulley crane on the beach (at a safe distance from the bluff face) to pull the rocks onto the beach, one by one. Once on the beach, the rocks could be broken into smaller pieces and lifted to the bluff top for removal from the site. A third option, in the case a blufftop crane would destabilize the bluff (and decrease safety) avoided the blufftop area altogether. This option involved the use of very large industrial crane placed inland in the parking lot with a boom arm capable of making a 16,000 pound (8 ton) pick from up to 350 feet away.<sup>38</sup>

Likewise, there has been debate over the best method to safely address the abandoned sewage holding tank; namely, would be more protective of the bluff resources to leave the sewer holding tank in place and remove it in the future when and if it “daylights” in the bluff. The Applicant’s consulting geotechnical engineers indicate such removal in the future would be expected to exacerbate bluff erosion since it would likely take place during uncontrolled circumstances when the structure daylight. During such a time (for example, during a winter storm), removal of the tank could result in large-scale bluff failure. Removal of the tank now, when it can be done in a controlled manner and appropriately back-filled, would more be more protective of the restored natural bluff.

In any case, the Applicant’s consulting geotechnical engineers have endorsed the removal and restoration methods for the revetment, the sewage holding tank, and the sewage lift station. These methods appear arguably sound. This approval is conditioned to employ the removal and restoration methodology as endorsed and refined by the Applicant’s consulting geotechnical engineers (see special condition 1).

<sup>37</sup> Reconsideration hearings for 4-83-490-A1-R and A-3-PSB-98-049-R.

<sup>38</sup> Such cranes were readily available to be used at the site at that time.





However, as evidenced by the existing deed restrictions, there are inherent risks with development on and around eroding bluffs; this applies to the removal/restoration episodes as well as for development landward of the bluffs themselves. The Applicant's consulting geotechnical engineers have documented that the subject site is clearly subject to ongoing bluff erosion. They indicate that erosion should be expected to continue in the future, particularly following the removal of the revetment. As such, the site, and all development on it, is likely to be affected by shoreline erosion in the future.

Although the Commission has sought to minimize the risks associated with the development proposed in this application, the risks cannot be eliminated entirely. Given that the Applicant has chosen to pursue the development despite these risks, the Applicant must assume these risks. Accordingly, this approval is conditioned for the Applicant to assume all risks for developing at this precarious blufftop location (see special conditions 3 and 6). Specifically, special conditions 3 and 6 together require the Applicant to record a deed restriction that evidences their acknowledgment of the risks and that indemnifies the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit amendment.

#### **Existing Property Restrictions**

In order to allow any development in the blufftop other than public access pathways and stairways, the existing geologic hazard deed restriction must be amended to allow for such development. In this case, the proposed project includes major subsurface drainage and sewer utilities in the blufftop. Since this blufftop setback area and the implementing deed restriction were meant to allow for continued natural shoreline erosion in the setback so as to avoid the need for shoreline armoring, the only way that such a change could be allowed would be if it were clear that any such non-public access development in the blufftop were not to be used to justify future shoreline armoring at this site. In other words, all development seaward of the Cliffs Hotel in the blufftop must be considered temporary and relocatable in the event of bluff retreat threatening such development. Only in this way can the setback function as envisioned and the decisions regarding shoreline armoring at this site evaluated without prejudice. Therefore, special condition 4 includes the requirement that the existing geologic hazard deed restriction be so amended.

In addition, there is potential confusion because there are actually four separate existing deed restrictions, two each for public access and geologic hazards.<sup>39</sup> The reason for this is because there were two properties at the time the Commission approved the Cliffs Hotel in 1983 and the deed restrictions were recorded. The two properties have since been combined into one parcel (APN 010-041-044). In any case, the respective property restrictions (e.g., for access and geologic hazards) are the same between the applicable deed restrictions. The only difference is that each refers to a different area which, when combined, reflects the current parcel boundaries. To avoid such confusion, the existing deed restrictions need to be re-recorded based on the current parcel lines. Other than the change to the geologic hazards restriction identified, the existing property restrictions would remain unchanged. For ease of future reference, all property restrictions need to be shown on a combined graphic clearly delineating and

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<sup>39</sup> See also earlier section on Existing Deed Restrictions.



identifying the particular requirements of each recorded restriction applicable to the property (see special conditions 4, 5, and 6).

**Variance Required**

As described in the findings above, the LCP prohibits placement of non-public access structures in the blufftop setback area. The LCP allows for a variance from the strict application of this requirement. LCP IP Sections 17.121.030 and 17.121.040 state as follows:

*17.121.030 (Variances). Variances from the structural developments standards of this Ordinance for any zone may be granted by the Planning Commission when unusual hardships arise from the strict application of said standards applicable to a property. Variances may only be granted when all of the following circumstances are found to apply by the Planning Commission:*

- 1. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.;*
- 2. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive subject property of development potentials available to other properties in the vicinity and under identical current zone classifications; and*
- 3. The special circumstances affecting the subject property are unique to the site and do not apply equally to other lots in the vicinity under identical zone classifications.*

*17.121.030 (Non-Allowable Variances).*

- 1. The use of lands or buildings not in conformity with the regulations specified for the district in which such lands or buildings are located may not be allowed by the granting of a variance from the strict application of the terms of this Ordinance.*
- 2. Similar existing, nonconforming or illegal situations in the vicinity of a property are not evidence that would justify a variance in that the standards of the current zoning ordinance apply equally to conforming, nonconforming or illegal situations.*
- 3. Variances proposed as a result of hardships that are self-imposed may not be allowed.*
- 4. Density variances other than as provided in the adopted Housing Element portion of the General Plan/ Local Coastal Program Land Use Plan.*

In this case, the Commission is broadly interpreting the intent of the applicable LCP policies that are intended to (a) avoid development incompatible with public access use, and (b) avoid the need for



shoreline armoring. Since the non-public access structures proposed here would be placed underground, they are not likely to affect ongoing public access use of the blufftop. If and when such non-public access structures in the blufftop were to daylight in the bluff and/or fall to the beach, then they would negatively impact public access and public access views. However, immediate removal of such daylighting structures and/or debris on the beach could address this issue. The only way that the non-public access structures in the blufftop could be considered consistent with LCP policies requiring 100 year setbacks is to ensure that such structures are not themselves used to justify shoreline armoring (that brings with it its attendant negative coastal resource and public access impacts) when these developments may be threatened in the future. The placement of such developments in the blufftop thus must be considered a temporary location from which they will be moved as future erosion dictates. Of course, and as detailed in the findings above, the responsibility for the inherent dangers of developing along the immediate shoreline here must be assumed by the Applicant. As detailed in the preceding findings, special conditions are included to address these issues.

With these conditions, the Commission makes each of the required variance findings, with the required special circumstance being that the Cliffs Hotel inland of the blufftop is already permitted, developed, and operational.

#### **Coastal Act and LCP Consistency Conclusion**

The Cliffs Hotel case history is symptomatic of any number of cases statewide in which coastal developers build along an eroding shoreline and then request shoreline protection when natural shoreline processes continue. The Coastal Act and LCP require developers to show that their development will not require the construction of protective devices. Developers, in turn, provide site specific geotechnical analyses to show that, in fact, their development is consistent with Coastal Act and/or LCP siting and setback policies and thus will not require shoreline protection in the future. In essence, the developer is making a commitment to the public (through the Commission, and its local government counterparts) that, in return for building their project, the public will not lose public beach access, sand supply, visual resources, and natural landforms, and that the public will not be held responsible for any future stability problems.

Such a commitment was made in this case in 1983. In addition, the developers knowingly and voluntarily entered into property restrictions in which they acknowledged the "extraordinary hazard from erosion and from bluff retreat" associated with building at this location and they assumed all responsibility for this choice. As further evidence of the developers' assumption of risk, they further restricted the property to allow for only public access improvements seaward of the hotel. For better or worse, the Cliffs Hotel was developed with substantial utilities in the blufftop setback area. The LCP prohibits the placement of such development in the setback area, and the underlying property restrictions only allow for public access improvements in this area. Although the current Applicant was not the original Cliffs Hotel developer, the current Applicant knowingly and voluntarily accepted the property restrictions and the unresolved matter of the revetment and the unpermitted blufftop developments when the property was purchased.



The Applicant now proposes to resolve the most obvious unresolved problem at the site by removing the revetment. In addition, the Applicant now proposes to remove and/or relocate outside of the blufftop setback the most problematic of the unpermitted development present there (the sewage holding tank and the lift station). However, these straight-forward portions of the current proposal are not without their entanglements since they are entwined with requests to retain substantive non-public access development in the blufftop, and to define through a complicated plan conceptual and physical development that could be used to prejudice future shoreline armoring decisions regarding this site in the future. Because of this, and because of the inherent dangers of development along a naturally eroding shoreline, this approval is conditioned to resolve issues and leave in its wake the clearest of physical facts when and if shoreline armoring is proposed in the future.

In sum, the removal of the revetment, the removal of the sewage holding tank, the removal of the sewage lift station, and the restoration of the bluff in a timely manner are consistent with the Coastal Act, the LCP, and the Commission's Cease and Desist and Restoration Orders applicable to the site. The remaining development proposed within the blufftop setback area (i.e., the sewer lines, drainage system, pathway, and landscaping) and the relocated inland sewage lift station can be found consistent with the applicable LCP policies only if it is clear that such development will not be used as justification for future shoreline armoring requests. If they have not already, the Applicant should develop appropriate contingency planning for a worst case scenario in which such blufftop development must be removed. Of particular importance in this context would appear to be the blufftop sewer collection lines, without which the Hotel would cease to function. Given ongoing erosion, it would appear prudent to have non-armoring response(s) identified for such a future potential event. Any and all debris from the blufftop that falls to the beach below (e.g., abandoned lines) and/or that daylight in the bluff and creates a public safety nuisance or visual blight must be retrieved and properly disposed. The blufftop may be used for emergency access, but the proposed conceptual "Fire Lane" area is not recognized. The conceptual "Action Line" enjoys no status under the Coastal Act nor the LCP and is not recognized. Impacts to public access from construction are to be mitigated by an easement for lateral access upcoast. The Applicant must assume all risks for developing in light of the known hazards present at this location.

Finally, LUP Policy S-6 only allows shoreline armoring to protect existing principal structures. The Commission has consistently interpreted Coastal Act Section 30235 to only apply to existing principal structures as well.<sup>40</sup> The only principal structure at the site is the Cliffs Hotel itself. However, since the Hotel was approved in 1983 (post-Coastal Act effectiveness and prior to LCP certification) with a setback deemed adequate to negate the need for shoreline armoring (and was further deed restricted to assume the risks of erosion, to not allow for any development seaward of the Hotel that would impede public access, and to prohibit all development in the blufftop other than pathways and stairways), it is unresolved as to whether the Cliffs Hotel is a existing structure within the meaning of the Coastal Act

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<sup>40</sup> The Commission must always consider the specifics of each individual project, but has found that existing accessory structures (such as patios, decks, gazebos, stairways, etc.) are not required to be protected under Section 30235 or can be protected from erosion by relocation or other means that do not involve shoreline armoring. The Commission has historically permitted at grade structures within the geologic setback area recognizing they are expendable and capable of being removed rather than requiring a protective device that alters natural landforms along bluffs and cliffs.



and the LCP. Since the application here is not for shoreline armoring, these issues need not yet be resolved, but are critical context to understanding the development proposed, and the Commission's conditions.

Thus, and only as conditioned, can the Commission find the proposed project amendment consistent with the applicable LCP and Coastal Act policies cited in this finding.

### **3. California Environmental Quality Act (CEQA)**

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City in this case exempted the proposed amendment under CEQA as a "minor alteration of an existing private facility." This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

### **G. Outstanding Condition Compliance**

The Applicant is currently packaging materials to verify compliance with the CDP as amended for the Cliffs Hotel project (CDP 4-83-490 as amended by 4-83-490-A1). In addition to the proposed removal/relocation developments that are detailed in this report and that are partially considered compliance with previous conditions of approval, there are also distinct elements of condition compliance not addressed herein.<sup>41</sup> All such condition compliance measures not addressed by this permit amendment are being addressed separately by Commission staff in their condition compliance role. Since the conditions of this approval replace and modify special conditions 2 and 3 of 4-83-490-A1, remaining outstanding condition compliance (not associated with this CDP amendment) is limited to (a) verification that at least 19 public access parking spaces are signed and available for general public use at the Cliff Hotel site, and (b) verification that official Coastal Access signs marking the blufftop area

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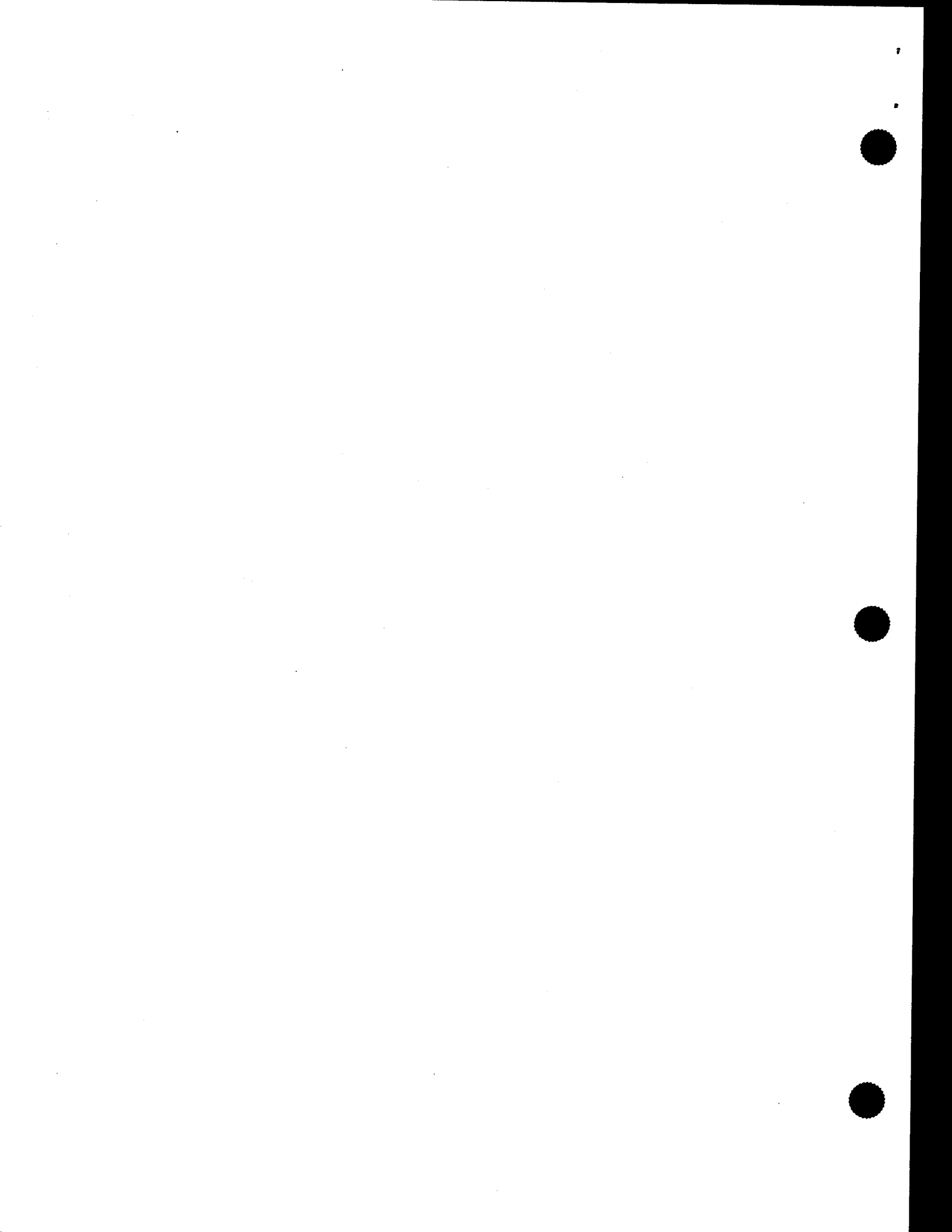
<sup>41</sup> Note that the submitted Facility Relocation Plan (see exhibit D) includes discussion of some of these elements.



and the pathway from Shell Beach Road to the beach as public access areas is in place. The Applicant indicates that such measures have been put in place and will be providing materials to that effect soon.



**Application 4-83-490-A2**  
**Cliffs Hotel**  
**Staff Report Exhibits**





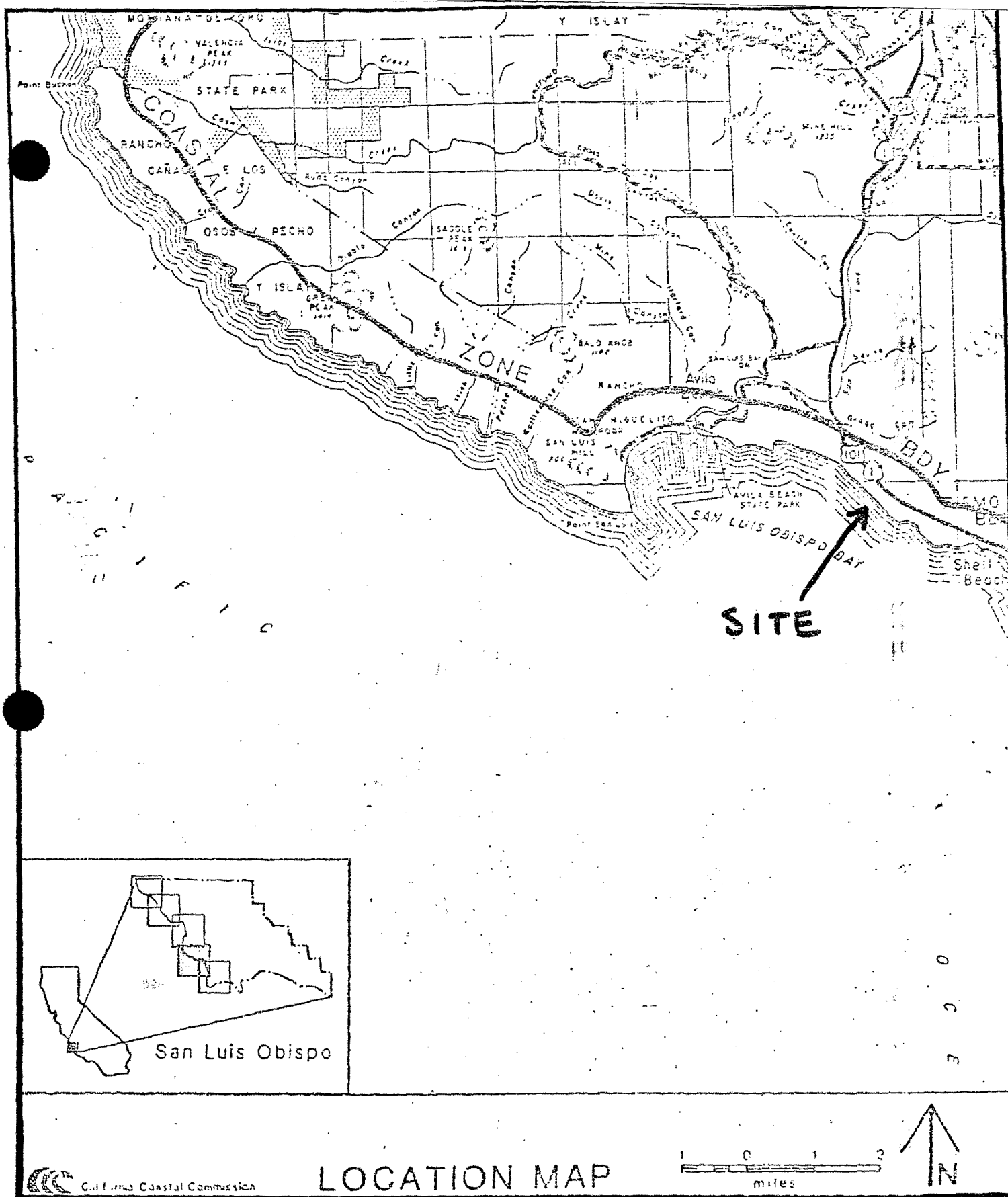
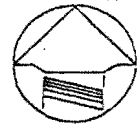
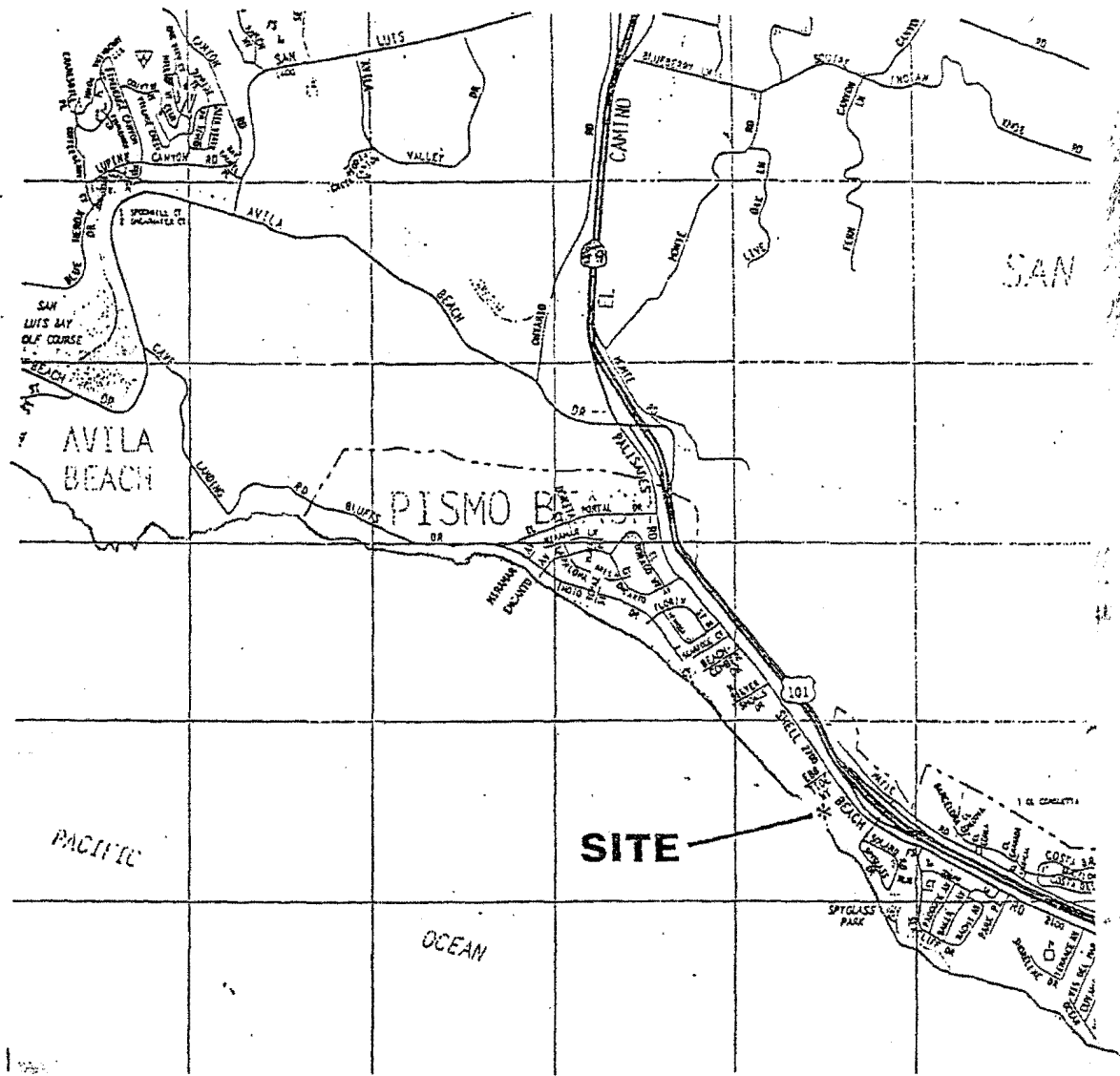


EXHIBIT A: LOCATION MAPS

# VICINITY MAP

## CLIFFS RESORT HOTEL

Shell Beach, California



NOT TO SCALE



Earth Systems Consultants

Northern California

January 7, 1996

Pacific Geoscience Division

4378 Santa Fe Road, San Luis Obispo, CA 93401

NGG-7457-05

RG

EXH. A

2

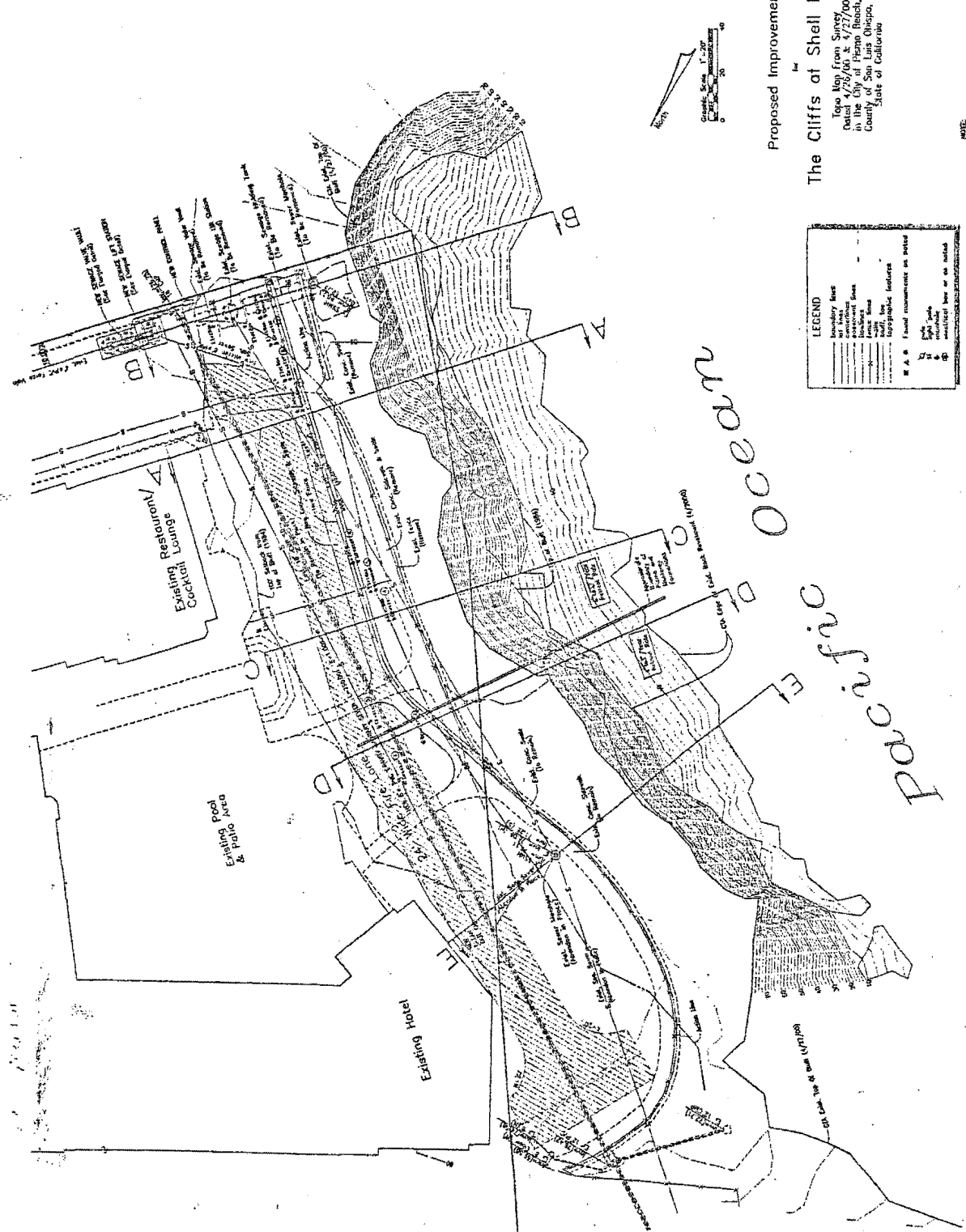


**Proposed Improvements**  
 Shell Beach, CA  
 The Cliffs Hotel of Shell Beach

**Project:** The Cliffs Hotel of Shell Beach, CA  
**Client:** King Ventures  
 1390 Folsom Street, Suite 200  
 San Francisco, CA 94115  
 (415) 441-4444

**Scale:** 1" = 20'  
**Date:** 10/20/11  
**Sheet:** 1 of 2

**Figure 1 - Facility Relocation Plan - Cliffs Hotel**



**Proposed Improvements for The Cliffs at Shell Beach**  
 Topo Map From Survey No. 11111111111111111111 in the City of Pacific Beach, County of San Luis Obispo, State of California

**LEGEND**

Boundary line	---
Set back	- - - -
Proposed improvement	--- (with symbols)
Existing structure	--- (with symbols)
Proposed structure	--- (with symbols)
Topographic features	--- (with symbols)
Found monument in field	⊙
Right of way	---
Utility line	---
Proposed easement	---
Proposed boundary	---

NOTE: All positions, alignments and depths of utilities shown on this map are based on field measurements and are approximate.

**EXHIBIT B: PROPOSED PLANS (FIGURES 1-6 OF PROPOSED FACILITY RELOCATION PLAN)**

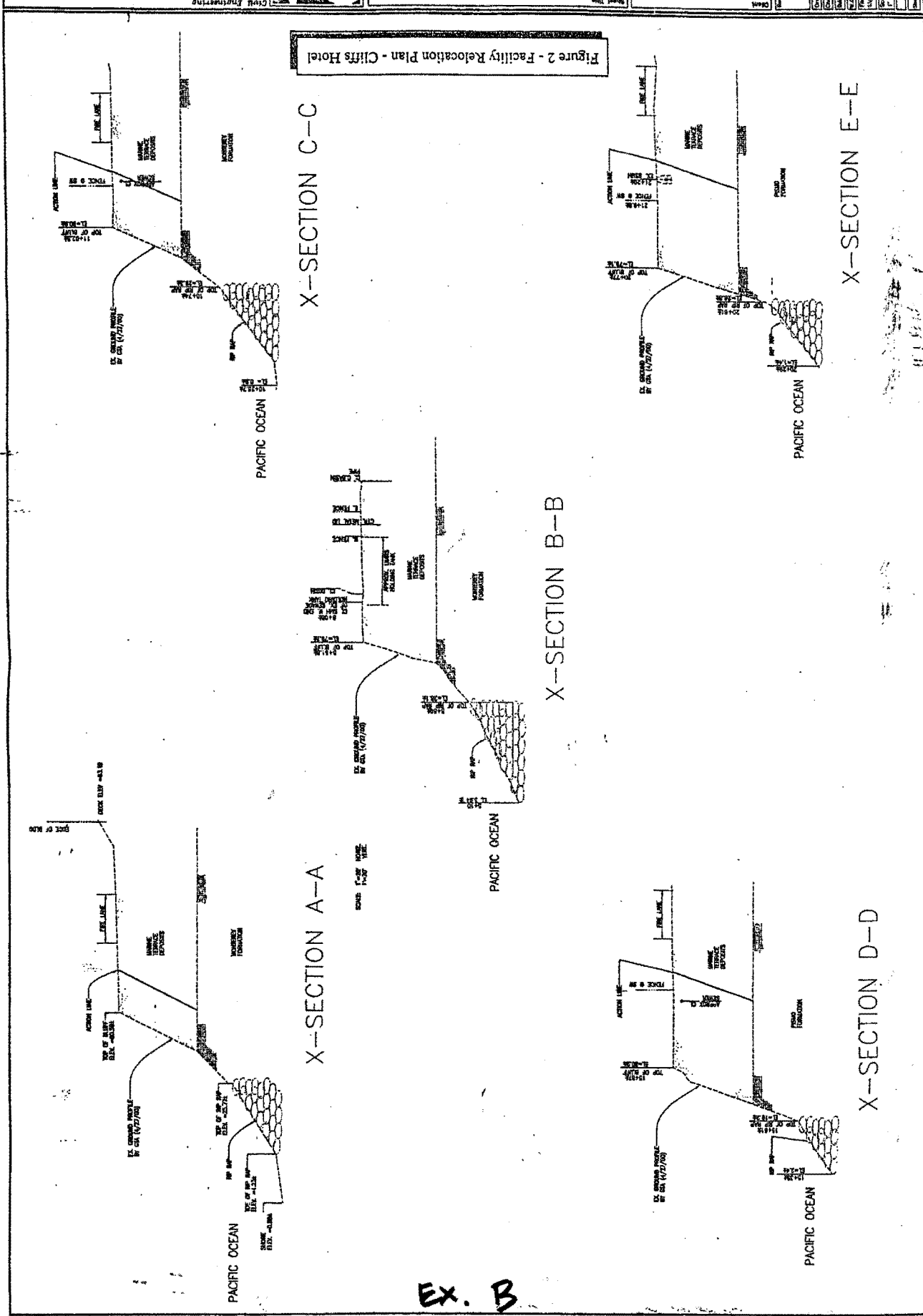


Figure 2 - Facility Relocation Plan - Cliffs Hotel

**Garling Taylor & Associates**  
 141 South Elm Street  
 R. James Goring, PCE 26993  
 Orange, CA 92668

**King Ventures**  
 280 Ramo Street  
 San Diego, CA 92101  
 (619) 544-4444

Sheet Title: Cross Sections  
 Project: The Cliffs Hotel at Shell Beach, CA  
 Date: 11/27/00

EX. B

4

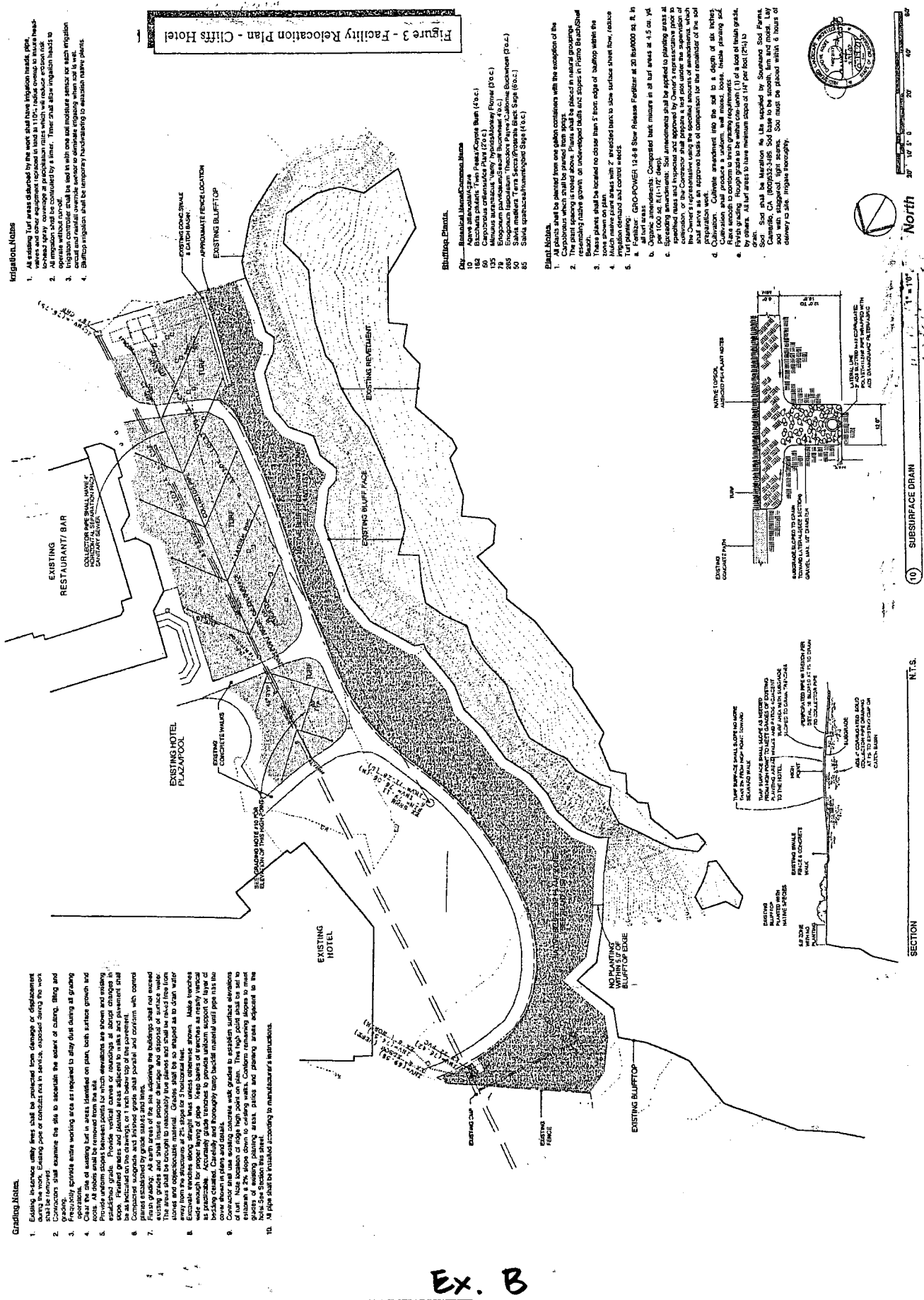
**Grading Notes**

- Existing in-situ utility lines shall be protected from damage or displacement during construction. Existing pipe or conduit run in service, exposed during the work shall be removed.
- Contractor shall examine the site to ascertain the extent of cutting, filling and grading. Utility records shall be reviewed to determine the location of all utility lines. Utility records shall be checked for accuracy and corrected as necessary.
- Clear the site of existing turf in areas intended for plant, both surface growth and established grade. Provide vertical curves or roundoffs at abrupt changes in grade. Provide uniform slopes between points for which elevations are shown and existing grades. Provide uniform slopes between points for which elevations are shown and existing grades. Provide uniform slopes between points for which elevations are shown and existing grades. Provide uniform slopes between points for which elevations are shown and existing grades.
- Compact subgrade and finished grade shall provide a firm and uniform support for all construction. Compact subgrade and finished grade shall provide a firm and uniform support for all construction. Compact subgrade and finished grade shall provide a firm and uniform support for all construction.
- Excavate trenches along straight lines unless otherwise shown. Make trenches straight and true. Excavate trenches along straight lines unless otherwise shown. Make trenches straight and true. Excavate trenches along straight lines unless otherwise shown. Make trenches straight and true.
- The areas shall be brought to reasonably true planes and shall be relevel from existing grades and shall insure proper drainage and disposal of surface water. The areas shall be brought to reasonably true planes and shall be relevel from existing grades and shall insure proper drainage and disposal of surface water. The areas shall be brought to reasonably true planes and shall be relevel from existing grades and shall insure proper drainage and disposal of surface water.
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**Irrigation Notes**

- All existing turf areas shall be protected by the night when back irrigation heads, after the system is installed, are in operation. Existing turf areas shall be protected by the night when back irrigation heads, after the system is installed, are in operation. Existing turf areas shall be protected by the night when back irrigation heads, after the system is installed, are in operation.
- Back irrigation shall be installed in accordance with the manufacturer's instructions. Back irrigation shall be installed in accordance with the manufacturer's instructions. Back irrigation shall be installed in accordance with the manufacturer's instructions.
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**Figure 3 - Facility Relocation Plan - Cliffs Hotel**



Ex. B  
5

firm

Sheet 2118  
Project: The Cliffs Hotel  
Client: The Cliffs Hotel  
Date: 01/10/01



North

SECTION 10  
SUBSURFACE DRAIN

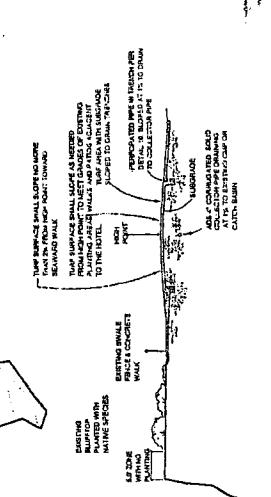
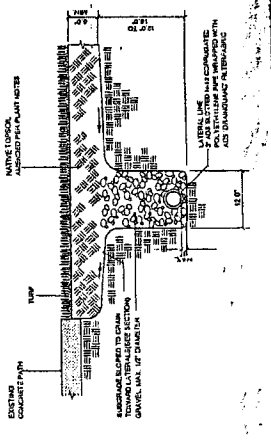
N.T.S.

**Planting Schedule**

1. All plants shall be planted from one gallon containers with the exception of the Carob which shall be planted from trays.
2. The plant spacing is noted above. Plants shall be placed in a staggered planting pattern.
3. Plants shall be planted in accordance with the manufacturer's instructions.
4. Plants shall be planted in accordance with the manufacturer's instructions.
5. Plants shall be planted in accordance with the manufacturer's instructions.

**Planting Notes**

1. All plants shall be planted from one gallon containers with the exception of the Carob which shall be planted from trays.
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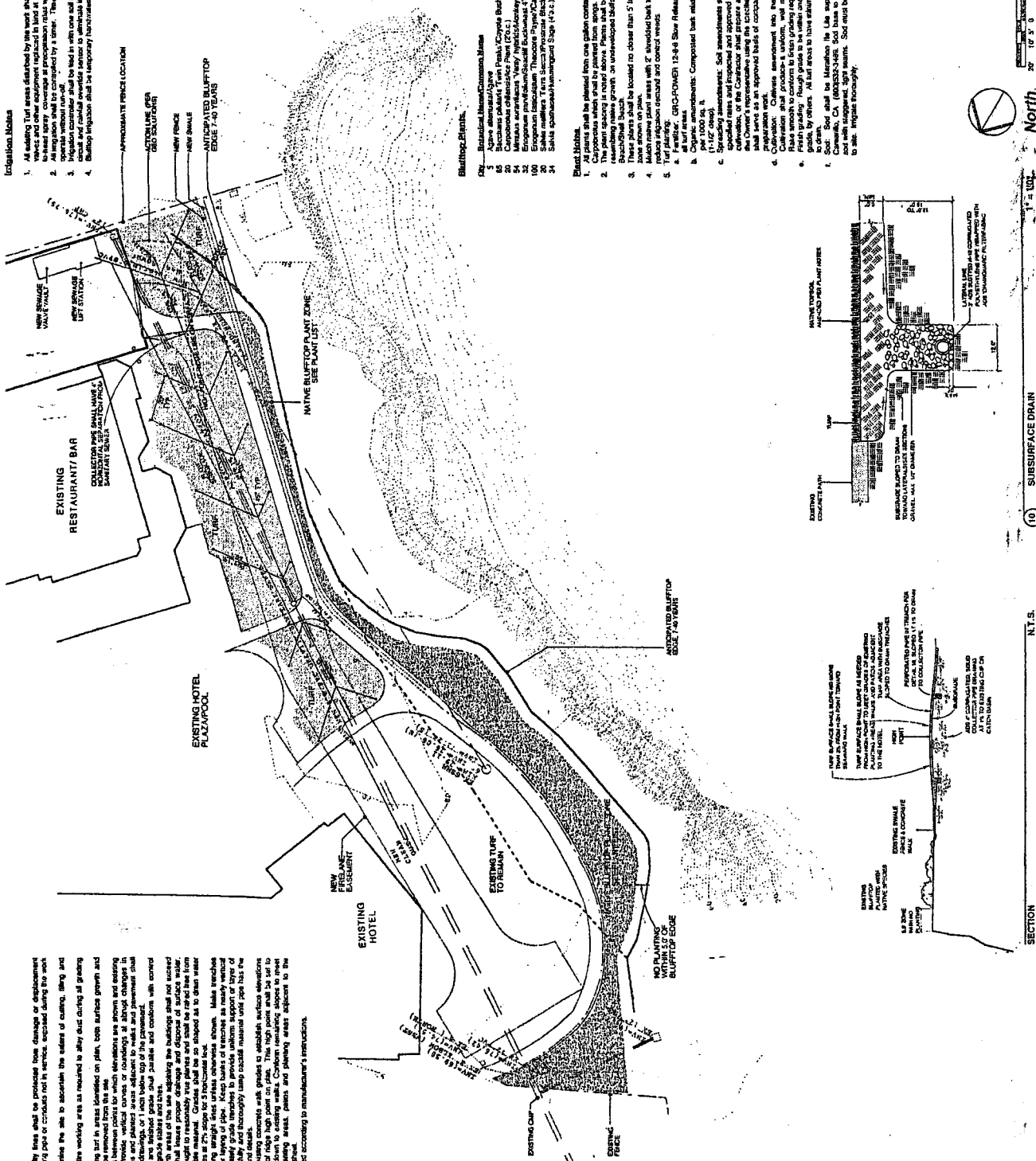
**Grading Notes**

- Existing structures, utility lines, shall be protected from damage or displacement during the work. Existing pipe or conduits not in service, excavated during the work, shall be removed.
- Contractor shall examine the site to ascertain the extent of existing, filling and grading.
- Frequently service areas are required to stay clear during all grading operations. The site of existing structures shall be maintained as shown and existing structures shall be protected by retaining walls, shoring, bracing, etc. as indicated on the drawings.
- Finished grades and planned areas adjacent to roads and pavement shall be established by a professional surveyor.
- Finish grading. At each area of the site adjoining the buildings shall not exceed 2% slope in any direction. Grading shall be so shaped as to drain water away from the structures at 2% slope for 3 feet/100 feet.
- Accurately grade trenches to provide uniform support or layer of construction material. Carefully and thoroughly compact materials until job has the required strength.
- Contractor shall use existing concrete walk grades to establish surface elevations at lot. New location of steps high point on plan. The high points shall be set to provide uniform support or layer of construction material. The high points shall be set to provide uniform support or layer of construction material. The high points shall be set to provide uniform support or layer of construction material.
- All spot shall be finished according to manufacturer's instructions.

**Blufftop Notes**

- All existing turf areas disturbed by the work shall have irrigation lines, pipe, valves and other equipment replaced or installed in accordance with the manufacturer's instructions. All irrigation lines shall be installed in accordance with the manufacturer's instructions.
- All irrigation lines shall be installed in accordance with the manufacturer's instructions.
- Contractor shall be held in with one soil moisture sensor for each irrigation line and one soil moisture sensor for each irrigation line.
- Blufftop irrigation shall be temporary functioning to establish native plants.

**Figure 4 - Facility Relocation Plan - Cliffs Hotel**

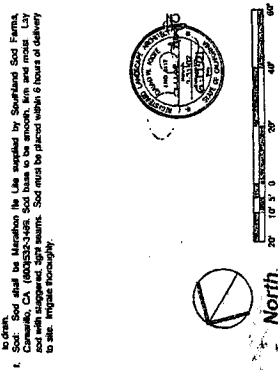


**Blufftop Plants**

1. Agave attenuata/Agave
2. Agave schottlandii
3. Agave attenuata
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99. Agave attenuata
100. Agave attenuata

**Blufftop Notes**

1. All plants shall be placed from one gallon containers with the exception of the 1" and 2" plants.
2. The plant spacing is noted above. Plants shall be placed in natural groupings resembling natural growth on unvegetated bluffs and slopes in Plano.
3. The plants shall be located to be clear from 5" from edge of Blufftop within the zone shown on plan.
4. Match native plant areas with 2" stippled back to show surface sheet flow.
5. Turf planting.
  - Fertilizer. GRC-POWER 12-4-8 Slow Release Fertilizer at 20 lbs/1000 sq. ft. per 1000 sq. ft.
  - Organic amendments. Composted bark mulch in all turf areas at 4.5 cu. yd. per 1000 sq. ft.
  - Soil amendments. Soil amendments shall be applied to planting areas at specified rates and inspected and approved by Owner's representative prior to installation. The Contractor shall prepare a list of all soil amendments used. The list shall serve as an approved basis of comparison for the amount of the soil amendments used.
  - Contractor shall provide a uniform, well mixed, loose, friable planting soil. Rate amount to conform to listed growing requirements.
  - Contractor shall provide a uniform, well mixed, loose, friable planting soil. Rate amount to conform to listed growing requirements.
  - Soil. Soil shall be vegetation free. Soil must be placed within 6 hours of delivery to site. Irrigate thoroughly.

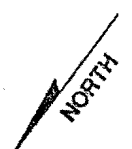
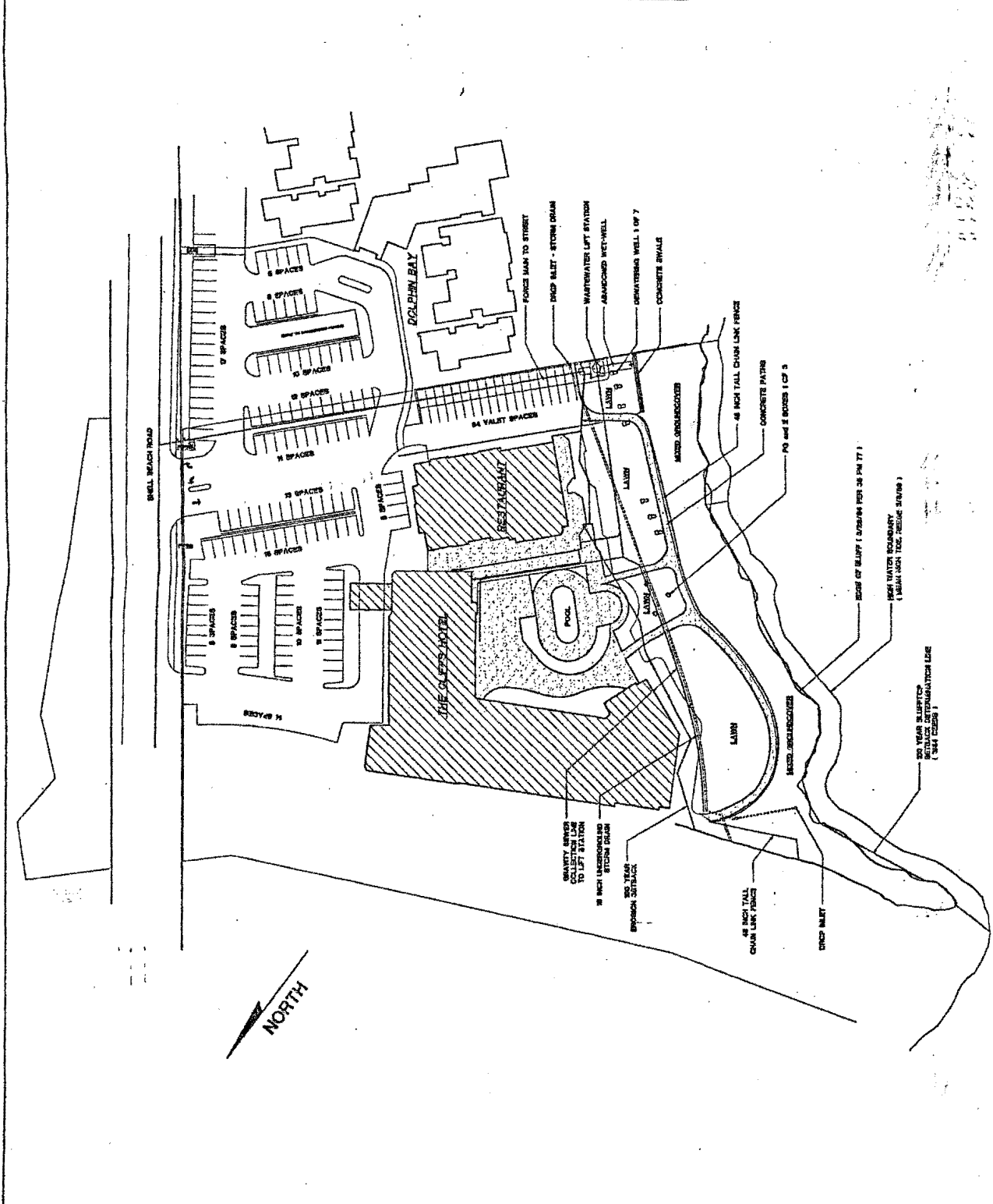


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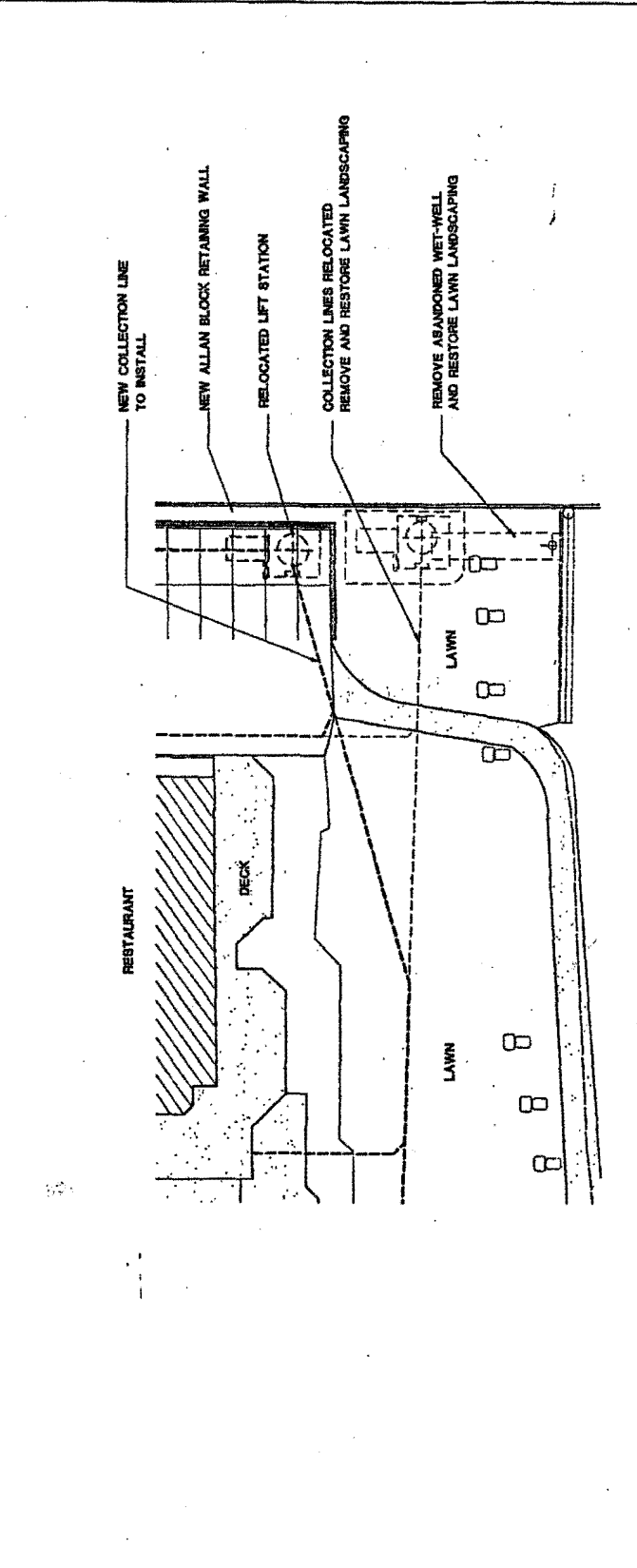
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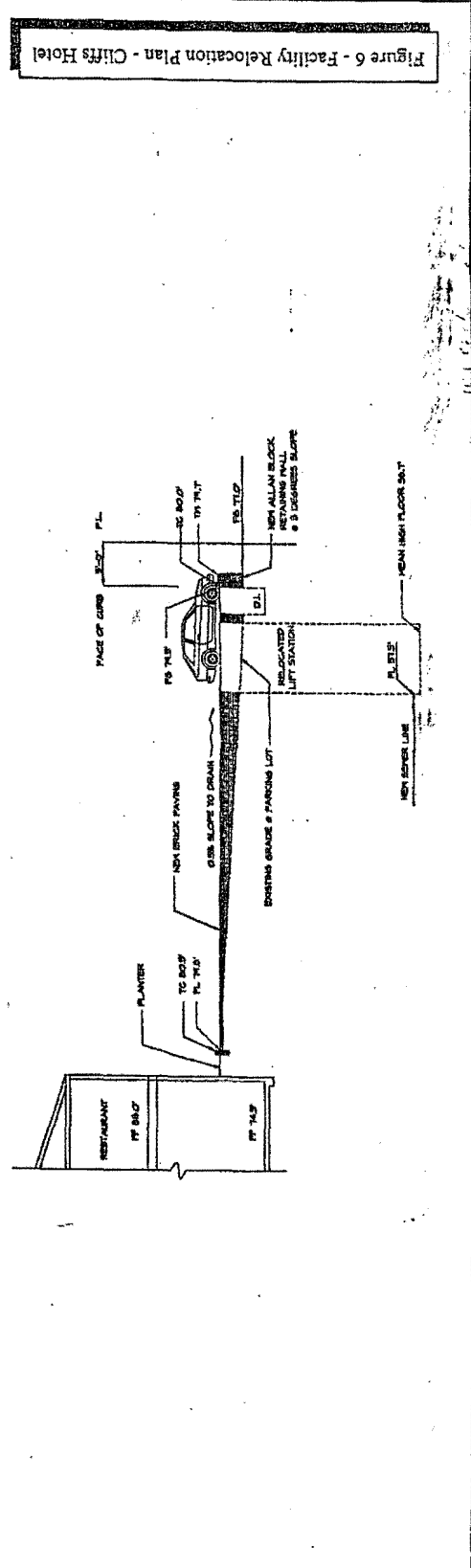
Figure 5 - Facility Relocation Plan - Cliffs Hotel



Ex. B  
7



SITE PLAN FOR RELOCATION SCALE - 1/8" = 1'-0"



SECTION FOR RELOCATION

Figure 6 - Facility Relocation Plan - Cliffs Hotel

NTS

Ex. B  
 8



# EXHIBIT B

PIGMO-4  
LATERAL PUBLIC ACCESS  
AREA 1 & 2  
VERTICAL PUBLIC ACCESS  
AREA 3

TRUE POINT OF BEGINNING  
FOR PIGMO-4: AREA 3

POINT OF BEGINNING

S 45° 24' N 40.00'

N 40° 21' W 907.60'

NELSON

SHELL

BEACH

ROAD

APN  
010-041-044

AREA 3

PIGMO-4

WILKERSON

CENTERLINE 10' VERTICAL PUBLIC ACCESS EASEMENT

CENTERLINE 30' VERTICAL PUBLIC ACCESS EASEMENT

100' LATERAL PUBLIC ACCESS EASEMENT LINE

AREA "A"

AREA "B"

OCEAN  
BLUFF LINE  
ORDINARY HIGH TIDE LINE  
PACIFIC OCEAN

NOTE: SEAWARD PROPERTY LINE APPROXIMATE

AREA "A" = GEOLOGIC HAZARD SETBACK DEED RESTRICTED AREA  
AREA "A" + AREA "B" = PUBLIC ACCESS DEED RESTRICTED AREA

END OF DOCUMENT

EXHIBIT C: EXISTING GEOLOGIC HAZARD AND PUBLIC ACCESS DEED RESTRICTION AREAS

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# Facility Relocation Plan

For:

The Cliffs Hotel and Restaurant  
2757 Shell Beach Road  
Pismo Beach, California 93449

Submitted To:

City of Pismo Beach  
California Coastal Commission

Pursuant To:

Coastal Commission  
Restoration Order No. CCC-00-RO-01  
and  
Cease and Desist Order No. CCC-00-CD-04

Prepared and Submitted By:

La Noria IMS, LLC  
C/o King Ventures  
290 Pismo Street  
San Luis Obispo, CA

*REC'D w/ APPLICATION  
8/20/01 DGAR*

June 25, 2001

**EXHIBIT D: PROPOSED FACILITY  
RELOCATION PLAN**

**10**

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- Future Plan
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Appendix 1.\* March 20, 2000 Coastal Commission Restoration and Cease and Desist Orders

Appendix 2.\* Excerpt of March 16, 2000 Coastal Commission Report (Adopted Findings)

Appendix 3. GeoSolutions' Geotechnical Materials for Facility Relocation Plan - June 7, 2001

Appendix 4. Overall Cliffs Resort Site Plan and Sewer Lift Station Relocation Detail

\*STAFF NOTE: NOT INCLUDED IN THESE EXHIBITS. AVAILABLE FOR REVIEW AT THE COASTAL COMMISSION'S CENTRAL COAST DISTRICT OFFICE.

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LIST OF FIGURES

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- Figure 2. Existing and Projected (Future - Post Erosion) Cross Sections
- Figure 3. Phase 1 (Existing) Landscape Improvements
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- Figure 5. Existing Site Plan - Resort Overview Plan
- Figure 6. Sewer Lift Station Relocation - Site Plan and Section Drawing

Section 1. Background and Summary of Application Submittals

This application has been formulated to comply with the Coastal Commission's March 16, 2000, "Restoration" (CCC-00-RO-01) and "Cease and Desist" (CCC-00-CD-04) Orders, to address related Violation Files (V-3-96-03 a and b), and to comply with the Coastal Commission's November 5, 1998, permit amendment action (4-83-490-A1), as they all relate to the Cliffs Hotel and Restaurant, located at 2757 Shell Beach Road, City of Pismo Beach, County of San Luis Obispo. (See Appendices 1 and 2 for Coastal Commission background materials).

In summary, the captioned permit amendments and orders provide that (a) rock revetment placed at the base of the bluffs be removed, (b) a series of improvements located within the blufftop setback zone be retained, relocated and/or removed, and (c) certain public access requirements of the original 1983 coastal permit be complied with. To specifically address these requirements, as detailed in this application, the owners of the hotel shall:

- Remove all rock revetment installed under City of Pismo Beach Emergency Permit No. 97-238-001, issued August 28, 1997, and restoration of the beach portion of the subject site;
- Remove and relocate a sanitary sewer lift station serving the entire site, to a location landward of a blufftop setback area established with the original 1983 coastal permit approvals;
- Permanently remove a sewage holding tank located approximately 9.5' below the top of bluff, measuring 32.5' long, 7.5' wide and 8.0' deep;
- Retain in part, relocate in part, and abandon portions of a gravity sanitary sewer collection line running generally parallel to the bluff face;
- Retain in part, and relocate in part a blufftop concrete public access path/drainage swale with a black anodized fence;
- Retain 10 dewatering wells with underground electrical connections;
- Retain a storm drain system including drop inlets;
- Retain in part, abandon in part, and reconstruct landscaping and irrigation systems;

- Permanently provide and maintain 19 public beach access parking spaces;
- Permanently provide and maintain signage for the public vertical accessway and identifying the availability of public beach parking; and,
- Permanently mark and maintain the above 19 public parking spaces with individually stenciled marking stating "Public Beach Access Parking Only".

The accompanying materials and plans constitute the hotel owners application materials ("Facility Relocation Plan", or "Plan), submitted to both the City of Pismo Beach and the Coastal Commission, in an effort to comply with the noted Commission actions from November, 1998 and March, 2000.

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Section 2. Rock Revetment Removal

Pursuant to the Commission's "Restoration" Order No. CCC-00-RO-1, this application for a coastal development permit (CDP) to the City of Pismo Beach for removal of the rock revetment and restoration of the beach areas at the base of the bluffs is intended to meet these requirements. Following City action, the CDP application will be heard and acted upon by the Commission.

The techniques used to remove the rock will be virtually identical to the methods employed to install the rock in 1997. A single, or pair, of 80-120 ton crane(s) will be placed perpendicular to the bluff edge. The crane(s) will initially lower a backhoe/loader to the beach area during low tide conditions, and a rock pad (created at an elevation above the high tide conditions for the time of year this work is performed) will be used to store or park the backhoe/loader when not being used. The crane(s) will lift the rock to the blufftop surface and stack it for a second backhoe/loader to pick up and place in trucks for removal. Given the nature of the size of boulders on the beach (2-6 tons in size) and the number of rock to be removed (between 1,200-1,500 rocks) it is expected that between 50 to 75 dump truck loads will be required to transport all rock off-site. At this time a final location has not been identified for the disposal site.

Approximately 5,000 tons of rock will be removed from the beach and toe of bluff. It is anticipated that the work will require approximately 6 weeks to complete; 4 weeks spent lifting and hauling rock, and 2 weeks repairing and restoring the blufftop construction areas damaged by the crane(s), and restoring the blufftop public access areas and landscaping.

Dewatering of the bluff will be necessary so as to provide the driest surface and subsurface environment to maintain the crane(s) in the most stable, and therefore safest, manner. To accomplish this, the blufftop lawn and landscaping in the vicinity of the placements of the crane(s) should have the irrigation systems turned off for upwards of 1 month prior to mobilization of the crane(s). It is also appropriate to conduct this work during the driest weather

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periods of the year and at a time when the ocean surf/tide is generally at its lowest. This suggests a Fall time frame, September to Mid-November (end of driest season). Allowing a total of 10 weeks to accomplish this work, dewatering of the landscape commencing September 1st would allow the crane(s) to work from October 1-30, and the first 2 weeks of November would be available to reestablish the public access and landscape improvements, as well as convert the sanitary sewer collection line to a relocated lift station, as described in the following sections.

Enclosed with Appendix 3 is a geotechnical report (GeoSolutions; 6/7/2001) addressing many subjects, including the resumption of geologic erosion rates with and without the rock rip-rap. Removal of the rip-rap will permit the ocean waves to resume their erosive undercutting of the lower 40-45 feet of bluff. This lower zone has been identified as either Monterey or Pismo formation bedrock. Each of these formations include differing resistance to erosion based on their physical characteristics. We are also able to review site-specific records, aerial photography in the area, and bluff surveys conducted for the Cliffs to pinpoint the erosion rates based on site-specific experience since the early 1980's.

The Monterey formation bedrock occurs in the southerly half of the blufftop. The Pismo formation occurs to the northern half of the blufftop, characterized by the jutting promontory directly west of the main hotel building.

Based on GeoSolutions' evaluation of the previous studies, historical information, and their own work in this area, including the adjoining Dolphin Bay project, they have projected erosion in the less stable Monterey Formation will resume after removal of the rip-rap at a rate of 6" to 32" per year. The Pismo formation bedrock will also experience a resumption of erosion, but at a much slower 1" to 3" rate per year.

The combined effect of these rates of erosion will involve a profile on the blufftop approximating what GeoSolutions calls the "Action Line", as detailed on Figure 1 of this Plan. The Action Line, in the vicinity of the restaurant, is the projected top of bluff within a 7 to 40 year period following removal of the rock rip-rap.

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The significance of the Action Line as presented is to define the landward-most point of bluff erosion before it becomes necessary to pursue bluff protective measures. In effect, the proposed Action Line is the recommended landward edge of erosion of the blufftop before continued erosion of the bluff begins to endanger or undermine the stability of "essential" blufftop improvements. This concept is discussed in greater detail in Section 4, "Facility Relocation Plan", of this application.

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Section 3. Permit Compliance Not Subject to Facility Relocation Plan

- Public Parking Spaces - Striped
- Public Parking Spaces - Signed
- Public Access Signs

When the original 1983 Coastal Development Permit (CDP) was issued for the project, several conditions specific to public access and public parking were imposed. These conditions are subject to ongoing compliance by the owner/operators of the hotel complex. The initial construction of the hotel included the provision of 19 public parking spaces, located oceanward of Shell Beach Road, and adjoining the arroyo to the north of the project. This arroyo had long served as an informal public access trail to the beach below the hotel. As a condition of the CDP, the Cliffs Hotel was to construct and maintain these public access parking spaces, as well as a lateral public access trail running from Shell Beach Road to the public stairway constructed by the hotel at the oceanward foot of the arroyo. The 1983 CDP also required the placement and maintenance of signage identifying both the public accessway, and the availability of public parking.

The Commission's Violation File (V-3-96-03 a and b) was opened when it was learned in 1996 that the access signage and striping of the public parking spaces was not in place. These matters were included in the above referenced Restoration and Cease and Desist Orders.

Upon acquisition of the hotel in 1999, La Noria IMS, LLC, completed striping of the 19 required "public beach access only" parking spaces (October, 1999) and re-installed a second "public beach access" sign adjoining Shell Beach Road and the lateral arroyo accessway to the beach (December, 1999). On February 18, 2000, the Commission was advised in writing that both the re-striping of the public parking spaces and the new signage had been completed.

The signage and striping in place as of this date, will be maintained by the owners of the hotel, pursuant to the continuing obligations of the original 1983 CDP.

Section 4. Facility Relocation Plan

The following Facility Relocation Plan (Plan) is intended to address the Commission's "Cease and Desist" Order (CCC-00-CD-04) by:

- (a) refraining from any further development in violation of the 1983 permit;
- (b) provide evidence of permit compliance with conditions of the 1983 approval;
- (c) apply to the City and Commission for removal and relocation of the sewer lift station; and,
- (d) provide evidence of compliance with the terms and conditions of CDP 4-83-490-A1, which is the Commission's 1998 permit amendment calling for the creation of a "Facility Relocation Plan".

**No Further Violations / Consistency with 1983 CDP**

With respect to items (a) and (b), above, La Noria IMS, LLC, has taken action to address the only "permit compliance" issues outstanding under the 1983 coastal permit; namely the re-striping and signage of the public access parking and path detailed in Section 3 earlier.

**Removal of Overflow Holding Tank / Relocation of Sewer Lift Station**

The Commission's 1998 action to require the removal of the rock revetment included the requirement to remove the sewer lift station and a previously abandoned overflow holding tank, each presently located oceanward of the 100' blufftop setback. The Commission's reasoning: the blufftop was to be reserved for public access and landscaping only, in addition to the bluff retreat setback. The Commission's 1998 and 2000 actions allowed the hotel the option of applying to the City only to permanently remove these improvements, or to the Commission and City to retain them.

In this case, the owners are applying to permanently remove the abandoned holding tank, and to remove and relocate the underground sewer lift station approximately 30' westerly, to be relocated underground, in the parking lot for the hotel. It is not feasible to permanently remove

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the sewer lift station as this facility serves the entire resort development, so an application to both the City and Commission is required to retain the lift station in a modified location.

The relocated lift station is described in Figures 1 and 6, and involves literally removing the salvageable equipment, demolishing and removing the station housing, back filling with dirt, reconstructing a new station 30' to the west, and reinstalling equipment and control/electrical conduits to reestablish sewer waste service to the site. The new lift station would be connected to the hotel's existing sewer force main that runs west to the City collection system located in Shell Beach Road. To complete this work, the existing blufftop gravity sewer line that collects all wastewater from the hotel and restaurant will require rerouting of just under 50' feet of line, so that this existing line may feed the new lift station.

These applications were submitted to the City of Pismo Beach on March 3, 2000, and have been assigned Application #00-0035 by the City Planning Department.

#### **Compliance with 1998 Commission CDP Amendments - Facility Relocation Plan**

This Facility Relocation Plan, as envisioned by the 1998 permit conditions, is a means for the hotel owners to present a plan for addressing the incremental erosion that would resume upon removal of the rock rip rap at the base of the bluff.

Recognizing that certain improvements on the blufftop or below the surface could be impacted by continued erosion, the Commission's conditions required that the Facility Relocation Plan identify all improvements oceanward of the main buildings, and then classify these identified improvements according to their "essential" or "non-essential" nature, and to further identify the landward-most feasible location for these improvements.

Upon removal of the rock protection at the base of the bluff, erosion is anticipated to resume at variable rates on the property. Geotechnical and soils information provided by GeoSolutions for this application (See Appendix 3), includes an estimate of historical erosion experience in the range of between 6"-32" per year for the southern half of the bluff (in front of

restaurant), and 1"-3" annually for the northern half of the bluff (in front of the hotel and plaza/pool). The primary difference in these ranges is the hard rock promontory extending oceanward along the northern half of the site, consisting of the more resilient Pismo Formation. The Monterey formation has experienced a faster rate of erosion at the Cliffs property.

For the purposes of this application, we have categorized all identified improvements oceanward of the hotel and restaurant buildings in the following fashion:

Essential Improvements

Underground Storm Drain Line  
Underground Dewatering Wells (10)  
Underground Electrical/Conduits  
Surface Storm Drain Drop Inlets  
Surface Drainage Swales  
Irrigation Moisture Sensors  
Gravity Sewer Collection Lines  
Public Access Walkway  
Black Anodized Chain Link Fence  
Fire Department Emergency Access

Non-Essential Improvements

Underground Irrigation Lines  
Surface Irrigation Spray Heads/Drip Lines  
Irrigated Ornamental Landscaping  
Irrigated Lawn  
Non-irrigated drought tolerant/native plants  
Low Voltage Path Lighting and Conduits  
Sanitary Sewer Manhole

To the degree that we have identified "essential" facilities, this application defines those improvements to be "essential" if it is necessary to maintain that improvement oceanward of the hotel buildings. If it is possible to permanently remove or relocate any blufftop improvements outside of the blufftop area, then those improvements were noted as "non-essential".

In the case of the "non-essential" facilities, all of the landscape improvements are deemed to be relocatable or can be removed entirely and permanently from the blufftop. In the case of the low voltage pathway lighting, it would be possible to relocate these to points that coincide with a landward relocation of blufftop public access. With regard to the sewer manhole located to the north end of the site in front of the hotel, the sewer collection line running south of

this point to the lift station will need to be relocated if and when erosion is permitted to undermine this line. Therefore, the manhole, which appears to have been installed to service properties north of the arroyo, can be abandoned in place. The new sewer collection line (as described in detail below) can be installed closer to the hotel and run parallel to the blufftop at a location landward of the existing blufftop storm drain line. Because the landward progression of the blufftop will need to be arrested at some point in the future when "essential facilities" cannot be relocated landward any further and they are threatened by the eroding bluff, the progressive abandonment or relocation of landscaping will also end.

The next step in this process is to identify the "landward most feasible location" for any of the "essential facilities". Presented in summary, we propose the following specific locations to be:

<u>Essential Improvements</u>	<u>Landward-Most Feasible Location</u>
Underground Storm Drain Line	Due to slope and alignment, present location
Underground Dewatering Wells (10)	Within 5' of foundations
Underground Electrical/Conduits	To coincide with relocated dewatering wells
Surface Storm Drain Drop Inlets	Present locations to coincide with drain line
Surface Drainage Swales	Immediately oceanward of public access areas
Irrigation Moisture Sensors	Immediately oceanward of irrigated landscape
Gravity Sewer Collection Lines	Within 15' of foundations
Public Access Walkway	Generally adjoining the buildings
Black Anodized Chain Link Fence	To coincide with blufftop public access areas
Fire Department Emergency Access	Immediately adjoining the hotel/plaza bldgs.

### **Underground Storm Drain System**

This system includes the main underground line that runs north to the storm drainage outfall pipe that carries storm water runoff to the beach and ocean. This system also includes all the drop inlets to collect the runoff and convey it to the main line. This main line was installed generally within 15' of the hotel and restaurant buildings, and must maintain a straight line flow

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to convey water to the ocean outfall and discharge. Both surface (drop inlets) and subsurface (dewatering well) sources discharge to this main line.

This storm drain system may also be considered to include the dewatering wells (10) and underground irrigation moisture sensors. The placement of these wells and sensors was carefully designed to pick up underground moisture and runoff waters before they discharge at the bluff face. In the case of the dewatering wells (including electrical connections and storm drain conduit), the precise location near the center of the site was chosen so that an underground area susceptible to subsurface runoff could be intercepted before impacting the bluff. It is feasible to move these wells to within 5' of the buildings to continue to perform this function. Moving these dewatering wells substantially north or south of the present location would seriously diminish their effectiveness. The moisture sensors are necessary only so long as irrigated landscaping is used on the blufftop. Assuming that the surface collection system coincides with any irrigated landscape areas, we would propose that the moisture sensors also coincide with the oceanward edge of irrigated landscaping.

#### Surface Storm Drain System

This system includes two (2) concrete swales presently constructed at the oceanward limits of the blufftop public access and landscaping improvements. The larger swale begins in line with the southern edge of the restaurant building at the bluff edge, and runs generally 12'-17' from the edge of the blufftop in the southern half of the site, and occurs 30'+ along the northern half of the blufftop. This swale discharges to the underground storm drain system via a drop inlet at the northern end of the swale.

A second, shorter swale of approximately 60' in length, occurs oceanward of the existing lift station. The critical importance of these swales are to intercept surface runoff before it flows over the bluff face. The swales prove to be most effective by intercepting surface storm waters that would otherwise run over the blufftop, causing surface rutting and instability along the bluff, accelerating erosion.

The shorter southerly swale should be relocated landward after the removal of the holding tank, and in a location that would be in line with the future relocation of the northerly swale (see Figure 1).

### Gravity Sewer Collection Lines

At present, the wastewater from the hotel and restaurant flow oceanward by gravity, to a collection line that flows southerly to the present lift station. From there, the sewage is lifted or forced to Shell Beach Road, where wastewater then enters the City's collection system. The present blufftop collection line was built approximately 50'-60' from the buildings. This line can be relocated landward as close as within 15' of the buildings. This would allow room to dig up the line, and/or maintain the line without interference from structures or other improvements.

We propose to modify this collection system in the following three steps:

- First, to coincide with the relocation of the lift station outside of the blufftop setback, a section of approximately 50' of sewer collection line will need to be modified. This section occurs from the new lift station to the point of connection to the existing line.
- Second, a new gravity sewer collection line would be installed to intercept the existing hotel and restaurant lateral lines and convey this wastewater to the relocated lift station. This line would be installed at a time in the future when the blufftop erodes to within 6' of the sewer collection line.
- Third, following the installation of the new collection line, the existing sewer manhole and remaining collection lines would be abandoned in place.

This approach provides that the initial rerouting of the collection line would be done simultaneously with the new lift station. The second phase work is suggested when erosion occurs within 10' (GeoSolutions; 6/7/01) of the sewer line because it is assumed that, given a rate of 32" per year as the worst case episodic erosion rate, sufficient time would be available to pursue the relocated sewer collection line without impacting hotel operations. The abandonment of the manhole and remaining (unused) collection system would likely occur at or near the same



time as the second phase. The unusual element here is that the collection line appears to have been installed with the possibility of it extending northerly, across the arroyo to service developments in the South Palisades Planning Area. Abandonment, as suggested herein, would preclude this option.

#### **Public Access Walkway / Black Anodized Fence**

This improvement has been listed as "essential" only because of the 1983 CDP requirements to provide this access, and the public dedication of access easements for this purpose. Practically, the blufftop access could be relocated adjoining the existing buildings, with some consideration for privacy or safety separation between the hotel rooms and the access trail. In this context, we propose to relocate the trail to the edge of the oceanward-most improvements allowed to remain on the blufftop. We would relocate the fence to the edge of the relocated public access, to keep the public off the blufftop. See our composite proposal for all relocated improvements on Figure 1.

#### **Fire Department Emergency Access**

Another "essential" facility is the provision of fire department emergency access to the ocean side of the buildings. This area must permit both fire fighting access as well as emergency response vehicles to medical emergencies. We envision this area to also provide important maintenance access to the hotel and restaurant buildings.

In order to provide fire access to City and County standards, we have described a 24' wide access, with minimum 20' interior radii, and a hammerhead turn around at the far northern extreme of the site.

#### **Composite Proposal for Ultimate Facility Relocation Plans**

As shown on Figure 1, in the southern portions of the blufftop in particular, this fire access has become the defining edge for the limits of public access paths, surface storm drainage intercept swales and landscaping. In order to maintain the various utilities and public access that must occur oceanward of the hotel, and to maintain emergency access to the blufftop area, we

have identified the "Action Line" as described in GeoSolutions' June 7, 2001 report (See Appendix 3).

The Action Line is the landward point of erosion where it becomes necessary to initiate measures to arrest continued bluff erosion. As suggested by GeoSolutions, their report addresses this by identifying a safe distance between the blufftop and the essential blufftop improvement (denoted as the "Action Line"), and projecting downward from the Action Line the likely steepness of the face of the bluff in the marine terrace deposits over the bedrock. Where this bluff face through the marine terrace intersects with the underlying bedrock is the point at which the erosion of the bluff must be stopped.

In a direct way, this Action Line concept clearly projects the landward limits of erosion before safety of those that use the blufftop, and the protection of the resort improvements, would be compromised. As suggested, this process could be approximately 7 to 40 years into the future.

At such time in the future as bluff erosion comes close to the Action Line, it will be incumbent on the resort owners to prepare an application for bluff protection actions, consistent with then-applicable City and Coastal Commission policies and regulations.

Section 5. Landscape and Irrigation Plan

**Existing Plan - Phase 1 Plan**

During the 1997 rock revetment installation, the hotel completed various landscape and irrigation improvements that are reflected in the "Phase 1 - Existing" plans (See Figure 3). These improvements will be maintained as they are, and repaired as necessary after Phase I work, which will damage most of the southerly half of the blufftop area (approx. 18,000 SF).

Figure 3 describes one addition to the existing improvements. This addition is a subsurface irrigation drainage system as recommended by the geotechnical engineers for the project. This system would be in-lieu of the geomembrane referred to under the Commission's 1998 permit action.

**Future Plan - Phase 2 Plan**

Upon the continuation of erosion after rock removal, it will be necessary to revise the landscape and irrigation system to reflect the revised pathway, drainage swales or other improvements described in this Plan.

The enclosed Landscape Plan by Firma (Figure 4; June 19, 2001), represents a final landscape plan to be used in guiding blufftop reconstruction at the time future erosion retreats near the Action Line referenced above.

**Dewatering Wells / Curtain or Panel Drains as an Alternative to Geomembrane**

In 1997, ten (10) dewatering wells, irrigation moisture sensors, and curtain drains were installed below the surface of the landscape lawn as a means to intercept irrigation water before it washed out to the bluff face. This method of irrigation management has worked well, as there have been no occurrences of over-irrigation or bluff sloughing as a result of irrigation water over the past four years of these improvements in place.

The 1998 Coastal Permit Amendment required the installation of a geomembrane below any proposed lawn areas. Based on recommendation from the geotechnical engineers working on the "Facility Relocation Plan", we are proposing these improvements in-lieu of the geomembrane. (See Appendix 3 and Landscape Plans, Figures 3 and 4).

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TABLE 1 ~

SUMMARY OF CLIFFS HOTEL "FACILITY RELOCATION PLAN" -  
CONSTRUCTION IMPROVEMENTS PROPOSED

PHASE I

- Rock Rip-Rap Removal and Disposal
- Remove and Relocate Sewer Lift Station, Vault and Control Box with Electrical Conduits
- Remove (Previously Abandoned) Sewer Holding Tank
- Remove and Reconstruct approximately 60' of Surface Storm Drainage Swale
- Abandon / Reconstruct approximately 50' of Sewer Collection Line
- Restore Landscaping and Irrigation Systems Damaged by Phase I Work

PHASE II

- Relocate approximately 225' of Public Access Sidewalk, Storm Drainage Swale and Black Anodized Fence
- Restore Landscaping and Irrigation Systems Damaged by Phase II Work

PHASE III

- Abandon / Reconstruct approximately 290' of Sewer Collection Line
- Abandon Sewer Manhole and Pre-Existing Collection Lines
- Restore Landscaping and Irrigation Systems Damaged by Phase III Work

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EX. D



Gary Taylor  
 & Associates  
 Civil Engineering  
 Surveying  
 Project Development  
 141 South Elm Street  
 R. James Gehrig, RCE 26993 DBE  
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Project: The Cliffs Hotel at Shell Beach  
 Proposed Improvements  
 Sheet Title

King Ventures  
 250 Ventura Street  
 San Luis Obispo, CA 93401  
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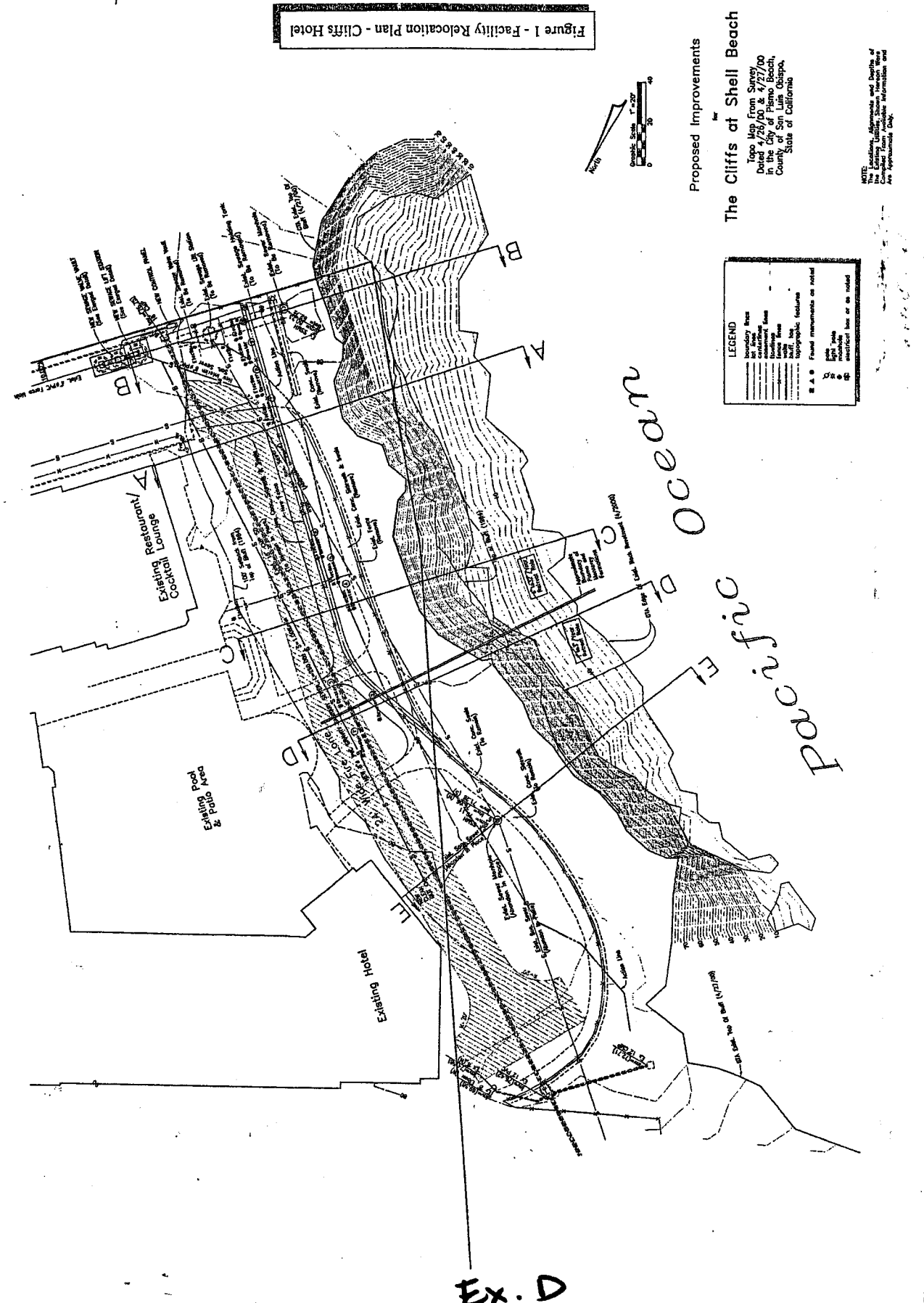
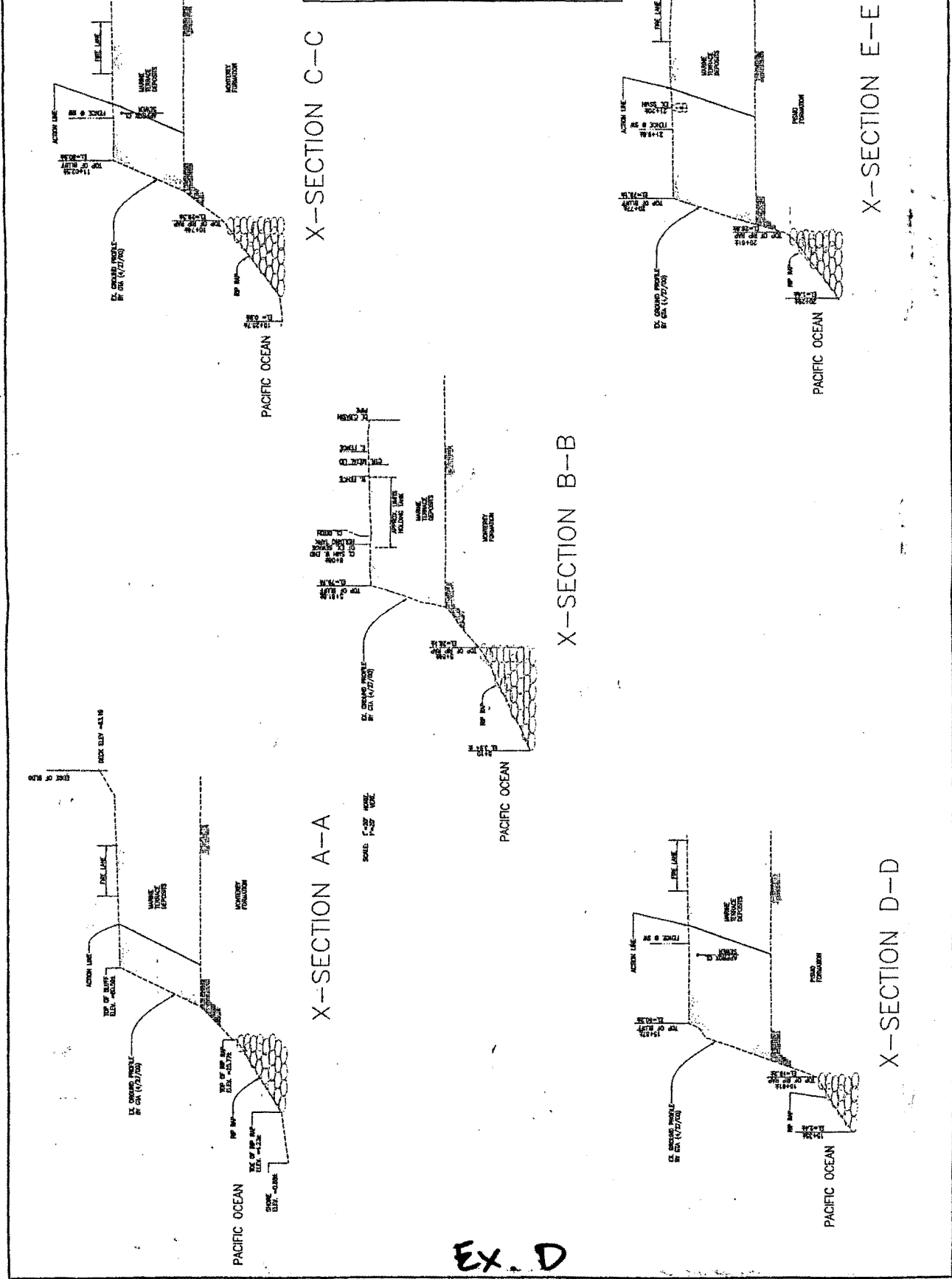


Figure 1 - Facility Relocation Plan - Cliffs Hotel

Proposed Improvements  
 for  
**The Cliffs at Shell Beach**  
 Topo Map From Survey  
 Dated 26/11/88, 47/7/90  
 in the City of Shell Beach,  
 County of San Luis Obispo,  
 State of California

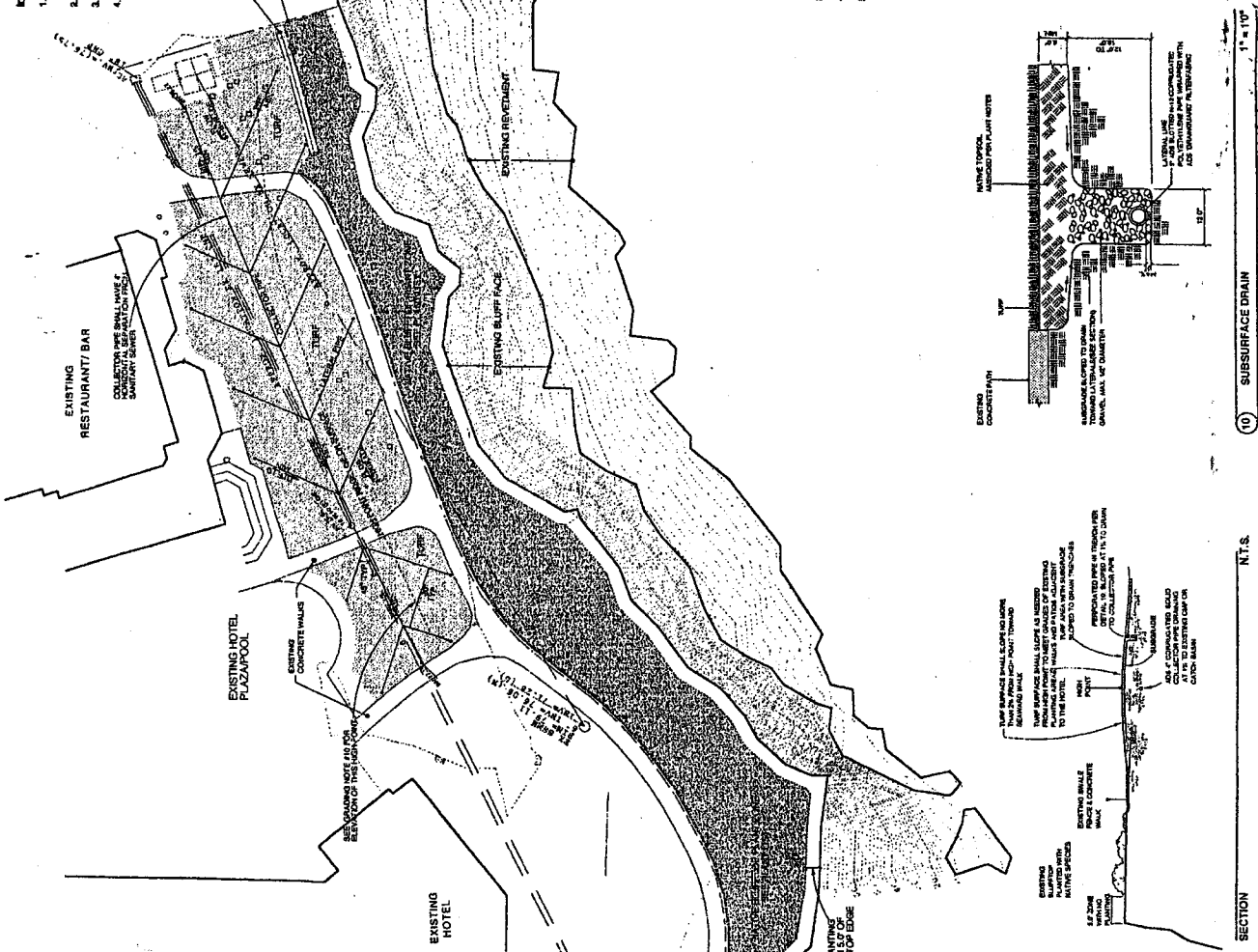
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Figure 2 - Facility Relocation Plan - Cliffs Hotel



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1. Existing in-situ utilities shall be protected from damage or displacement during the work. Existing pipes or conduits not in service, exposed during the work shall be capped or abandoned in accordance with the applicable code. Flag and locate any utilities before excavation.
2. Construction shall excavate the site to approximate the crown, flag and locate any utilities before excavation.
3. Recently eroded soils working areas as required to allow dust during all grading work.
4. Clear the site of existing turf in areas identified on plan, both surface grown and sod. Areas to be removed shall be identified on plan. Sod shall be removed and stored in a suitable location. Sod shall be stored in a suitable location and shall be stored in a suitable location.
5. Provide vertical covers or roundings at all sharp changes in grade.
6. Provide grades and paved areas adjacent to walkways and pavement shall be established by grades shown on plan and finished to match adjacent areas.
7. Provide grades and paved areas adjacent to walkways and pavement shall be established by grades shown on plan and finished to match adjacent areas.
8. Erosion control measures shall be installed along slopes to prevent erosion and shall be installed along slopes to prevent erosion.
9. Contractor shall use sodding concrete walls to establish surface erosion control measures. Sodding concrete walls shall be installed along slopes to prevent erosion.
10. All pipe shall be installed according to manufacturer's instructions.



**Grading Notes:**

1. All existing turf areas shall be protected from damage or displacement during the work. Existing pipes or conduits not in service, exposed during the work shall be capped or abandoned in accordance with the applicable code. Flag and locate any utilities before excavation.
2. Construction shall excavate the site to approximate the crown, flag and locate any utilities before excavation.
3. Recently eroded soils working areas as required to allow dust during all grading work.
4. Clear the site of existing turf in areas identified on plan, both surface grown and sod. Areas to be removed shall be identified on plan. Sod shall be removed and stored in a suitable location. Sod shall be stored in a suitable location and shall be stored in a suitable location.

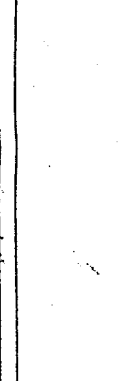
**Figure 3 - Facility Relocation Plan - Cliffs Hotel**

**Blufftop Plants:**

101	Redwood
102	Blackberry
103	Blackberry
104	Blackberry
105	Blackberry
106	Blackberry
107	Blackberry
108	Blackberry
109	Blackberry
110	Blackberry
111	Blackberry
112	Blackberry
113	Blackberry
114	Blackberry
115	Blackberry
116	Blackberry
117	Blackberry
118	Blackberry
119	Blackberry
120	Blackberry

**Bluff Notes:**

1. All plants shall be planted from one gallon containers with the exception of the Chrysothamnus which shall be planted from trays.
2. The planting shall be done in rows. Plants shall be placed in rows 10' apart.
3. Plants shall be planted on a slope of 10% to 15%.
4. Plants shall be planted in rows 2' apart.
5. Plants shall be planted in rows 2' apart.
6. Plants shall be planted in rows 2' apart.
7. Plants shall be planted in rows 2' apart.
8. Plants shall be planted in rows 2' apart.
9. Plants shall be planted in rows 2' apart.
10. Plants shall be planted in rows 2' apart.



**SECTION 10 SUBSURFACE DRAIN**

N.T.S.

1" = 10'

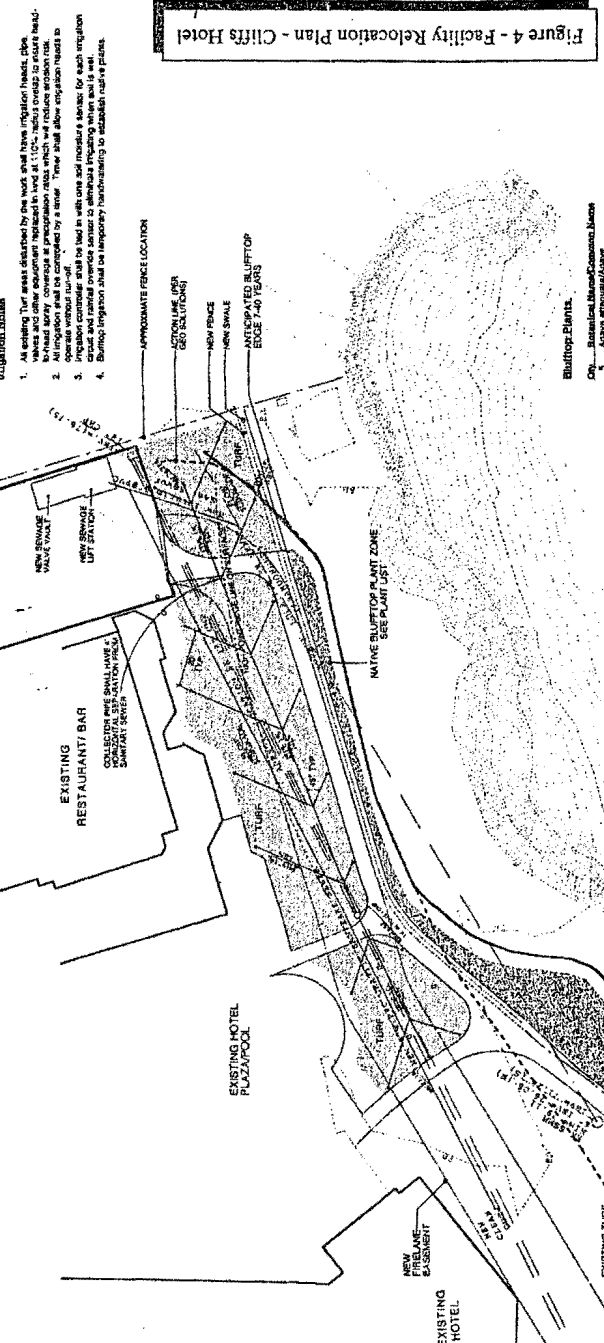
EX.D

32



**Grading Notes**

1. Existing in-service utility lines shall be protected from damage or displacement during the work. Existing pipe or conduits not in service, marked during the work with reflective paint, shall be protected with a minimum of 18" of sand or other suitable material.
2. Contractor shall maintain the site to surround the extent of cutting, filling and grading.
3. Frequency schedule water monitoring area as required to verify due during all grading work.
4. Clear the site of existing turf in areas planned to be paved, both surface growth and roots. All stumps shall be removed from the site.
5. Excavate areas to be paved or finished with concrete or asphalt to a depth of 12" below the top of the pavement. Provide vertical drainage at all along channels to prevent water from ponding on the surface.
6. Connected structures shall be protected from damage by proper shoring and bracing.
7. Finish grading. At each area of the site including the building shall not exceed 1/4" per foot. The area shall be brought to necessary true grades and shall be shed free from areas and obstructions. Grates shall be so shaped as to drain water into the gutter. Excavate trenches along straight lines unless otherwise shown. Make trenches wide enough for proper laying of pipe. Keep banks of trenches as nearly vertical as possible. Excavate trenches to provide uniform support of pipe or other structures. Provide adequate drainage for all trenches. Excavate trenches to provide uniform support of pipe or other structures. Provide adequate drainage for all trenches. Excavate trenches to provide uniform support of pipe or other structures. Provide adequate drainage for all trenches.
8. Excavate trenches along straight lines unless otherwise shown. Make trenches wide enough for proper laying of pipe. Keep banks of trenches as nearly vertical as possible. Excavate trenches to provide uniform support of pipe or other structures. Provide adequate drainage for all trenches. Excavate trenches to provide uniform support of pipe or other structures. Provide adequate drainage for all trenches.
9. Contractor shall use existing concrete walk grades to establish surface elevations. All areas to be paved shall be finished to a depth of 12" below the top of the pavement. Provide vertical drainage at all along channels to prevent water from ponding on the surface.
10. All work shall be finished according to manufacturer's instructions.



**Figure 4 - Facility Relocation Plan - Cliffs Hotel**

- Bufftop Plants:**
- 1. Agave attenuata
  - 2. Agave americana
  - 3. Agave parviflora
  - 4. Agave schottlandii
  - 5. Agave vivipara
  - 6. Agave vivipara
  - 7. Agave vivipara
  - 8. Agave vivipara
  - 9. Agave vivipara
  - 10. Agave vivipara
  - 11. Agave vivipara
  - 12. Agave vivipara
  - 13. Agave vivipara
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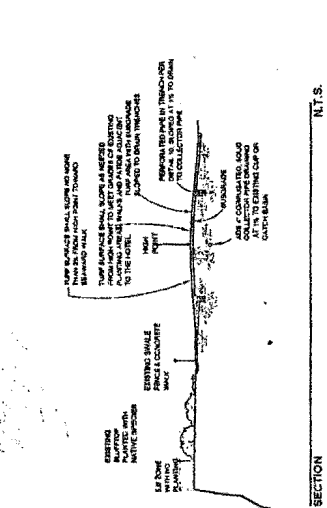
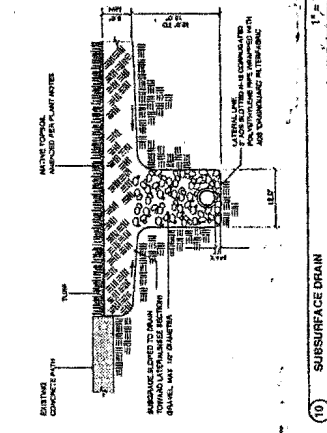
- Plant Notes:**
1. Plants shall be selected from one gallon containers with the exception of the plants noted below.
  2. The plant spacing is noted above. Plants shall be placed in natural groupings.
  3. Plants shall be planted in 12" x 12" x 12" containers.
  4. Plants shall be planted in 12" x 12" x 12" containers.
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  23. Plants shall be planted in 12" x 12" x 12" containers.
  24. Plants shall be planted in 12" x 12" x 12" containers.

- Soil Notes:**
1. Soil shall be tested for heavy metals and other pollutants.
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  23. Soil shall be tested for heavy metals and other pollutants.
  24. Soil shall be tested for heavy metals and other pollutants.

- Spreading Amendments:**
1. Spreading amendments shall be applied to planting areas at the rate of 100 lbs per 1000 sq ft.
  2. Spreading amendments shall be applied to planting areas at the rate of 100 lbs per 1000 sq ft.
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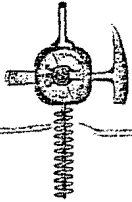
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EX. D  
33

Appendix 3 - GeoSolutions' Geotechnical Materials and Report, June 7, 2001 Analysis  
Facility Relocation Plan - Cliffs Hotel

EX. D  
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## GeoSolutions, Inc.

220 High Street, San Luis Obispo, CA 93401  
(805) 543-8539, 543-2171 fax  
info@GeoSolutions.net

June 7, 2001  
Project SL00892-3

KING VENTURES  
Attn: Mr. Dave Watson  
290 Pismo Street  
San Luis Obispo, CA 93401

SUBJECT: Geologic Element of Facility Relocation Plan  
Cliff's Hotel and Resort, 2757 Shell Beach Road  
Shell Beach Area, Pismo Beach, California

- Reference:
- 1) Geologic Assessment of Bluff Erosion and Sea Cliff Retreat, Cliffs Resort Hotel, 2757 Shell Beach Road, Shell Beach Area of Pismo Beach, California, dated March 26, 1999.
  - 2) Geologic Bluff Erosion Study, Cliffs Resort Hotel, Bluff Protection Revetment Structure, 2757 Shell Beach Road, Shell Beach, California, by Earth Systems Consultants Northern California, dated January 30, 1996.
  - 3) Addendum to Geologic Bluff Erosion Study, Cliffs Resort Hotel, Bluff Protection Revetment Structure, 2757 Shell Beach Road, Shell Beach, California, by Earth Systems Consultants Northern California, dated October 15, 1996.
  - 4) Geophysical and Geological Analysis of Coastal Bluff Failures at The Cliffs Hotel, Pismo Beach, California, by Gary M. Mann, Consulting Geologist, undated.
  - 5) Proposed Improvements, The Cliffs Hotel at Shell Beach, Shell Beach, California, by Garing Taylor and Associates, dated May 2001.
  - 6) An Engineering Manual for Slope Stability Studies by J.M. Duncan and A.L. Buchignani, published March 1975 by the University of California at Berkeley.
  - 7) Adopted Findings for Restoration and Cease and Desist Orders, 2757 Shell Beach Road, Pismo Beach, California, by California Coastal Commission, staff report dated February 29, 2000.

EX. D

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## INTRODUCTION

As requested, we have reviewed the geologic conditions associated with coastal bluff adjacent to the Cliffs Resort Hotel. Purpose of the review is to provide a geologic discussion of identified critical facilities with respect to on-site bluff erosion. In addition to conducting a site visit, we obtained copies of the above referenced documents for review.

The conclusions and recommendations provided in this letter are based upon the site conditions observed, knowledge of local conditions, and the information obtained from the available documentation. The review should not be considered a soils engineering report, engineering geology report, or other extensive evaluation typical for design level documents. These extensive studies were neither requested nor performed.

## BACKGROUND

As identified in the Adopted Findings for Restoration and Cease and Desist Orders, 2757 Shell Beach Road, Pismo Beach, California, by California Coastal Commission staff report dated February 29, 2000, unpermitted development was identified. This included the existence of a sewage holding tank; sewage lift station; gravity sewer collection line; three de-watering wells; sump pump and pit; concrete path/swale with fence; storm drain drop inlet; bluff top landscaping; and irrigation system. It is understood that the removal or relocation of these critical facilities should be performed prior to the time when such removal or relocation would de-stabilize the bluff or exacerbate bluff retreat. The removal or relocation is based upon the direction that "no man-made materials or excavation spoils will be allowed to fall over the bluff edge, and any man-made materials which do be immediately retrieved." Additional relevant geologic issues include the removal of the existing rock riprap revetment.

## GEOLOGIC CONDITIONS

The coastal bluff adjacent to the subject site is approximately 80 feet in height. The lower 40 to 45 feet of bluff consists of resistant bedrock of either the Monterey or Pismo formations. These units are normally resistant to wave action, however, when the orientation of the units (i.e. dipping out of the slope) is unfavorable as with the Monterey formation at the site, erosion is accelerated. The relative difference in erosion potential was reflected by the differences of Erosion Rates established at the site as per Reference No. 1. The upper 35 to 40 feet of the bluff consists of clastic Marine Terrace deposits. This unit is generally weaker in nature as compared to the underlying bedrock; however, it is not subject to wave action. This material would generally be the location of instability during periods when the bluff becomes saturated. The northwest portion of the bluff underlain by units of the Pismo formation were identified to have an erosion rate of 1 to 3 inches per year. The southeast portion of the bluff underlain by units of the Monterey formation were identified to have an erosion rate of 6 to 32 inches per year.

## SLOPE STABILITY

A numerical slope stability analysis was performed for the coastal bluff. Purpose of the analysis was to determine the relative stability of the coastal bluff. Design assumption for the analysis included; composition of the bluff; continuing erosion which reflects current configuration; critical line of stability to be seaward edge of fire lane; and active loading assuming presence of fire truck within fire lane. Currently the bluff extends down from the top of the existing slope at approximately 1/4:1 to 1/2:1 (horizontal to vertical) configuration for a height of approximately 80 feet. The lower bedrock portions of the bluff are not subject to the same method of slope failure as the overlying Marine Terrace Deposits. Due to the high inherent strength of the bedrock units, the numerical analysis was performed for the slope configuration assuming uniform homogeneous material and saturated conditions within the lower 5 feet of the Marine Terrace Deposits.

Utilizing the results of laboratory testing performed on representative samples of Marine Terrace Deposits from the existing slope area, a numerical slope stability analysis was performed. The numerical analysis performed utilized the method presented in "An Engineering Manual for Slope Stability Studies" by J.M. Duncan and A.L. Buchignani, published March 1975 by the University of California at Berkeley. The engineering standard for permanent slope is a Factor of Safety of 1.5.

A direct shear test was performed in accordance with ASTM D3080-90 on a sample of Marine Terrace Deposits collected from the site. The test was performed using the "consolidated undrained" method, with constant rate of strain and the failure envelope developed for the saturated condition. The purpose of this test is to determine the soil resistance to deformation, which is shear strength, inter-particle attraction or cohesion, and resistance to inter-particle slip called the angle of internal friction. The result for the dark brown colored sandy clay was a Cohesion value of 612 psf and Angle of Internal Friction of 27 degrees.

A moisture density relation curve, developed in accordance with ASTM D1557-91, five-layer method, was performed on a representative sample. The purpose of the relation curve was to determine the maximum density and optimum moisture content as well as to evaluate the stability of the soils. The results were a Maximum Dry Density of 107.0 pcf and Optimum Moisture Content of 16.9 percent.

The analysis cross section assumed the loading of the fire lane with a fire truck surcharge loading at Uniform Building Code assumptions of 2500 pounds per square foot. The analysis was performed at loaded condition to determine its affect on the stability. To determine a final permanent slope configuration, a Factor of Safety of 1.5 is the industry standard. Based upon this Factor of Safety and assuming the bluff will continue to approximate its current steepness, the analysis was performed to determine the critical circle of failure. The result of this analysis was to establish a line of critical stability within the bluff face. This line of stability reflects the distance from the fire lane to the face of the bluff that must be maintained to provide necessary stability.

With the removal of the existing rip-rap revetment, bluff retreat along the base of the bluff will return to the established rates of either 1 to 3 inches per year or 6 to 32 inches per year depending upon the type of bedrock in the bluff face. At some time in the future (based upon established retreat rates, approximately 7.5 to 40 years) the bluff will retreat to this critical line of stability, at which time the bedrock erosion must be checked. This will require initiation of "action" to construct a necessary coastal protection structure in conformance with State of California Coastal Commission requirements. This line of critical stability or "Action Line" is shown on the Proposed Improvement Plans and associated Cross Sections prepared by Garing Taylor and Associates, dated May 2001. It is recognized that permit requirements may take time for processing, therefore when any portion of the bluff approaches to within 3 feet of the Action Line (estimated one-year retreat rate if maximum rate is assumed) design and permitting of a coastal protection structure should be initiated.

## DISCUSSION

Based upon the establishment of the critical stability of the bluff at the "Action Line," the locations of the identified Critical Facilities were assessed. Those facilities located seaward of the "Action Line" will be required to be removed or relocated. Those facilities located landward of the "Action Line" maybe abandoned in-place if they do not "de-stabilize the bluff or exacerbate bluff retreat."

It is understood that the existing sewer lift station, and valve vault are proposed to be relocated into the parking area northeast of the restaurant. The existing holding tank is to be permanently removed. The existing sewer main will be re-routed to discharge existing sewer into the new facilities. As the sewer main is currently 20 feet from the bluff face at its closest location, it is anticipated that it will be threatened sometime between 7 to 40 years from now. When approximately 10 feet from the face of the bluff, it should be abandoned in-place. The existing drainage inlet should be removed. The landscape improvements, irrigation system, concrete path, swale, and fence should be removed or relocated as threatened. Based upon projected and future bluff stabilization, it appears that the three de-watering wells can be maintained in place. It was confirmed by the slope stability analysis that the reduction in soil moisture enhances the over-all bluff stability.

## RECOMMENDATIONS

Based upon the evaluation performed, the following recommendations are provided.

### Critical Facilities

As indicated previously, the need to relocate, abandon and/or remove the identified critical facilities is anticipated. The following general recommendations are provided for each of the facilities. Initially, the sewage holding tank, lift station, valve vault, and storm drain drop inlet are abandoned, their physical components should be removed. The resulting depression should be backfilled and compacted with soil whose strength and permeability characteristics approximate those of the native Marine Terrace Deposits. The concrete path/swale with fence and bluff top landscaping should be abandoned by their complete removal and or relocation. Irrigation piping may remain until exposed or lost during bluff erosion when it should be collected and properly disposed. Abandoned irrigation piping should be plugged to prevent transmittal of free water that could exacerbate bluff erosion.

The gravity sewer collection line should be abandoned and relocated as discussed previously. The pipeline should be abandoned in-place. Except for the manhole located at the south end of the existing holding tank that must be removed and backfilled, the remaining manhole structures should be filled with 2 sack per yard cement-sand slurry. In addition, at each end of the terminated pipe, similar slurry should be placed to prevent future water migration. At approximately 100-foot intervals along the existing sewer main, slurry or clay water cut-off barrier should be constructed to prevent moisture migration within the trench backfill.

### Revetment Removal

It is understood that the riprap revetment is to be removed from the beach area and the stone disposed off-site. The method of removal will be similar to that utilized during placement. It will be lifted by crane from the beach. This may require the use of an excavator on the beach as necessary to collect and supply the loading area. A second crane may be necessary to load trucks that would transport the rock off-site. Actual method should be established by a contractor experienced in riprap placement and handling. The cranes and other heavy equipment should be sited to prevent disturbance to the bluff. This will be dependent upon time of year operations are performed and type of equipment utilized. It should be performed late in the summer months when available ground water is minimized to enhance protection of the bluff.

### Lawn Area

It is understood that an impermeable membrane has been recommended and approved for installation in the lawn area between the bluff and the existing facilities. This is a very unusual method of construction, generally only recommended and constructed to control contamination migration. As this was not the purpose for the original recommendation, it should not be installed. A more conventional and effective method of control of subsurface water would be the installation of pre-fabricated Multi-Flow or Advantage type panel drains. These drains installed 10 foot-spacing, approximately 18 to 24 inches below the surface and draining to a common collection header would be more effective. This shallow or near-surface drain system is recommended in lieu of the geo-membrane.

June 7, 2001

Project SLO0892-3

CONCLUSION

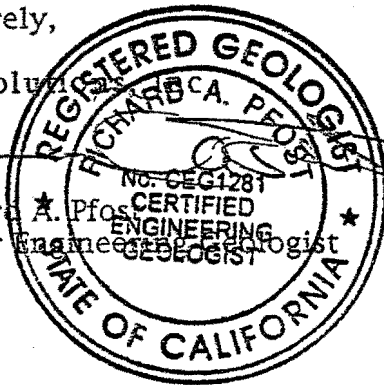
This letter is provided to present the results of a geologic review performed as requested for the Facilities Relocation Plan. Based upon the analysis performed, conclusions and recommendations are provided as indicated. All site modifications should be performed in accordance with the requirements of the Uniform Building Code, City of Pismo Beach, and State of California Coastal Commission.

If there should be any questions; please do not hesitate to contact me at (805) 543-8539.

Sincerely,

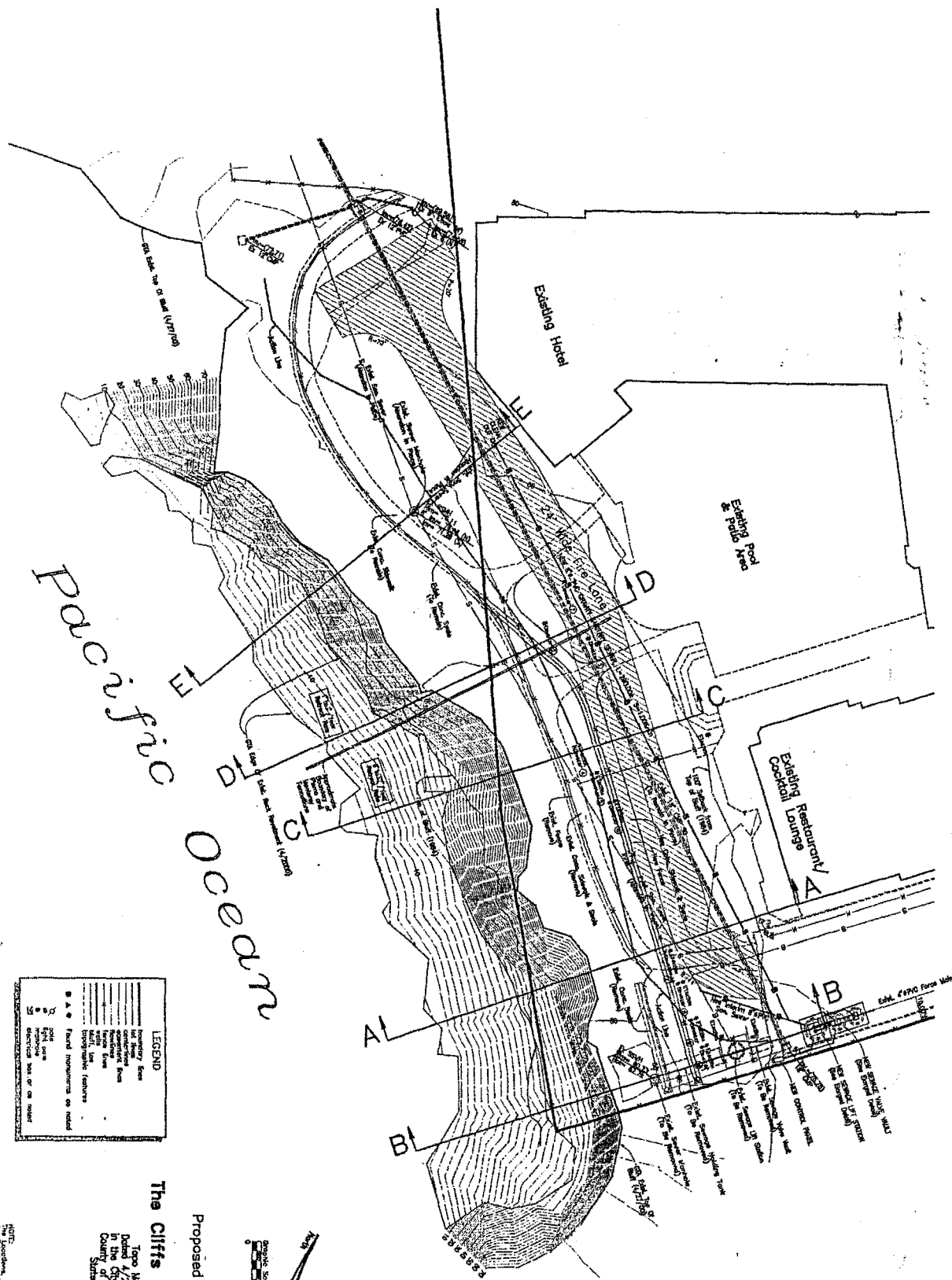
GeoSolutions

Richard A. Pfoos  
Senior Engineer/Geologist



6 Ex. D  
40





**LEGEND**

—	Boundary lines
—	Lot lines
—	Construction lines
—	Proposed improvements
—	Existing features
—	Topographic features
—	Survey monuments on record
—	Survey monuments on sheet
—	Survey monuments on adjacent sheets

**The Cliffs at Shell Beach**  
 Proposed Improvements

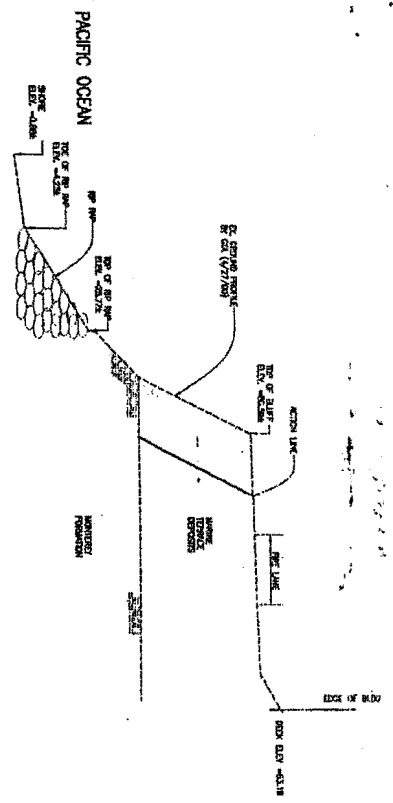
Topo Map From Survey  
 Dated 4/28/00 & 4/27/00  
 in the City of Fresno Beach,  
 County of Santa Barbara,  
 State of California

NOT TO SCALE, DIMENSIONS AND LOCATIONS OF THE EXISTING HOTEL, SWIMMING POOL, RESTAURANT, LOUNGE AND POOL ARE APPROXIMATE ONLY.

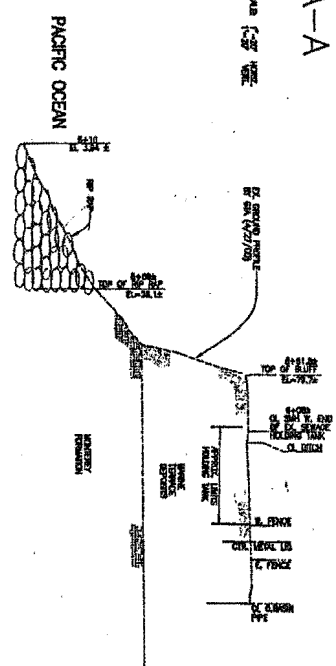
**EX-D 41**

Client King Ventures 250 Pismo Street San Luis Obispo, CA 93401 (805) 544-1444	Sheet Title <b>Proposed Improvements</b>	<p><b>Garing Taylor &amp; Associates</b>        Civil Engineering        Surveying        Project Development</p>	<p>R. James Garing, RCE 28993 Data        141 South Elm Street        Atwater, CA 95320        905/409-1321</p>
Project <b>The Cliffs Hotel at Shell Beach</b> Shell Beach, CA	<p>141 South Elm Street        Atwater, CA 95320        905/409-1321</p>		

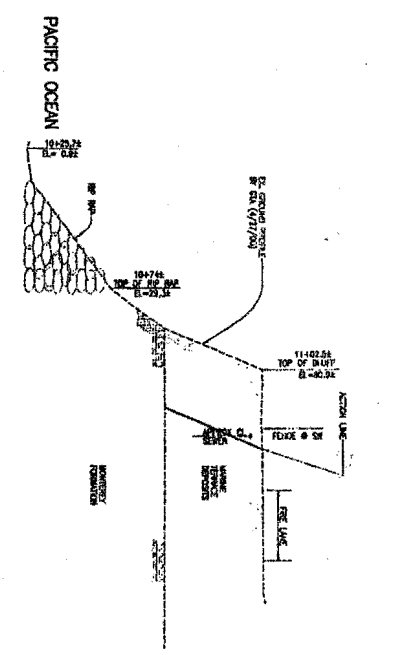




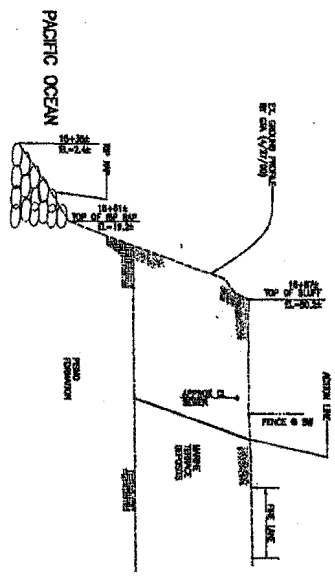
X-SECTION A-A



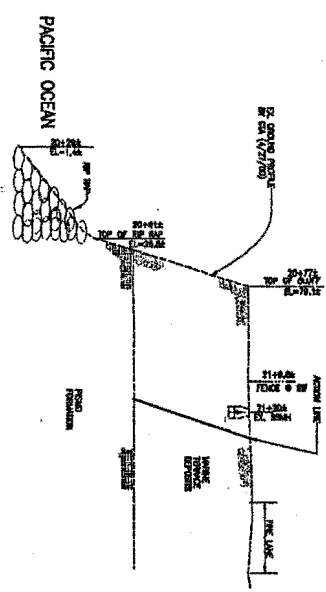
X-SECTION B-B



X-SECTION C-C





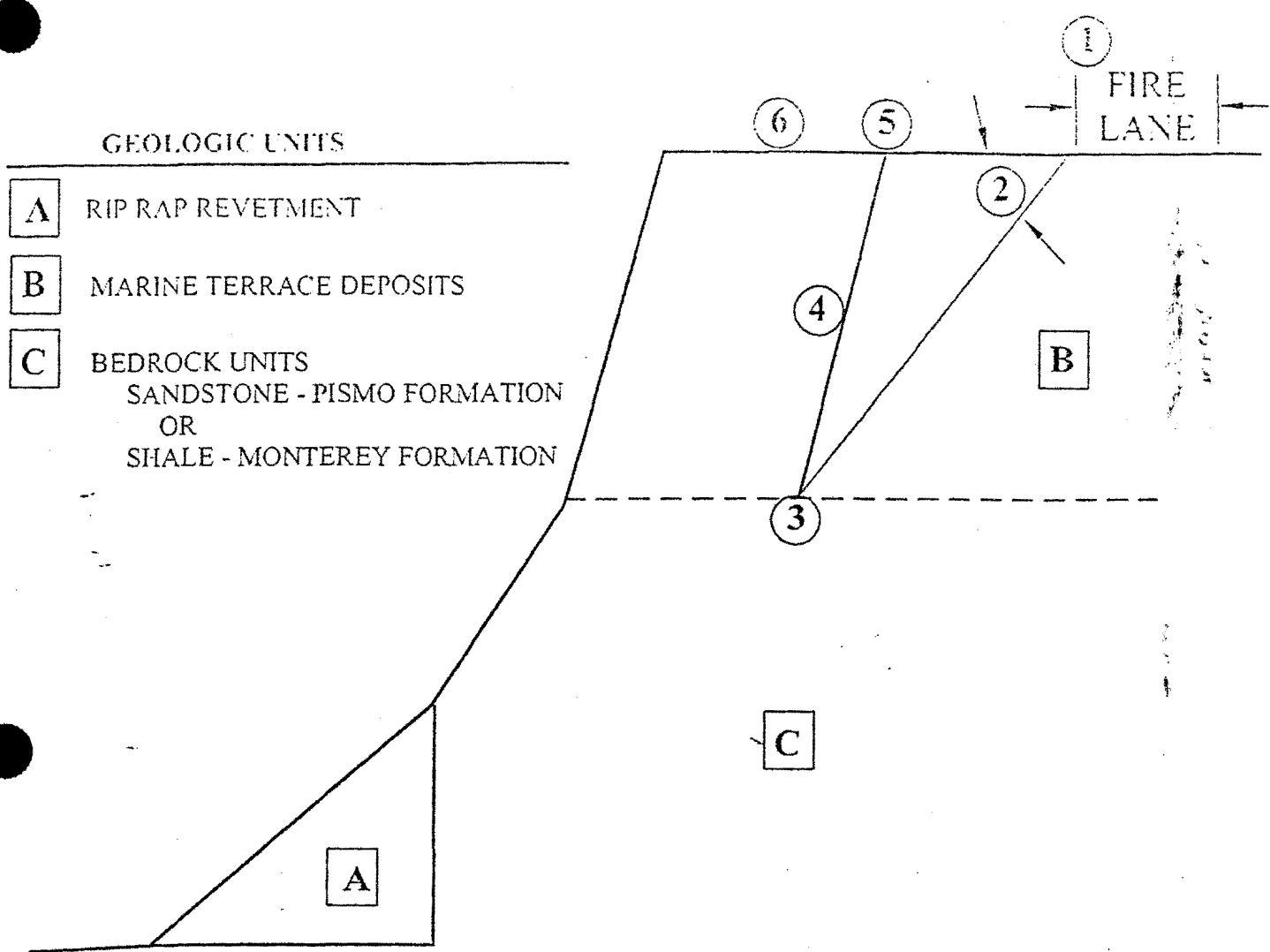
X-SECTION D-D



X-SECTION E-E

EX. D 42

Client <b>King Ventures</b> 290 Plamo Street San Luis Obispo, CA 93401 (805) 544-1444	Sheet Title <b>Cross Sections</b>	 <b>Gearing Taylor &amp; Associates</b> Civil Engineering Surveying Project Development R. James Gearing, RCE 28963 141 South Elm Street Laysan Grande, CA 93420 805/495-1321	
	Project <b>The Cliffs Hotel at Shell Beach          Shell Beach, CA</b>		



**GEOLOGIC UNITS**

**A** RIP RAP REVETMENT

**B** MARINE TERRACE DEPOSITS

**C** BEDROCK UNITS  
SANDSTONE - PISMO FORMATION  
OR  
SHALE - MONTEREY FORMATION

**ACTION LINE DETERMINATION**

- ① OUTSIDE EDGE OF FIRE LANE. FIRE LANE ASSUMED TO SUPPORT WEIGHT OF FIRE TRUCK.
- ② CRITICAL ANGLE IS 48° TO MAINTAIN A FACTOR OF SAFETY OF 1.5 BASED UPON THE SLOPE STABILITY ANALYSIS.
- ③ INTERSECTION OF CRITICAL ANGLE LINE AT TOP OF BEDROCK.
- ④ EXTENDING UP FROM BEDROCK INTERSECTION (3) AT SAME STEEPNESS AS CURRENT BLUFF FACE TO SURFACE ELEVATION(S).
- ⑤ ACTION LINE LOCATION. LOCATION ON GROUND SURFACE WHEN NEED FOR COASTAL PROTECTION BECOMES NECESSARY.
- ⑥ DISTANCE BLUFF MUST RETREAT BEFORE BLUFF STABILIZATION AND PROTECTION IS NECESSARY. ESTIMATED AT 7.5 TO 40 YEARS ALONG EASTERN PORTION OF BLUFF AND 100 TO 300 YEARS IN THE WESTERN PORTION.

**GeoSolutions, Inc.**

220 High Street  
San Luis Obispo, CA 93401  
(805) 543-8539 Fax: (805) 543-2171

**ACTION LINE DETERMINATION**

**Ex. D 43**

CLIFFS HOTEL  
PISMO BEACH, CALIFORNIA

**FIGURE**  
3

**PROJECT**  
SL00872-3

EX.D

Appendix 4 - Overall Cliffs Resort Site Plan and Sewer Lift Station Relocation Plan Details  
Facility Relocation Plan - Cliffs Hotel

**the robert company**  
architects  
200 West Street  
San Jose, California 95128  
Tel: 415.763.1100  
Fax: 415.763.1101  
www.robertcompany.com

Project Name: **The Cliffs Hotel**  
Staff Beach, California

Project No: \_\_\_\_\_  
Drawing No: \_\_\_\_\_  
Date: \_\_\_\_\_

Scale: \_\_\_\_\_

Sheet No: \_\_\_\_\_

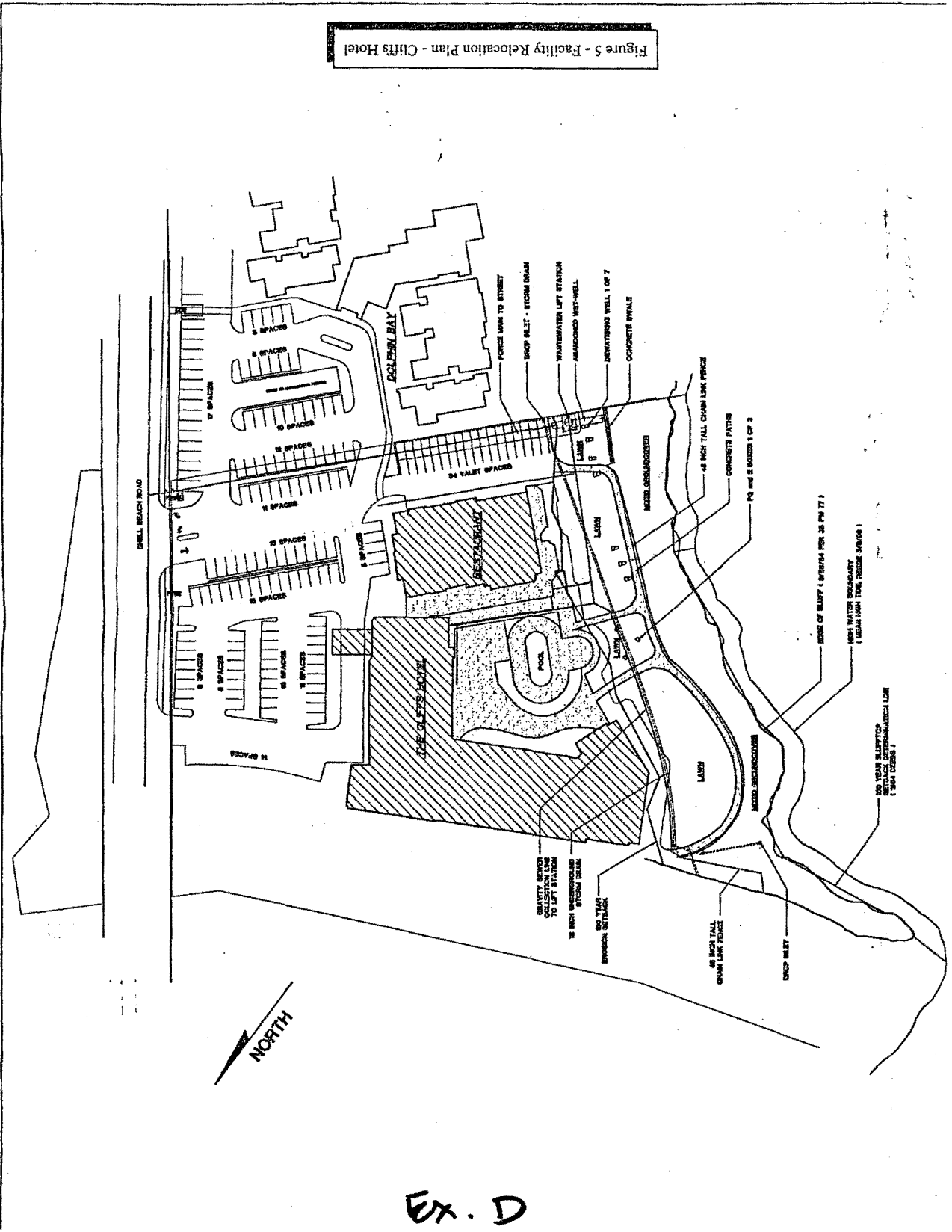
Project No: \_\_\_\_\_  
Drawing No: \_\_\_\_\_  
Date: \_\_\_\_\_

Scale: \_\_\_\_\_

Sheet No: \_\_\_\_\_

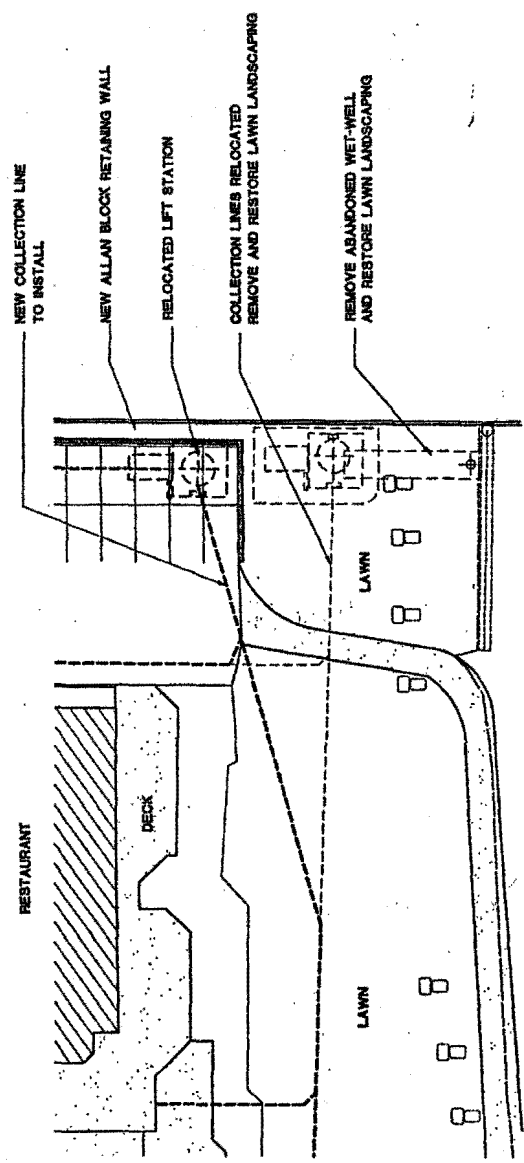
Sheet Name:  
**SITE PLAN**  
**AS-BUILTS**  
Sheet Number:  
**A 1.0**

Figure 5 - Facility Relocation Plan - Cliffs Hotel



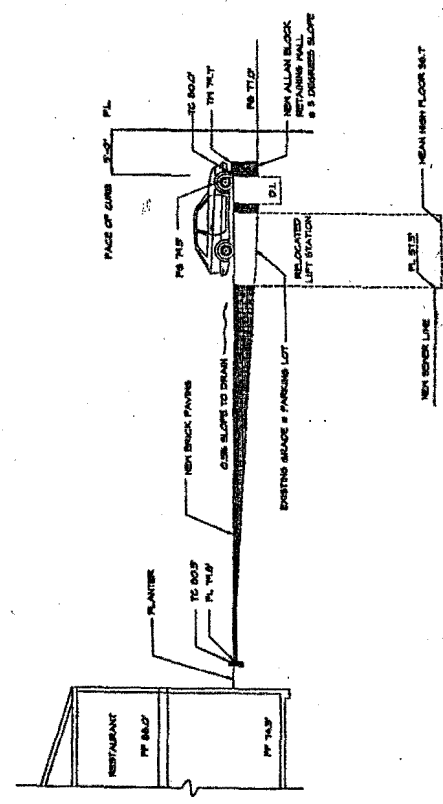
EX. D  
45

Sheet Name  
**LEFT STATION  
 RELOCATION**  
 Sheet Number  
**A 2.0**



SITE PLAN FOR RELOCATION

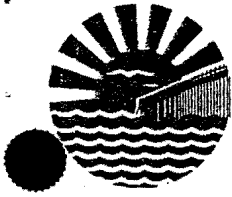
SCALE - 1/8" = 1'-0"



SECTION FOR RELOCATION

NTS

Ex. D  
 46



PISMO BEACH FIRE DEPARTMENT

760 Mattie Road  
Pismo Beach, CA 93449  
(805) 773-7031  
Fax: (805) 773-7035



August 8, 2001

AUG 15 2001

Mr. David Watson  
King Ventures  
290 Pismo Street  
San Luis Obispo, CA 93401

**Re: Your Inquiry Regarding Blufftop Emergency Access  
THE CLIFFS RESORT HOTEL**

Dear Mr. Watson:

In response to your recent inquiry regarding westerly blufftop access to the Cliffs Hotel and Restaurant, I am led to believe that you are following up questions raised by the Coastal Commission's staff concerning your rock removal project.

Please be advised that it is our position that emergency vehicle access to the far western edge of the property must be maintained from a life-safety and emergency response perspective. Section 8.04 of the Pismo Beach Municipal Code and Section 902 of the Uniform Fire Code establish the requirements for emergency access around the perimeter of a building. In order to meet these minimum safety requirements, vehicle access to the bluff is necessary. Based on my understanding of your "Facility Relocation Plan", the access as shown in your plans meets the minimum requirements for Fire Department access.

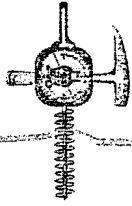
Please do not hesitate to contact me if you require further clarification.

Sincerely,

Vern Hamilton  
Fire Chief  
Pismo Beach Fire Department

Ex. D

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## GeoSolutions, Inc.

220 High Street, San Luis Obispo, CA 93401  
(805) 543-8539, 543-2171 fax  
info@GeoSolutions.net

August 11, 2001  
Project SLO0892-3

KING VENTURES  
Attn: Mr. Dave Watson  
290 Pismo Street  
San Luis Obispo, CA 93401

SUBJECT: Sewage Holding Tank Removal  
The Cliff's Hotel at Shell Beach, 2757 Shell Beach Road  
Shell Beach Area, Pismo Beach, California

- Reference: 1) Geologic Element of Facility Relocation Plan, Cliffs Resort Hotel, 2757 Shell Beach Road, Shell Beach Area of Pismo Beach, California, dated July 7, 2001.
- 2) Geologic Assessment of Bluff Erosion and Sea Cliff Retreat, Cliffs Resort Hotel, 2757 Shell Beach Road, Shell Beach Area of Pismo Beach, California, dated March 26, 1999.

### INTRODUCTION

As requested by the California Coastal Commission in their letter dated July 19, 2001, we are responding to the request for evaluation of the removal of the existing sewage holding tank with respect to the potential for accelerated bluff erosion. Purpose of the discussion is to provide an engineering geological discussion of the affects of the removal with respect to the adjacent coastal bluff and provide recommendations for its removal. In addition to conducting a site visit, we reviewed the above referenced documents.

### BACKGROUND

As identified in the Adopted Findings for Restoration and Cease and Desist Orders, 2757 Shell Beach Road, Pismo Beach, California, by California Coastal Commission staff report dated February 29, 2000, unpermitted development was identified. This included the existence of a sewage holding tank; sewage lift station; gravity sewer collection line; three de-watering wells; sump pump and pit; concrete path/swale with fence; storm drain drop inlet; bluff top landscaping; and irrigation system. It is understood that the removal or relocation of these critical facilities should be performed prior to the time when such removal or relocation would de-stabilize the bluff or exacerbate bluff retreat. The removal or relocation is based upon the direction that "no man-made materials or excavation spoils will be allowed to fall over the bluff edge, and any man-made materials which do be immediately retrieved."

EXHIBIT E: ADD'L GEOTECHNICAL REPORTS

48



The coastal bluff adjacent to the subject site is approximately 80 feet in height. The lower 40 to 45 feet of bluff consists of resistant bedrock of either the Monterey or Pismo formation. These units are normally resistant to wave action, however, when the orientation of the units (i.e. dipping out of the slope) is unfavorable as with the Monterey formation at the site, erosion is accelerated. The relative difference in erosion potential was reflected by the differences of Erosion Rates established at the site. The upper 35 to 40 feet of the bluff consists of clastic Marine Terrace deposits. This unit is generally weaker in nature as compared to the underlying bedrock; however, it is not subject to wave action. This material would generally be the location of instability during periods when the bluff becomes saturated. The southeast portion of the bluff is underlain by units of the Monterey formation were identified to have an erosion rate of 6 to 32 inches per year.

#### DISCUSSION AND RECOMMENDATIONS

Based upon the results of the finding as reported in the Facilities Relocation Plan, the sewage holding tank will "daylight" in the bluff face in the future. It is proposed to be replaced by another structure located where it conforms to coastal permitting requirements, its existence will not be necessary in the immediate future. The method of removal must be conducted in a manner that conforms to the Coastal Commission direction that "no man-made materials or excavation spoils will be allowed to fall over the bluff edge, and any man-made materials which do be immediately retrieved." In addition, it is recommended that the methods of removal provide or maintain the stability of the bluff both now and in the future. The major intent of the following recommendations would be to prevent acceleration of the coastal bluff retreat.

It is understood that the sewage holding tank is approximately 9.5 feet below existing grade, 32.5 feet long, and 7.5 feet wide. The approximately 4-foot wide sewer manhole extends to a depth of approximately 18 feet below the ground surface. These facilities must be removed and the resulting void backfilled in a manner that maintains support for the immediately adjacent soil, provides similar permeability characteristics, provides similar slope stability characteristics, and can be completed without disturbance of the adjacent coastal bluff face.

To reduce the potential for disturbance of the bluff during the removal of the existing sewage holding tank/sewer manhole, it should be conducted as soon as possible. The existing distance from the structures to the face of the coastal bluff is at its greatest distance; future bluff retreat will shorten this distance. In addition, the excavation should be conducted between the months of July and December, when the groundwater conditions are generally the most favorable.

To prevent disturbance of the bluff face, excavation of the existing structures should be accomplished with an excavator or other deep reaching type heavy equipment. All elements of the structure should be excavated, stockpiled and removed from the site. The resulting excavation should be backfilled in thin lifts with native soils or soil with similar permeability and strength characteristics as the native. It should be placed in thin lifts; moisture conditioned to near optimum moisture content, and compacted to a minimum of 95 percent relative density. Compaction equipment should be static, i.e. "sheepsfoot wheel" or small vibrating compactor. No heavy equipment should

be utilized for backfill compaction unless it can be demonstrated that it does not disturb the coastal bluff face. Backfill operations should be confirmed by the engineering geologist. All work should be conducted in conformance with the appropriate sections of the Uniform Building Code and requirements of the City of Pismo Beach.

The excavation should not be backfill with sand, sand slurry, gravel, clay, or other soil which does not have similar permeability and strength characteristics as the native soil. No pockets of increased permeability or low permeability dams should result that would alter existing groundwater flow and subsequently adversely affect the coastal bluff. Properly compacted native soils would provide similar strength characteristics and maintain bluff stability. Numerical slope stability analysis conducted by this firm utilizing the recompacted native soil demonstrates similar stability characteristics to that found in-situ. This will provide similar bluff retreat characteristics when the compacted backfill is exposed in the bluff face in the future. Use of this material will prevent possible accelerated bluff retreat in this area.

As requested in the July 19, 2001 letter, leaving the sewage holding tank and manhole until it is exposed in the bluff face was considered. However, it would create a condition where accelerated bluff retreat could occur in an uncontrolled manner during its removal. As the bluff retreat is greatest during the winter months, this would be the most likely time that the existing structures would be exposed in the bluff face necessitating their removal. It would be difficult to prevent debris from falling on the beach either during the removal or the recompaction phases if the ground was saturated. In addition, significant disturbance of the coastal bluff is likely to occur during the process of removal and recompaction should it be done when the ground is saturated and the structure is exposed in the bluff face. As indicated previously, removal and recompaction should be completed during the period when the bluff and area around the structures is not saturated.

As recommended in the Facilities Relocation Plan, the existing sewer main will be abandoned in-place. Recommendations were provided to prevent the remaining line from contributing to accelerated bluff retreat. If and when the abandoned portion of main is exposed in the bluff and ultimately falls onto the beach, disturbance to the bluff face will be minimal. The size of the debris will allow it to be removed readily without the need for heavy equipment on the beach.

#### CLOSURE

Based upon the results of the finding as reported in the Facilities Relocation Plan, the sewage holding tank will "daylight" in the bluff face in the future. The method of removal must be conducted in a manner that conforms with the Coastal Commission direction that "no man-made materials or excavation spoils will be allowed to fall over the bluff edge, and any man-made materials which do be immediately retrieved." In addition, it is recommended that the method of removal provide or maintain the stability of the bluff both now and in the future. The intent of the recommendations provided is to prevent acceleration of the coastal bluff retreat. It is recommended that the existing sewage holding tank and manhole be removed and properly backfilled during the period when the ground is not saturated and while the bluff face is at its greatest distance. All proposed improvements must be conducted in

August 11, 2001

Project SLO0892-3

accordance with the rules and regulations of the California Coastal Commission, the laws and ordinances of the City of Pismo Beach, the appropriate sections of the Uniform Building Code, and the recommendations of this letter and those referenced.

If there should be any questions; please do not hesitate to contact me at (805) 543-8539.

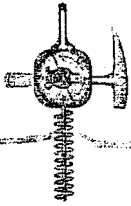
Sincerely,

GeoSolutions, Inc.

Richard A. Pfost  
Senior Engineer/Geologist



4 EX. E  
51



## GeoSolutions, INC.

220 High Street, San Luis Obispo, CA 93401  
(805) 543-8539, 543-2171 fax  
info@GeoSolutions.net

August 8, 2001  
Project SL00892-3

KING VENTURES  
Attn: Mr. Dave Watson  
290 Pismo Street  
San Luis Obispo, CA 93401

SUBJECT: Addendum to Geologic Element of Facility Relocation Plan  
Cliff's Hotel and Resort, 2757 Shell Beach Road  
Shell Beach Area, Pismo Beach, California

- Reference: 1) Geologic Element of Facility Relocation Plan, Cliffs Resort Hotel, 2757 Shell Beach Road, Shell Beach Area of Pismo Beach, California, dated July 7, 2001.
- 2) Geologic Assessment of Bluff Erosion and Sea Cliff Retreat, Cliffs Resort Hotel, 2757 Shell Beach Road, Shell Beach Area of Pismo Beach, California, dated March 26, 1999.

### INTRODUCTION

As requested by the City of Pismo Beach in their letter dated July 24, 2001, we are responding to the request for additional information associated with Facility Relocation Plan proposed by the Cliffs Resort Hotel. Purpose of the review is to provide a geologic discussion of the affects of the modifications proposed by the Restoration Plan on sand supply, surfing dynamics, beach access, natural landforms, vegetation, and visual compatibility. In addition to conducting a site visit, we reviewed the above referenced documents.

### BACKGROUND

As identified in the Adopted Findings for Restoration and Cease and Desist Orders, 2757 Shell Beach Road, Pismo Beach, California, by California Coastal Commission staff report dated February 29, 2000, unpermitted development was identified. This included the existence of a sewage holding tank; sewage lift station; gravity sewer collection line; three de-watering wells; sump pump and pit; concrete path/swale with fence; storm drain drop inlet; bluff top landscaping; and irrigation system. It is understood that the removal or relocation of these critical facilities should be performed prior to the time when such removal or relocation would de-stabilize the bluff or exacerbate bluff retreat. The removal or relocation is based upon the direction that "no man-made materials or excavation spoils will be allowed to fall over the bluff edge, and any man-made materials which do be immediately retrieved." Additional relevant geologic issues include the removal of the existing rock riprap revetment.

EX. E  
52

The coastal bluff adjacent to the subject site is approximately 80 feet in height. The lower 40 to 45 feet of bluff consists of resistant bedrock of either the Monterey or Pismo formation. These units are normally resistant to wave action, however, when the orientation of the units (i.e. dipping out of the slope) is unfavorable as with the Monterey formation at the site, erosion is accelerated. The relative difference in erosion potential was reflected by the differences of Erosion Rates established at the site. The upper 35 to 40 feet of the bluff consists of clastic Marine Terrace deposits. This unit is generally weaker in nature as compared to the underlying bedrock; however, it is not subject to wave action. This material would generally be the location of instability during periods when the bluff becomes saturated. The northwest portion of the bluff underlain by units of the Pismo formation were identified to have an erosion rate of 1 to 3 inches per year. The southeast portion of the bluff underlain by units of the Monterey formation were identified to have an erosion rate of 6 to 32 inches per year.

It is understood that the rip rap revetment is to be removed from the beach area and the stone disposed off-site. The method of removal will be similar to that utilized during placement. It will be lifted by crane from the beach. This may require the use of an excavator on the beach as necessary to collect and supply the loading area. A second crane may be necessary to load trucks that would transport the rock off-site. A contractor experienced in rip rap handling will establish Method. The cranes and other heavy equipment should be sited to prevent disturbance to the bluff. This will be dependent upon time of year operations are performed and type of equipment utilized.

#### DISCUSSION

The discussion provided in this letter is based upon the site conditions observed, knowledge of local conditions, and the information obtained from the available documentation

#### Sand Supply

On-site sand supply reflects the longshore transport of sand currently within the marine environment. Modifications to the sand supply that would affect the site would be from coastal erosion and stream discharge that occurs west of the property. Erosion at the site that provides fine-grained material to the sand supply affects the coastal properties to the east of the site. No substantial modifications to the sand supply are anticipated west of the site, therefore, the existence of the revetment is of no consequence. Removal of the revetment will result in the re-initiation of wave erosion at the base of the bluff. The affect of this erosion is quantified by the documented coastal bluff retreat rates.

With the removal of the existing rip-rap revetment, bluff retreat along the base of the bluff will return to the established rates of either 1 to 3 inches per year or 6 to 32 inches per year depending upon the type of bedrock in the bluff face. The volume of material anticipated to erode yearly based upon the bluff retreat calculations is approximately 3750 cubic yards. Even though this amount is very minor when compared to the total volume of sand within the supply, removal of the revetment will return erosion process back to its pre-

installation condition. Sand supply will then return to the pre-installation volume.

### Surfing Dynamics

Surfing dynamics as related to the geologic conditions on-site would reflect the natural landforms as influenced by the marine conditions. Wave generation is result of wind conditions offshore and independent of site specific characteristics. Spilling wave conditions are directly influenced by the height of the deep-water wave and the influence of the bottom configuration within the wave zone of the beach area. The principal bottom condition depth and gradient. During the winter months when the wave energy is the greatest, sand normally existing within the beach and within the wave zone is transported offshore. Scouring or lowering of the bottom results in lower beach levels. This scouring is limited to the depth of the bedrock that exists within the wave zone. During the summer months when the wave energy is less aggressive, sand migration is normally onto the shore, rebuilding the beach. Therefore, wave height and character varies from summer to winter as the water depth varies. The gradient is highly variable during periods of sand migration, but during the winter months, scour has removed the sand exposing the natural gradient of the bedrock.

With the removal of the rip rap stone, the sand migration process will return to the patterns established prior to its original installation. This will result in spilling wave character reflecting the "pre-installation" bottom depth and gradient. Therefore, implementation of the Facilities Relocation Plan will return the wave dynamics to a "pre-installation" condition.

### Beach Access

A staircase located near the southwest property corner of The Cliff's Resort provides access to the beach area where the rip rap will be removed. Access to this staircase is provided along the west side of the hotel facilities, down an improved path from the top of the bluff. The base of the staircase provides access to a beach that extends westerly from The Cliff's Resort. Due to the existence of a rock outcrop which extends from the base of the bluff and into the wave zone, access easterly (along the base of The Cliff's Resort) is limited to periods of low tide. The seasonal variation in sand supply is not sufficient to provide continuous access along this portion of the beach even during the summer months. The partially covered area of beach directly adjacent to the Site similarly is accessible only during periods of low tide. Removal of the rip rap will allow a greater period of use of this beach area when not covered by wave action but access to the beach area will not increase due to the rock extension into the wave zone at the west side. There is no access to the beach area from the east side as there is no access down the bluff. Modifications to the site along the top of bluff will not limit or reduce the access to the bluff area from that currently utilized. Beach access during the rip rap stone removal process period should be restricted for safety reasons.

### Natural Landforms

The geologic processes acting on the existing geologic units result in the existing natural landforms. Modification of these natural erosion processes

August 8, 2001

Project SLO0892-3

would result in alteration of the natural landforms. It is proposed to remove the existing rip rap that presently serves to mitigate the affect of the natural erosion process. Its removal would re-establish the enhanced process of erosion. Natural landforms such as the beach and bluff would not substantially change in character, just in a more accelerated time period that the landform would evolve. The current geologic environment will not be modified by the proposed improvements associated with the Facility Relocation Plan.

### Vegetation

Natural vegetation is currently limited to the inaccessible area situated along the top of the bluff. This area is being maintained with native, drought resistant vegetation to enhance natural bluff stability. It is understood that this area will continue to be maintained in this manner. The nearly vertical bluff face is too steep to support vegetation except within isolated pockets. No extensive vegetation is observed nor is it anticipated to occur. Upon removal of the rock, no need for increased vegetation is anticipated, as the bluff will remain naturally steep. Therefore, implementation of the Facilities Relocation Plan will not substantially alter either existing or natural vegetation.

### Visual Compatibility

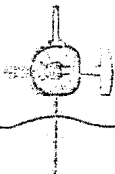
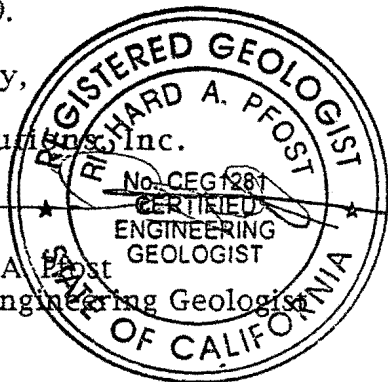
At the present time, the existing rip rap revetment can only be observed from being either directly on the subject beach or offshore where there is visual access to this portion of the bluff. Removal of the rip rap will result in the underlying bedrock being exposed, again only to those either directly on the subject beach or offshore where there is visual access to this portion of the bluff. It is anticipated that the visual compatibility will be enhanced, as the natural bluff characteristics will be re-exposed. During the rip rap removal phase, short-term disruption of visual compatibility will be realized for the length of construction. The facilities scheduled for relocation at the top of the bluff will have substantially less visual impact than those currently existing. No blockage of the coastal view is anticipated with the relocated facilities.

If there should be any questions; please do not hesitate to contact me at (805) 543-8539.

Sincerely,

GeoSolutions, Inc.

Richard A. Pfost  
Senior Engineering Geologist



4 Ex. E  
55



**RECEIVED**

OCT 10 2001

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

October 9, 2001

Via Facsimile: (831) 427-4877  
Total Four (4) Pages

Mr. Dan Carl  
Santa Cruz Regional Office  
CALIFORNIA COASTAL COMMISSION  
725 Front Street, Suite 300  
Santa Cruz, California 95060

**Re: Follow-up to Your Request Concerning Wastewater Relocation Options;  
Application for "Facility Relocation Plan" -  
Compliance With Permit Conditions, Violations and Rip-Rap Removal;  
THE CLIFFS at SHELL BEACH RESORT**

Dear Mr. Carl:

In response to your inquiry regarding alternatives to the wastewater line relocations proposed in our applications, I am enclosing two sketches that will give you a more complete understanding of the nature of the existing improvements, and the viability of the alternative to our proposal.

As I understand staff's question, you have asked about the viability of relocating the wastewater lines proposed oceanward of the buildings and paralleling the bluff to locations landward of the buildings (thereby outside of the bluff top setback area).

The sketches I have enclosed include extended cross-sections from the blufftop through the hotel and restaurant buildings closest to the bluff top. These extended sections include finished floor representations that relate the actual building use areas to the wastewater collection and disposal system.

Both the hotel and restaurant/conference buildings discharge wastewater via lateral lines that originate under these buildings and flow by gravity oceanward, perpendicular to the bluff. These lateral collection lines intercept a disposal main line running parallel to the bluff, under the public access and setback area. This main collection line also runs via gravity to the existing lift station. This lift station receives all site wastewater and then pumps it landward, away from the bluff, to a city sewer line in Shell Beach Road. The site plans previously submitted show where these lateral lines are located relative to the buildings (Hotel - near Section EE; Restaurant/Conference - near

**EXHIBIT F: APPLICANT'S ALTERNATIVE  
SEWER LINE LOCATION ANALYSIS**



Section CC). This plan also locates the existing lift station and force main to Shell Beach Road.

The sections enclosed also show the locations where we propose to relocate and install a new sewer disposal line parallel to the bluff. You can see from the sections (and previously submitted plans) that the new line parallel to the bluff would be relocated in Phase 3 of our project, when resumption of bluff erosion encroaches near this line. The relocated disposal line would be moved inland of the subsurface storm water system. This storm water drainage system must be located oceanward of the buildings in order to service drainage of the blufftop area.

The new sewer disposal line parallel to the bluff has been proposed to be moved as far landward as feasible, providing minimum clearance between the existing buildings and storm drain line needed to install and service the line in the future.

In order to pursue your option, it would be necessary to excavate under the building foundations, intercept the lateral lines before they daylight from under the buildings in the bluff top area, turn them into the pool plaza, and install one or two new lift stations with force main lines running through the pool plaza, out to the parking lot, and then to Shell Beach Road. Aside from the feasibility of excavating safely under four story buildings to reroute the sewer lines, the maneuvering around the pool, mechanical systems for the resort, and underground conference facility may make this option impossible to achieve.

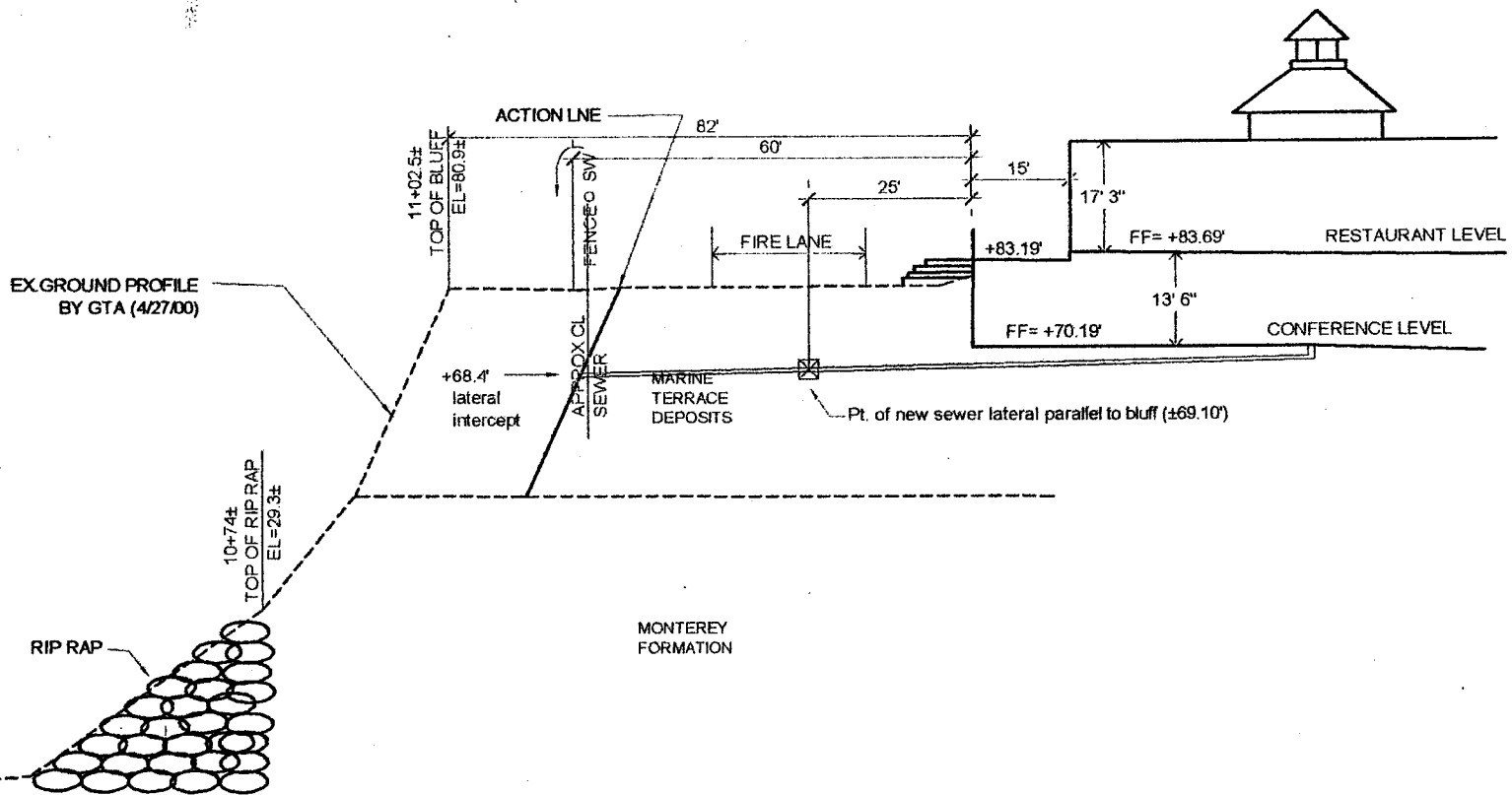
An alternate to your suggestion would be to intercept the lateral lines as they discharge immediately out of the buildings on the blufftop, and create a new lift station located immediately oceanward of the buildings. This alternative lift location will still be within the bluff setback, and would simply relocate the lift station from one location within the blufftop area to another. We never pursued this option because of the Commission's rather adamant requirement to relocate or remove the lift station from the setback area.

Please call following your receipt to discuss further.

Sincerely,

  
David Watson, AICP

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EX. F



# EXTENDED X-SECTION C-C



Cliffs Hotel



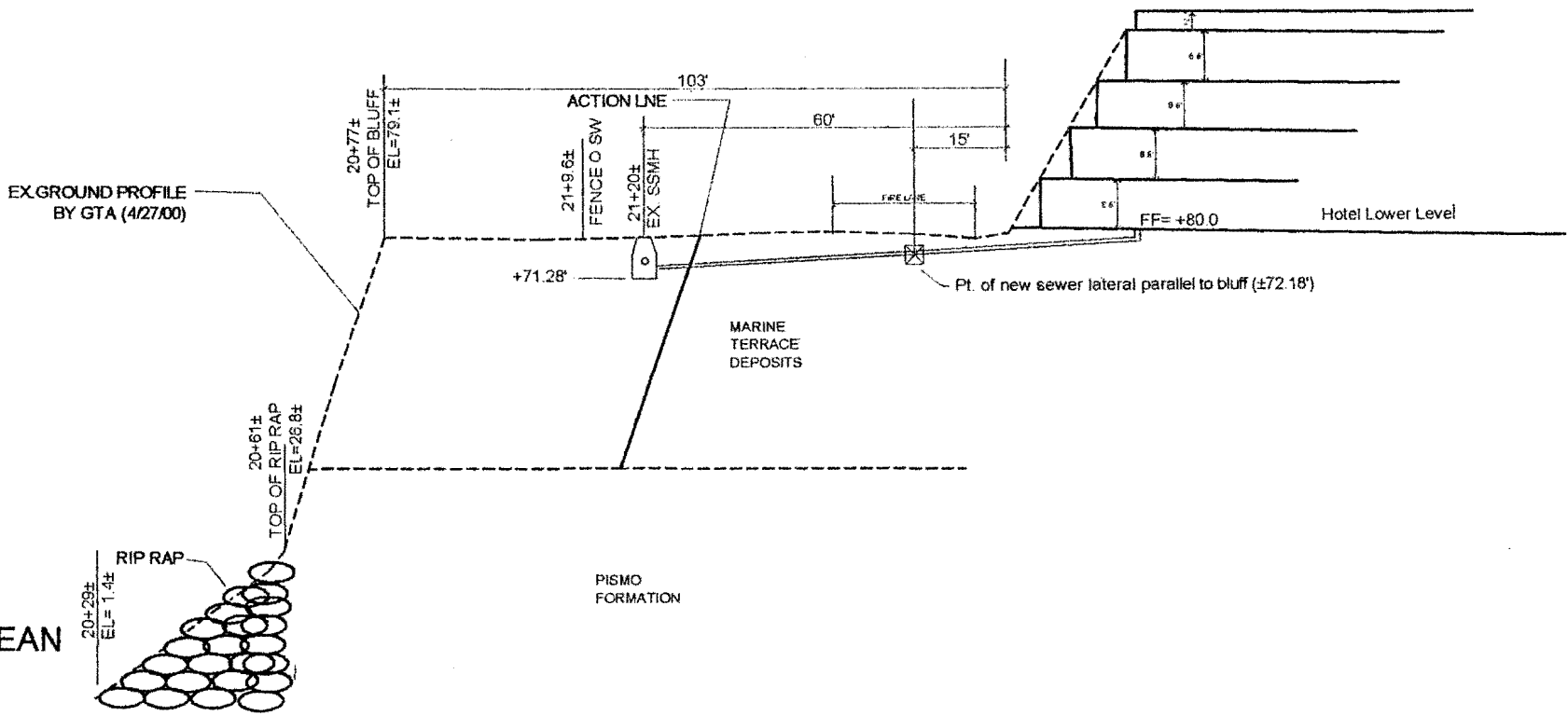
Master Plan  
 Plot Date: 10.09.01  
 Purpose:  
 Revision Date: 10.09.01  
 Software: AutoCAD 2000  
 Job Number:  
 File Name: Cliffs Hotel-plan\_master02.DWG  
 Layout Name: 8.6x11

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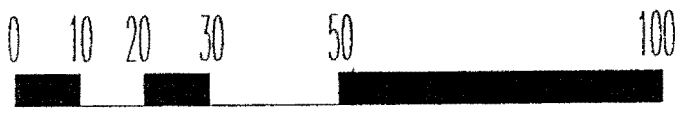
the  
 robert  
 richmond  
 company  
 architects

300 Pacific Street  
 San Luis Obispo, CA 93401  
 805 541-8100  
 Fax: 805 541-8284  
 website: www.richmond.com

EX.F  
59



# EXTENDED X-SECTION E-E



## Cliffs Hotel



**Master Plan**  
 Plot Date: 10.08.01  
 Purpose:  
 Revision Date: 10.08.01  
 Software: AutoCAD 2000  
 Job Number:  
 File Name: Cliffs Hotel scan\_trace01.DWG  
 Layout Name: S.6x11

By Robert Richmond Company, Incorporated  
 a registered civil engineer firm, we hereby  
 certify that the design and construction  
 of this project is in accordance with the  
 provisions of the California Professional  
 Engineers Act, Chapter 10, Division 47,  
 Title 9, of the California Code of  
 Regulations, and the laws of the State  
 of California.

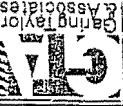


**the robert richmond company architects**  
 288 Pierce Blvd.  
 San Luis Obispo, CA 93405  
 805.541.8500  
 Fax: 805.541.8284  
 e-mail: rr@rrc.com





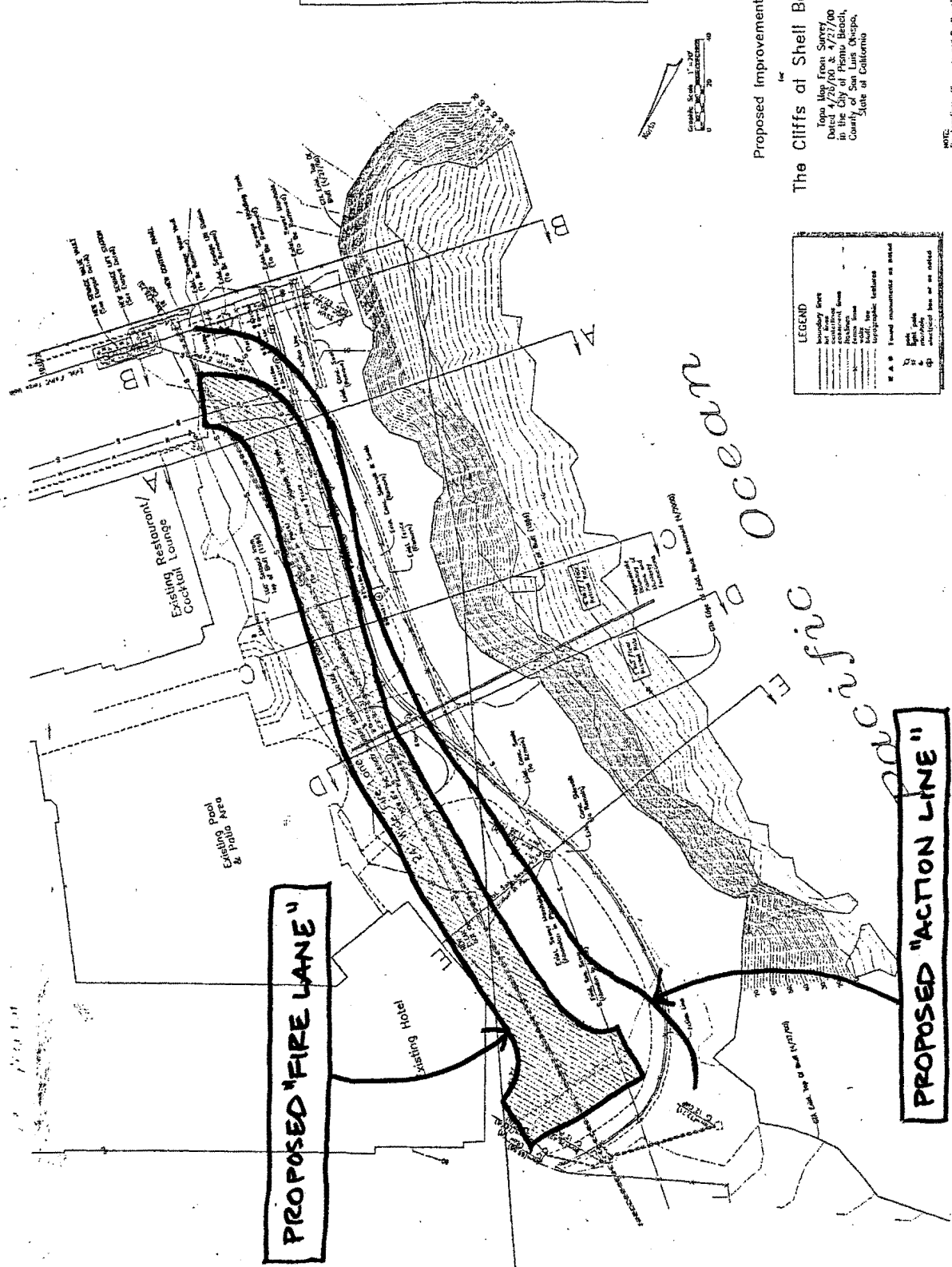
Gary Taylor  
 Professional Engineer  
 No. 15892  
 State of California  
 141 South Elm Street  
 San Diego, CA 92101  
 619/594-1222



Proposed Improvements  
 The Cliffs Hotel at Shell Beach  
 Shell Beach, CA  
 Project: The Cliffs Hotel at Shell Beach  
 Sheet Title: Proposed Improvements

King Ventures  
 280 Mission Street  
 CA 94401  
 (415) 544-4444  
 Sheet No. 1 of 3

Figure 1 - Facility Relocation Plan - Cliffs Hotel



Proposed Improvements  
 for  
 The Cliffs at Shell Beach  
 Topo Map From Survey  
 Dated 4/28/00 & 4/27/00  
 in the City of Pismo Beach,  
 County of San Luis Obispo,  
 State of California

LEGEND	
[Symbol]	Boundary Lines
[Symbol]	Existing Structures
[Symbol]	Proposed Structures
[Symbol]	Proposed Fire Lane
[Symbol]	Proposed Action Line
[Symbol]	Topographic Features
[Symbol]	Found monuments as noted
[Symbol]	Survey Points
[Symbol]	Proposed Survey Points
[Symbol]	Proposed Easement Lines as noted

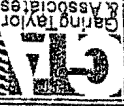
NOTE:  
 The boundaries, elevations and depths of  
 the structures shown herein are based on  
 the original plan. Available information and  
 are approximate only.

"FIRE LANE" AND "ACTION LINE" DETAIL

Ex. 9  
 61



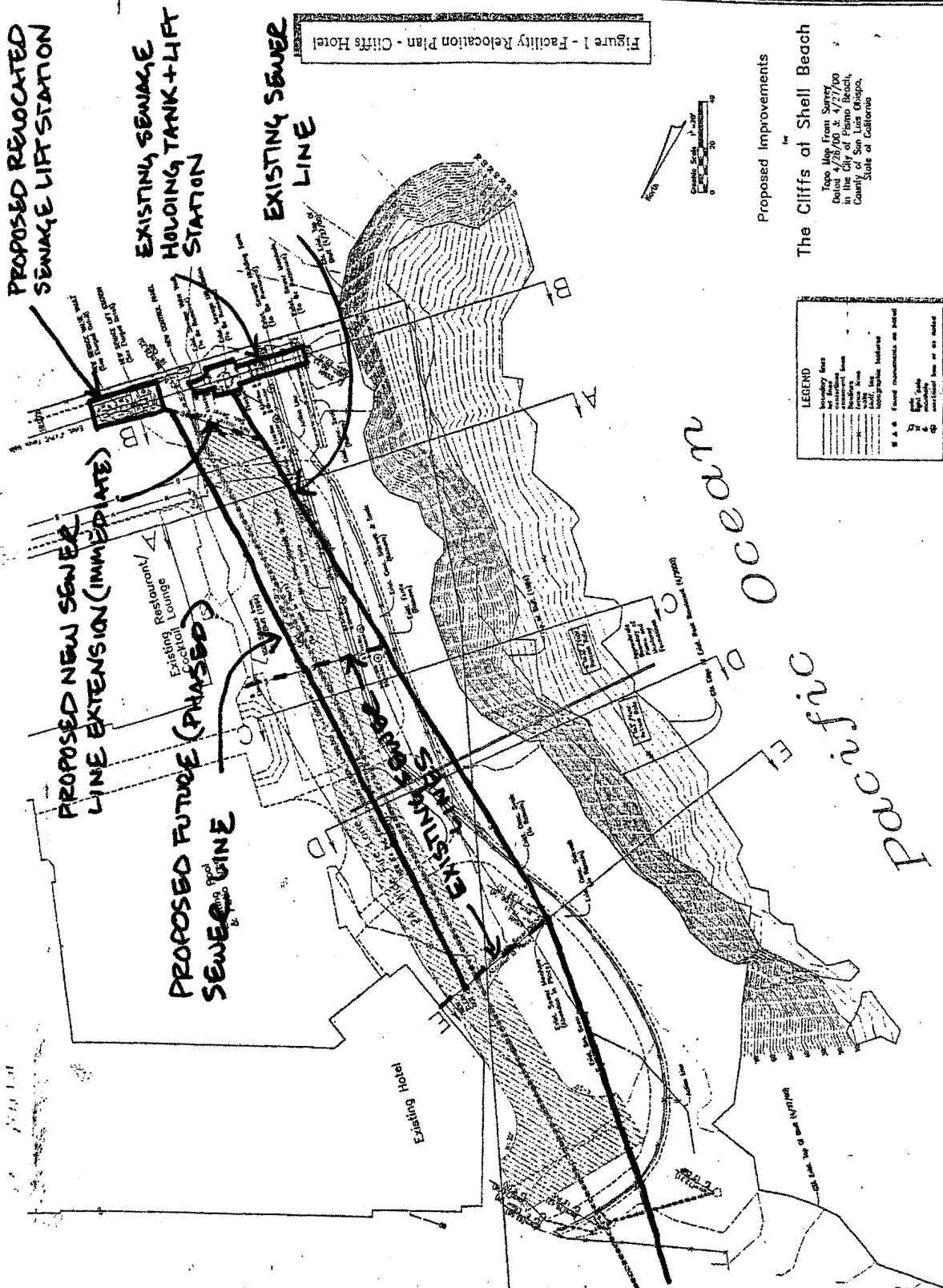
R. James Goring, P.E. No. 12527  
 Civil Engineering  
 Surveying  
 Streets Development  
 141 South Elm Street  
 Anaheim, CA 92805  
 RCL 26923 USA



Garling Taylor & Associates, Inc.  
 The Cliffs Hotel of Shell Beach  
 Shell Beach, CA  
 Proposed Improvements

King Ventures  
 280 Pismo Street  
 San Marcos, CA 93401  
 (505) 544-4444

Scale	1" = 20'
Sheet Title	Proposed Improvements
Project	The Cliffs Hotel of Shell Beach
Location	Shell Beach, CA
Drawn By	W. J. ...
Checked By	...
Date	...
Scale	1" = 20'



SEWER UTILITIES DETAIL

Figure 1 - Facility Relocation Plan - Cliffs Hotel

Proposed Improvements  
 for  
 The Cliffs of Shell Beach  
 Topo Map From Survey  
 Dated 4/26/00 & 4/27/00  
 in the City of Pismo Beach,  
 County of San Luis Obispo,  
 State of California

LEGEND

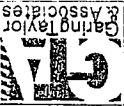
Proposed Sewer Line	---
Proposed Sewer Lift Station	○
Proposed Sewer Holding Tank	□
Proposed Sewer Main	---
Proposed Sewer Lateral	---
Proposed Sewer Manhole	○
Proposed Sewer Valve	○
Proposed Sewer Cleanout	○
Proposed Sewer Vent	○
Proposed Sewer Access	○
Proposed Sewer Ejector	○
Proposed Sewer Pump	○
Proposed Sewer Motor	○
Proposed Sewer Control	○
Proposed Sewer Alarm	○
Proposed Sewer Indicator	○
Proposed Sewer Recorder	○
Proposed Sewer Controller	○
Proposed Sewer Relay	○
Proposed Sewer Transformer	○
Proposed Sewer Switch	○
Proposed Sewer Breaker	○
Proposed Sewer Fuse	○
Proposed Sewer Circuit	○
Proposed Sewer Panel	○
Proposed Sewer Cabinet	○
Proposed Sewer Enclosure	○
Proposed Sewer Structure	○
Proposed Sewer Foundation	○
Proposed Sewer Footing	○
Proposed Sewer Wall	○
Proposed Sewer Slab	○
Proposed Sewer Floor	○
Proposed Sewer Ceiling	○
Proposed Sewer Roof	○
Proposed Sewer Siding	○
Proposed Sewer Cladding	○
Proposed Sewer Insulation	○
Proposed Sewer Membrane	○
Proposed Sewer Waterproofing	○
Proposed Sewer Drainage	○
Proposed Sewer Ventilation	○
Proposed Sewer Exhaust	○
Proposed Sewer Intake	○
Proposed Sewer Outlet	○
Proposed Sewer Inlet	○
Proposed Sewer Connection	○
Proposed Sewer Junction	○
Proposed Sewer Intersection	○
Proposed Sewer Crossing	○
Proposed Sewer Overlap	○
Proposed Sewer Underlap	○
Proposed Sewer Offset	○
Proposed Sewer Bend	○
Proposed Sewer Elbow	○
Proposed Sewer Tee	○
Proposed Sewer Cross	○
Proposed Sewer Y	○
Proposed Sewer Wye	○
Proposed Sewer Saddle	○
Proposed Sewer Plug	○
Proposed Sewer Cap	○
Proposed Sewer Cover	○
Proposed Sewer Access	○
Proposed Sewer Ejector	○
Proposed Sewer Pump	○
Proposed Sewer Motor	○
Proposed Sewer Control	○
Proposed Sewer Alarm	○
Proposed Sewer Indicator	○
Proposed Sewer Recorder	○
Proposed Sewer Controller	○
Proposed Sewer Relay	○
Proposed Sewer Transformer	○
Proposed Sewer Switch	○
Proposed Sewer Breaker	○
Proposed Sewer Fuse	○
Proposed Sewer Circuit	○
Proposed Sewer Panel	○
Proposed Sewer Cabinet	○
Proposed Sewer Enclosure	○
Proposed Sewer Structure	○
Proposed Sewer Foundation	○
Proposed Sewer Footing	○
Proposed Sewer Wall	○
Proposed Sewer Slab	○
Proposed Sewer Floor	○
Proposed Sewer Ceiling	○
Proposed Sewer Roof	○
Proposed Sewer Siding	○
Proposed Sewer Cladding	○
Proposed Sewer Insulation	○
Proposed Sewer Membrane	○
Proposed Sewer Waterproofing	○
Proposed Sewer Drainage	○
Proposed Sewer Ventilation	○
Proposed Sewer Exhaust	○
Proposed Sewer Intake	○
Proposed Sewer Outlet	○
Proposed Sewer Inlet	○
Proposed Sewer Connection	○
Proposed Sewer Junction	○
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Proposed Sewer Offset	○
Proposed Sewer Bend	○
Proposed Sewer Elbow	○
Proposed Sewer Tee	○
Proposed Sewer Cross	○
Proposed Sewer Y	○
Proposed Sewer Wye	○
Proposed Sewer Saddle	○
Proposed Sewer Plug	○
Proposed Sewer Cap	○
Proposed Sewer Cover	○
Proposed Sewer Access	○

NOTE: Conditions, Approvals and Details of the Existing Utility, Street, Transit, Water, Gas, Sewer, and other Utilities, shall be as shown on the Record Plans, Specifications and any Amendments thereto.

EX. 67  
 62



R. James Goring, P.E.  
 141 South Elm Street  
 Redwood City, CA 94061  
 Project: Proposed Improvements  
 Client: The Cliffs Hotel of Shell Beach  
 Shell Beach, CA



Sheet Title: Proposed Improvements  
 Project: The Cliffs Hotel of Shell Beach  
 Shell Beach, CA

King Ventures  
 290 Farnam Street  
 San Luis Obispo, CA 93401  
 (805) 544-4444  
 Date: May 2001  
 Scale: 1" = 20'  
 Sheet 1 of 3

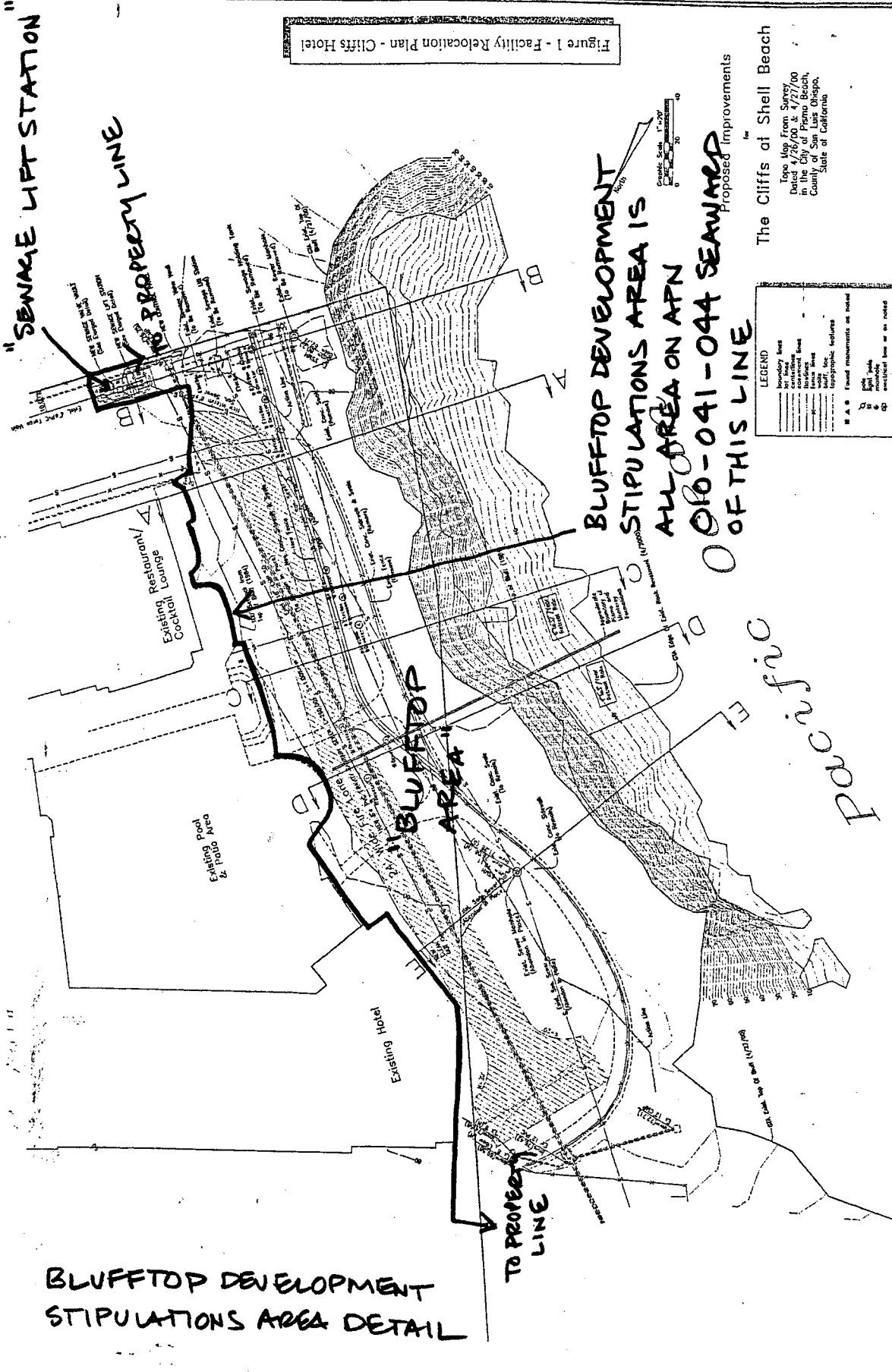


Figure 1 - Facility Relocation Plan - Cliffs Hotel

The Cliffs at Shell Beach  
 Topo Map From Survey  
 Dated 4/26/00 & 4/27/00  
 in the City of Pismo Beach,  
 County of San Luis Obispo,  
 State of California

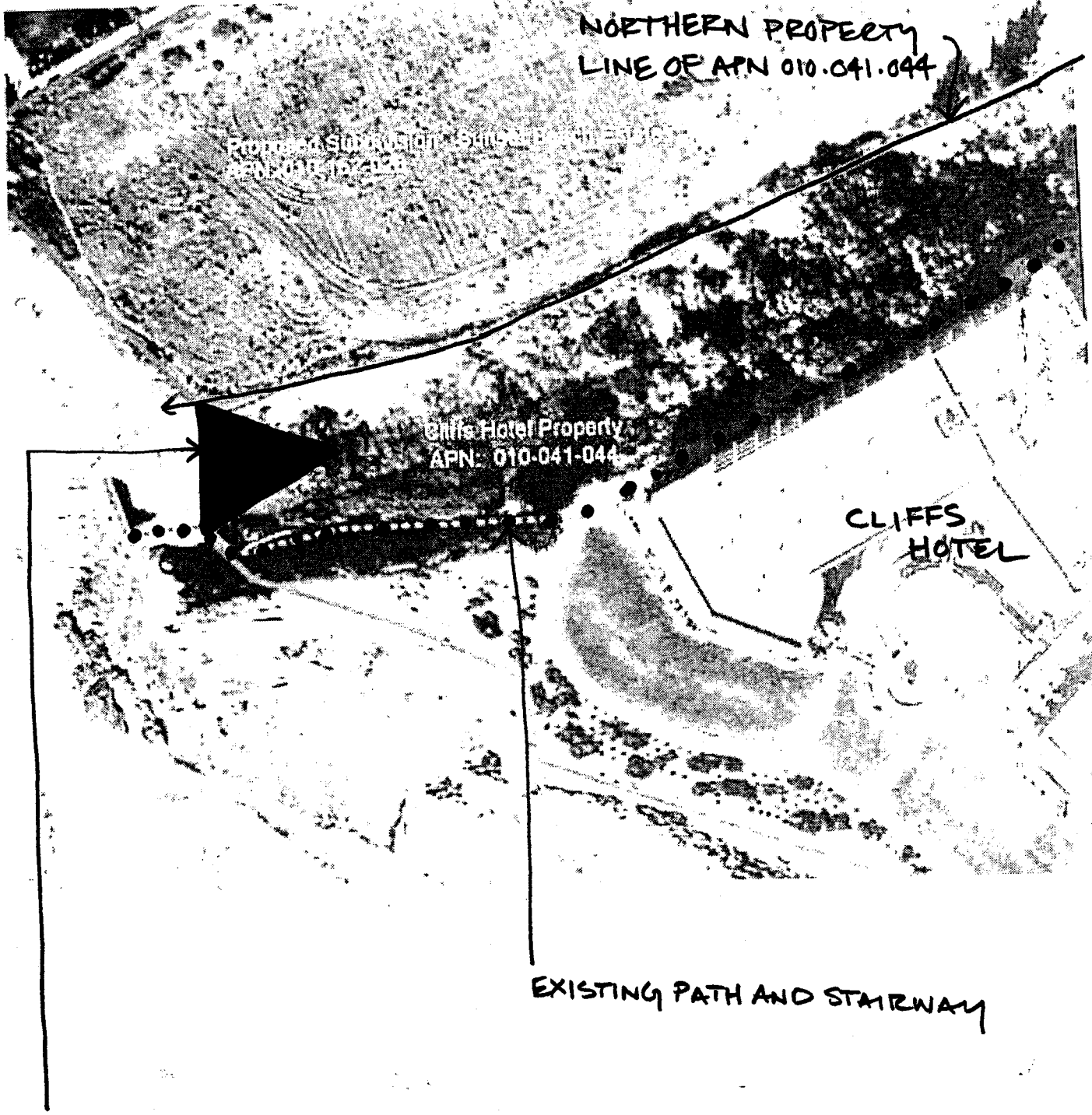
LEGEND

---	Boundary Lines
---	Contours
---	Stipulations Area
---	Proposed Improvements
---	Existing Structures
---	Proposed Structures
---	Proposed Paving
---	Proposed Landscaping
---	Proposed Utilities
---	Proposed Fencing
---	Proposed Retention Walls
---	Proposed Slope Protection
---	Proposed Erosion Control
---	Proposed Stormwater Management
---	Proposed Access
---	Proposed Parking
---	Proposed Driveways
---	Proposed Walkways
---	Proposed Railings
---	Proposed Signage
---	Proposed Lighting
---	Proposed Security
---	Proposed Other

N.A.S. Field measurements on record  
 Proposed structures on record  
 Proposed paving on record  
 Proposed landscaping on record  
 Proposed utilities on record  
 Proposed fencing on record  
 Proposed retention walls on record  
 Proposed slope protection on record  
 Proposed erosion control on record  
 Proposed stormwater management on record  
 Proposed access on record  
 Proposed parking on record  
 Proposed driveways on record  
 Proposed walkways on record  
 Proposed railings on record  
 Proposed signage on record  
 Proposed lighting on record  
 Proposed security on record  
 Proposed other on record

BLUFFTOP DEVELOPMENT  
 STIPULATIONS AREA DETAIL

EX. G  
 63



NORTHERN PROPERTY  
LINE OF APN 010.041.044

Proposed Site Location - Same as shown on  
APN 010-041-044

Cliffs Hotel Property  
APN: 010-041-044

CLIFFS  
HOTEL

EXISTING PATH AND STAIRWAY

OTD AREA

EXHIBIT H: PUBLIC ACCESS OTD AREA

64