

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
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**W-21b****RECORD PACKET COPY**

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Staff: PTI - SF  
Staff Report: November 29, 2001  
Hearing Date: December 12, 2001

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION FILE NO.:** 2-01-017

**APPLICANT:** Jim Kibblewhite

**PROJECT DESCRIPTION:** Renovation of a two-story single-family residence including installation of new concrete foundation replacing wood pier foundation, construction of an approximately 480 square-foot, 1<sup>st</sup> story addition, construction of an approximately 240 square-foot deck on east side of house, replacement of windows, reconfiguration of access stairway and replacement of a pipe and plank retaining wall with a steel beam and plank retaining wall. The application includes foundation work performed under Emergency Permits 2-01-012-G and 2-01-013-G.

**PROJECT LOCATION:** 305 Shoreside Drive, Pacifica, San Mateo County, APN 023-730-200

**LOCAL APPROVALS:** City of Pacifica Building Permit

**SUBSTANTIVE FILE DOCUMENTS:** Emergency Permits 2-01-012-G and 2-01-013-G; Applicant's Section 30601.5 letters, dated October 26, 2001, inviting other owners of tenancy-in-common to join as co-applicants.

**1.0 EXECUTIVE SUMMARY**

This project involves the renovation of a two-story single family residence including the installation of a new concrete foundation replacing a wood pier foundation, 75 cubic yards of cut

and fill, construction of an approximately 480 square-foot 1<sup>st</sup> story addition, construction of an approximately 240 square-foot deck on the east side of the house, replacement of windows, changing configuration of an access stairway and replacement of a pipe and plank retaining wall with a steel beam and plank retaining wall. (Exhibit 3, Project Plan). The application also involves work performed pursuant to Emergency Permits 2-01-012-G and 2-01-013-G, which includes the removal of a 25-foot concrete slab, construction of new foundation footings, rear and side retaining walls, replacement of first floor framing and temporary shoring of an embankment behind the house.

As conditioned, the proposed development would not adversely impact geologic stability, biological resources, or public access. Commission staff recommends approval with conditions including an assumption of risk deed restriction and mitigation of impacts related to polluted runoff.

The proposed project is located in the Pedro Point area of Pacifica in San Mateo County (Exhibit 2, Location Map). Although the City of Pacifica has a certified LCP, the project site is located on filled public trust lands over which the State retains a public trust interest. Therefore, pursuant to Section 30519 of the Coastal Act, the Commission maintains development review authority. The standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act. The policies of the City of Pacifica LCP serve as guidance only and are not the standard of review for this project.

## **EXHIBITS**

1. Location map
2. Site map, assessor parcel maps
3. Project plans

## **2.0 STAFF RECOMMENDATION**

The staff recommends that the Commission approve Coastal Development Permit No. 2-01-017 subject to the conditions in Sections 2.1 and 2.2 below.

### ***Motion:***

I move that the Commission approve Coastal Development Permit No. 2-01-017 subject to conditions pursuant to the staff recommendation.

### ***Staff Recommendation of Approval:***

Staff recommends a YES vote. Passage of this motion will result in approval of the permit 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 the Permit:***

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit 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 development on the environment, or (2) there are no further feasible mitigation measures

or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## 2.1 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.

## 2.2 Special Conditions

1. Construction Period Erosion Control Plan.

*Prior to the issuance of the coastal development permit, the applicants shall submit, for review and approval of the Executive Director, an erosion control plan that incorporates all of the practices and components identified below. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff, and retain sediment on-site during construction. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and ensure the application of nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff.*

### A. Best Management Practices (BMPs)

1. The Erosion Control Plan shall include, at a minimum, the Best Management Practices specified below:
  - a. Install silt fencing as far from the mean high tide line as feasible, but in no case shall silt fencing be installed within 25 feet of the mean high tide line.
  - b. Control wind-born dust through site watering and/or the installation of wind barriers such as hay bales. Site watering shall be monitored to prevent runoff.
  - c. Provide sanitary facilities for construction workers.
  - d. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.

- e. Develop and implement spill prevention and control measures that are adequate to minimize the risk of spills of hazardous substances, including but not limited to fuels, lubricants, paint, or solvents on the project site or into coastal waters.
  - f. Develop and implement nutrient management measures, including properly timed applications, working fertilizers and liming materials into the soil to depths of 4 to 6 inches, and reducing the amount of nutrients applied by conducting soil tests to determine site nutrient needs.
  - g. Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction. Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.
  - h. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
2. The plan shall include, at a minimum, the following components:
- a. a narrative report describing all temporary runoff and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
  - b. a site plan showing the location of all temporary erosion control measures.
  - c. a schedule for installation and removal of the temporary erosion control measures.
- B. The applicants shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan.
- C. The applicants shall undertake development in accordance with the approved final erosion control plan. No proposed changes to the approved final erosion control plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
2. Post-Construction Stormwater Pollution Prevention Plan.
- A. *Prior to issuance of the coastal development permit*, the applicants shall submit, for review and approval of the Executive Director, a post-construction pollution prevention plan showing final drainage and runoff control measures and which meets all of the below specified requirements. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site after completion of construction.
1. The pollution prevention plan shall demonstrate that:
- a. runoff from the project shall be prevented from entering the ocean.
  - b. runoff from all roofs and other impervious surfaces and slopes on the site shall be collected and discharged to avoid ponding or erosion either on or off the site.

- c. appropriate vegetation around the splashguards shall be planted at the downspout outlets.
- 2. The Post-Construction Stormwater Pollution Prevention Plan shall include, at a minimum, the components and Best Management Practices (BMPs) specified below:
  - a. The final site plan shall show the finished grades and the locations of the drainage improvements, including downspouts and splash guards.
  - b. Native or non-invasive drought-tolerant adapted vegetation shall be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.
  - c. Use vegetated filter strips to trap sediment contained in sheet flow. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
  - d. One year following the completion of construction of the approved development, the permittees shall submit to the Executive Director a landscaping monitoring report prepared by a qualified landscape architect, botanist, or horticulturalist. The report shall demonstrate successful revegetation of disturbed areas caused by the construction of the approved development to pre-development condition. If successful revegetation of the disturbed areas cannot be demonstrated, the report shall make suggestions as to how successful revegetation can be achieved. Subject to the review and approval of the Executive Director, the permittees shall implement the suggested remedial measures and provide a follow-up monitoring report one year following the implementation of the remediation.
- B. The applicants shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 3. Assumption of Risk, Waiver of Liability and Indemnity.
  - A. By acceptance of this permit, the applicant on behalf of (1) themselves, (2) their agents and assignees and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees:
    - (i) that the site may be subject to hazards from earth movement, flooding or tsunamis,
    - (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to waive unconditionally any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) 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.

- B. Prior to issuance of the coastal development permit***, the applicants and other property owners of record shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. 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 this coastal development permit.

4. Condition Compliance.

**WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT APPLICATION**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

5. Adequacy of Wastewater Disposal.

***Prior to occupancy of the development authorized by this coastal development permit***, the applicant shall show by written documentation acceptable to the Executive Director that either (1) the residence is connected to the municipal sewer system with sewer capacity adequate to serve the residence, including the floor space added by the project, or (2) the San Mateo County Health Department has approved the existing septic system as adequate to serve the residence, including the floor space added by the project.

### **3.0 FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

#### **3.1 Background**

In April 2001, after obtaining a City of Pacifica building permit but without having obtained a coastal development permit, the applicant began construction of the proposed foundation replacement and home renovation project with the removal of concrete footings in the original pier foundation, placement of the residence on temporary supports and excavation into the slope behind the house. In April 2001, the applicant contacted Commission staff and requested and obtained Emergency Permit 2-01-012-G for the removal of a 25-foot concrete slab on the berm above and behind the house which threatened to collapse and knock down the temporary supports upon which the house rested. Upon the applicant's further request, Commission staff subsequently issued Emergency Permit 2-01-013-G on April 25, 2001, temporarily authorizing the applicant to perform foundation work consisting of (1) construction of footings, (2) construction of rear and side concrete retaining walls, (3) replacement of 1<sup>st</sup> story framing and sheer wall, and (4) temporary shoring. 2-01-019-G, temporary plywood shoring wall with 2x4 wood cross bracing of the embankment behind the house.

### **3.2 Site Description**

The applicant's residence, located at 305 Shoreside Drive in the Pedro Point area of Pacifica, is one of eight residences on a narrow property situated on filled public trust tidelands between the old Shoreline Railroad berm and the Pacific Ocean. The house, which is the subject of the application, is a two-story structure directly abutting and cutting into the slope of the former railroad berm to the south. The berm is elevated approximately 20 feet above the lot and was constructed of compacted fill in the early 1900's to allow travel along the coast by the Ocean Shoreline Railroad. The northern side of the berm slopes steeply down, meeting the surface of the lot approximately 50 to 60 feet from the mean high tide line. The house is thus wedged on the narrow strip of land between the berm and the ocean. Access to the house is via Shoreside Drive, a private road running atop the berm. At present, a wooden stairway runs from the top of the berm down to the surface of the lot along the west side of the house. Wood decking and a dock completely covers the narrow beach in front of the house up to the mean high tide line. A seawall protects the front of the dock and a boat launch ramp extends at an angle from the dock.

The subject property is held as a tenancy-in-common, in which the applicant has an undivided 14.04% interest. Under Section 2.4 of Declaration of Conditions, Covenants and Restrictions and Tenancy-In-Common Agreement, the applicant has an exclusive interest in the fourth residence on the property, which is the subject of this CDP application, and exclusive use of an area of approximately one-quarter acre immediately surrounding it. The property's land use designation is commercial/recreational.

### **3.3 Project Description**

The project involves extensive renovation work to the applicant's single-family residence located at 305 Shoreside Drive in Pacifica. This coastal development permit application encompasses both work already completed under Emergency Permits 2-01-012-G and 2-01-013-G and certain additional work, which has not yet been undertaken. Prior to commencement of the renovation, the applicant's house sat on a pier foundation some ten to twelve feet above the surface of the lot. The most extensive portion of the renovation consists of the replacement of the original pier foundation with a reinforced concrete foundation, and the addition of a 1<sup>st</sup> story beneath the house in the area previously occupied by the wood piers. In addition to the new foundation and the addition of the lower story, the project includes the construction of a new stairway and an approximately 240 square foot deck on the east side of the house, replacement of windows, and the construction of an approximately 30-foot long, ten-foot tall steel beam and plank retaining wall to support the cut slope of the berm behind the house in place of the previously existing pipe and plank retaining wall. The applicant also proposes installation of a three-foot wooden retaining wall three feet behind the steel beam and plank retaining wall so as to create two, terraced planting beds. (Exhibit 3.)

The work already completed by the applicant under the Emergency Permits includes removal of a concrete slab, cut and fill of 75 cubic yards of dirt from the foundation and the berm at the rear of the house, construction of the reinforced concrete foundation and foundation wall, backfill to the top of the foundation wall and re-framing of the first floor. Of note, the completed cut and fill and foundation work was more extensive than that permitted under the emergency permit. The foundation was placed lower than depicted in the plans originally submitted to the Commission so as to allow the construction of the lower story below the existing house. According to new plans submitted after construction, the new lower story has

roughly the same floor area as the upper story, approximately 480 square feet, thereby roughly doubling the square footage of the house.

As presently designed, run-off from the house will be directed into subsurface drain rock located behind the retaining wall and foundation and allowed to disperse.

### 3.4 Ownership Interest

In compliance with Section 30601.5 of the Coastal Act, the applicant has invited the other joint tenants of the subject property in writing to join as co-applicants. Section 30601.5 provides:

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as coapplicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as coapplicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval. [Emphasis added.]

None of the other seven joint tenants have indicated that they would like to join as co-applicants.

### 3.5 Seismic and Geologic Hazards

Section 30253 states:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (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 project is located in an area, which has been mapped by the Federal Emergency Management Agency (FEMA) as within a one hundred-year flood zone. The FEMA map designates the area as "Zone V3," an "[a]rea[] of 100-year coastal flood with velocity (wave action)." Within this zone, FEMA has determined the base flood elevation of the one-hundred year flood to be 3 feet, subject to inundation by wave action. Because the house sits directly on the beach on the seaward side of the railroad berm within less than 50 feet of the mean high tide line, it is largely unprotected from high surf and is also vulnerable to tsunami hazard. The existing low seawall at the edge of the dock protects the dock itself, but does not protect the house from surf washing over the seawall onto the dock during storms. Prior to the commencement of the current renovation project, the house sat on piers some ten to twelve feet above ground level at the front of the house. The elevation of the house on piers protected it



from inundation from wave action during winter storms. The replacement of the pier foundation with a reinforced concrete foundation and the addition of living space in a lower story in the space previously occupied by the piers makes the lower story more vulnerable to flooding.

The project includes construction of (1) a thirty-foot long, ten-foot tall retaining wall behind the house, and (2) a new, reinforced concrete foundation, already completed under the Emergency Permits. Both the retaining wall and the rear wall of the foundation support the vertical cut slope of the former railroad berm, which the house abuts. The plans, including both the retaining wall and the foundation, have been certified by a registered professional engineer, Thomas Podesta, who made calculations to assure the adequacy of the foundation wall. In addition, the applicants have submitted a geotechnical report by Earth Investigations Consultants respecting the design and construction of the retaining wall, which concludes that the retaining wall design is appropriate and necessary to support the cut slope of the berm. The report makes specific recommendations with respect to the construction and engineering specifications of the wall.

The geotechnical report notes that an active trace of the San Andreas is mapped approximately 3½ miles northeast of the site and that an inferred trace of the potentially active Pilarcitos fault is mapped approximately 4000 feet to the northeast. The report anticipates that the site would be subject to "very strong to violent ground shaking during a major earthquake on the San Andreas fault, but that ground rupture is not expected.

Given that the project site is subject to hazards from earth movement, flooding or tsunami, **Special Condition 3** requires the applicant, as landowner, and the other landowners of record, to execute and record an assumption of risk deed restriction whereby the applicant, by accepting the permit and undertaking construction of the project, acknowledges the potential hazards from earth movement, flooding and tsunami and agrees to release the Commission from and indemnify it against any liability for injury or damage resulting from such hazards. The Commission finds that **Special Condition 3** is required because the applicant has voluntarily chosen to implement the project despite the risk of hazards. Recordation of the deed restriction will also provide notice of potential hazards of the property and eliminate false expectations of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely into the future. In addition, the condition ensures that all current and future owners will be informed of the Commission's immunity from liability and the indemnity afforded the Commission.

As conditioned, the Commission finds that the proposed project is consistent with Sections 30253 of the Coastal Act.

### **3.6 Biological Resources, Erosion and Polluted Runoff**

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation,*

*maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30231 of the Coastal Act requires that any adverse effects of wastewater discharges, entrainment and runoff be minimized to protect the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes.

The project involves a total of 75 yards of cut and fill and the construction of a steel beam and plank retaining wall to support the cut slope of the berm behind the house.

To address erosion that may occur during project construction, the applicants propose to place silt fencing and hay bales along the northern and eastern boundaries of the project site, across the natural gradient of the site. To ensure that adequate measures are taken to address impacts from erosion during construction, the Commission imposes **Special Condition 1**, requiring the applicants to submit, prior to issuance of the permit, a detailed construction period erosion control plan. The erosion control plan must incorporate the best management practices set forth in Special Condition 1A, including appropriate silt fencing and management of construction materials and hazardous substances. As conditioned, the erosion control plan will be sufficient to protect the biological productivity and the quality of coastal waters and is consistent with Section 30231 of the Coastal Act.

Wastewater generated by the house is currently treated by an onsite septic system located on the north side of the residence. Residential septic systems are designed according to the number of bedrooms to be served. Exceeding a septic systems design capacity may result in hydraulic or nutrient overload causing the septic system to fail, and result in ground water and/or surface water contamination. The applicant has indicated that the currently existing septic system will be replaced municipal sewer service and that the house will be connected to the municipal sewer system in the near future. **Special Condition 5** requires that, prior to occupancy of the development authorized by this coastal development permit, the applicant must provide documentation showing either that (1) the residence is connected to the municipal sewer system with sewer capacity adequate to serve the residence, including the floor space added by the project, or that (2) the San Mateo County Health Department has approved the existing septic system as adequate to serve the renovated residence.

The coastal development permit is also subject to **Special Condition 2**, requiring review and approval of a post-construction stormwater pollution prevention plan by the Executive Director prior to issuance of the permit. The post-construction stormwater pollution prevention plan required by **Special Condition 2** must provide for the collection and discharge of runoff from all roofs and other impervious surfaces and slopes on the site to avoid ponding or erosion either on or off the site, and must prevent runoff from the project from entering the ocean. **Special Condition 2** also sets forth the Best Management Practices (BMPs) which the post-construction stormwater pollution prevention plan must include. According to project plans submitted by the applicant, the applicant will direct all runoff from the house into subsurface drain rock located behind the foundation and the retaining wall, and allow all runoff to disperse into the water table. Implementation of the BMPs required by **Special Condition 2** will ensure that all runoff from the completed project and site will be collected and managed in manner which will protect the quality of coastal waters in conformance with the requirements of Section 30231.

As conditioned, the Commission therefore finds that the proposed development is designed to protect the biological productivity and the quality of coastal water in conformance with Section 30231 of the Coastal Act.

### 3.7 Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212 and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The project parcel is situated seaward of the old Shoreline Railroad berm and Shoreside Drive, between the first public road and the sea. Although the project site is located between the first public road and the sea, it will not adversely affect public access. The proposed development would not significantly change the nature or intensity of use of the site and thus would not create any significant burdens on public access. There is no record of historical access over the project site and there are no trails that provide shoreline access through the subject property. Therefore, the development would not result in a barrier to public coastal access. Informal adequate access exists nearby at the end of Halling Way. Thus, the proposed development will not interfere with public access to the shoreline and will have no other significant adverse impacts on existing or potential public access.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

### 3.8 Environmentally Sensitive Habitat

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(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.*

In its present state, the narrow project site has virtually no vegetation and contains no exposed beach. Existing wood decking and a dock cover the beach from the house up to the mean high tide line. The proposed renovation work is limited to the footprint of the existing house and previously existing retaining wall and does not extend beyond the already developed area.

The proposed development on the site will therefore cause no direct impact to sensitive habitats. Since there are no environmentally sensitive habitat areas on or adjacent to the project site, the proposed development creates no conflict with Section 30240 of the Coastal Act. As conditioned to mitigate any impacts from erosion or polluted runoff, discussed above, the proposed development will also not indirectly adversely affect the biological productivity or quality of coastal waters. The Commission accordingly finds that the proposed development is designed to prevent impacts to environmentally sensitive habitat areas in conformance with Sections 30240 of the Coastal Act.

### **3.9 Alleged Violation**

As noted above, the foundation and renovation work which is the subject of this permit was begun by the applicant on the site in an area within the Commission's jurisdiction without the benefit of a coastal development permit. Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the cited alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

### **4.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing that the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures which will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

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### **EXHIBITS:**

1. Location map
2. Site map, assessor parcel maps
3. Project plans

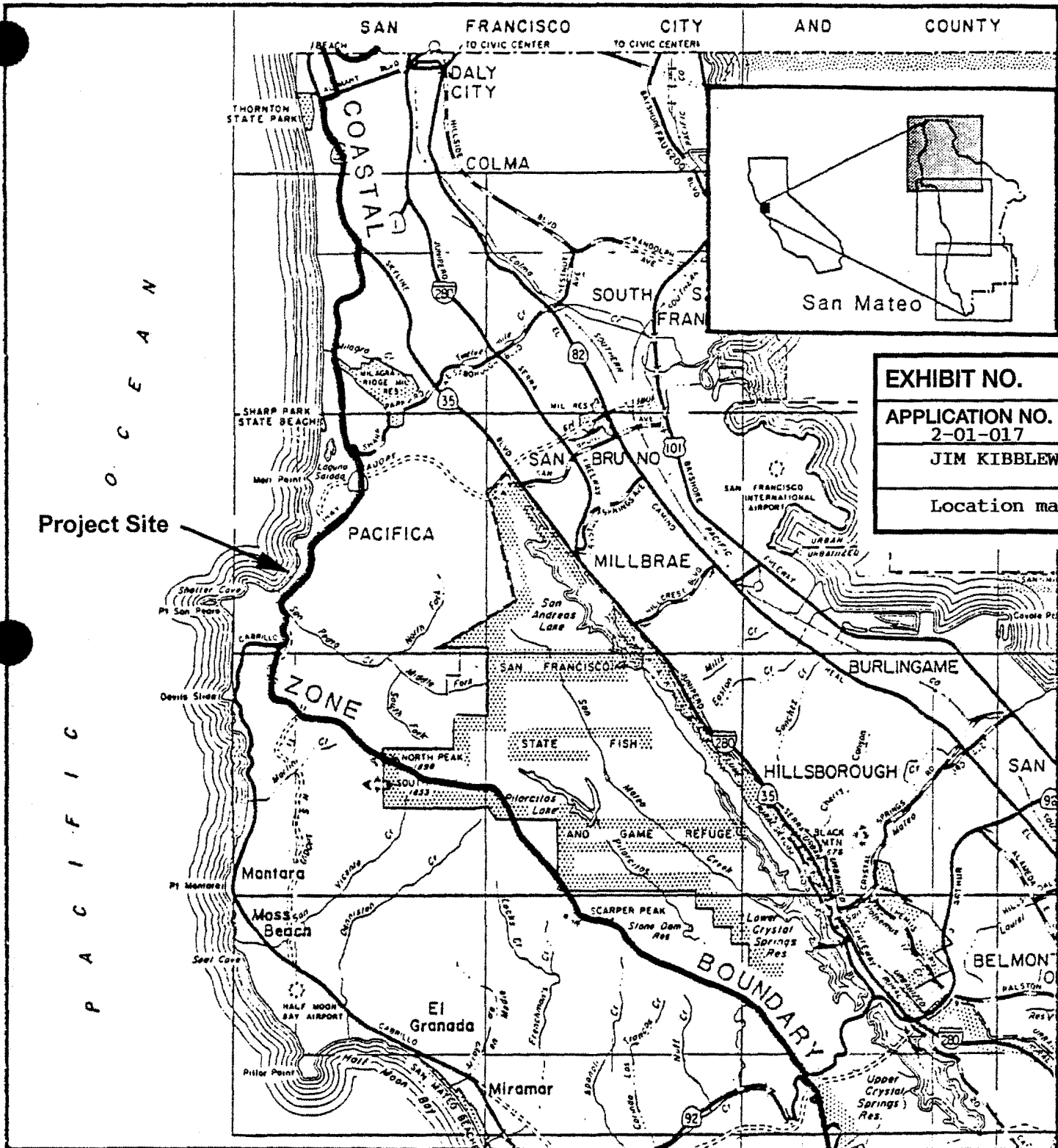


EXHIBIT NO.	1
APPLICATION NO.	2-01-017
JIM KIBBLEWHITE	
Location map	

LOCATION MAP



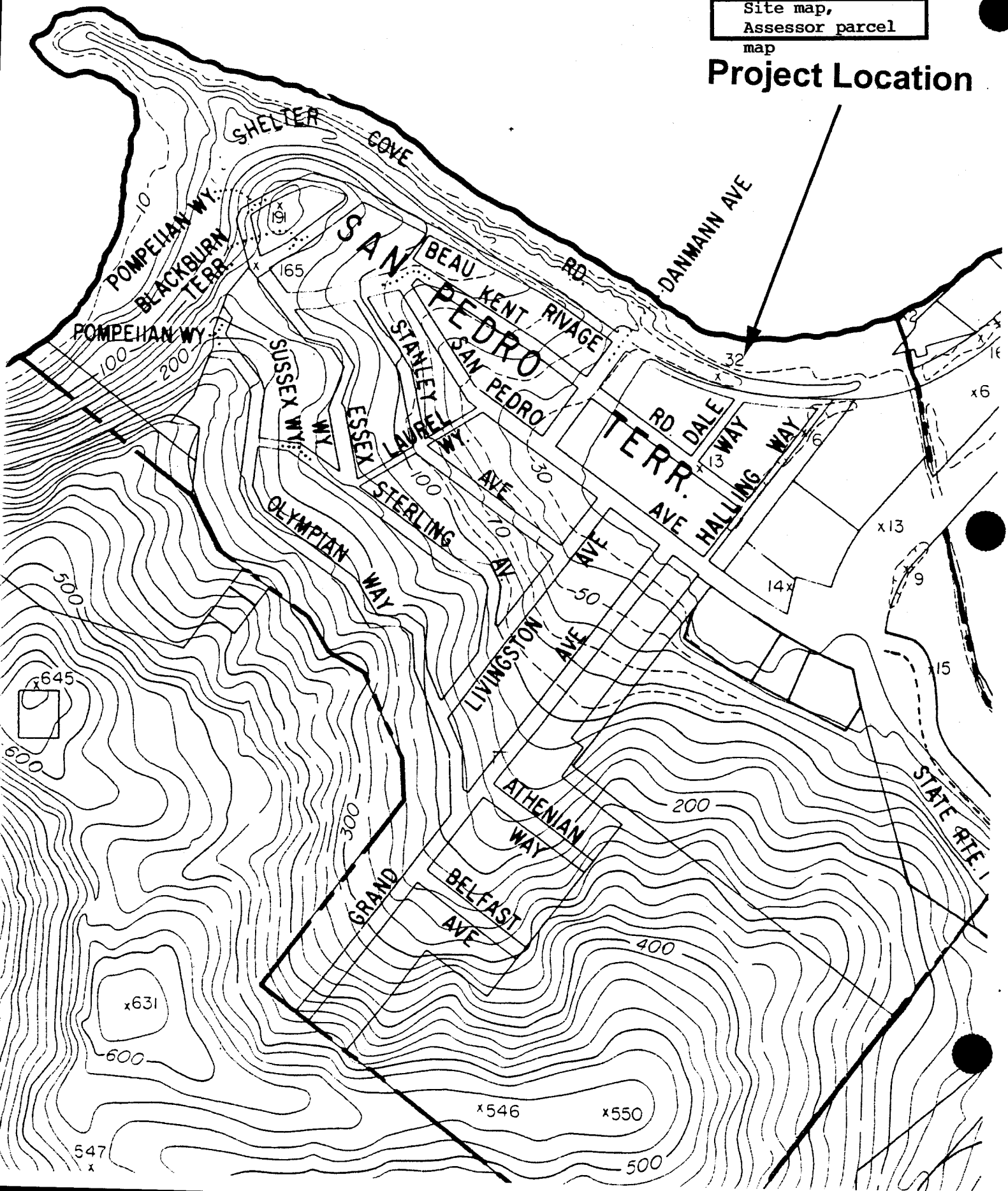
EXHIBIT NO. 2

APPLICATION NO.  
2-01-017

JIM KIBBLEWHITE

Site map,  
Assessor parcel  
map

## Project Location



TAX CODE AREA -----

23-73

PACIFIC

COVE

OCEAN

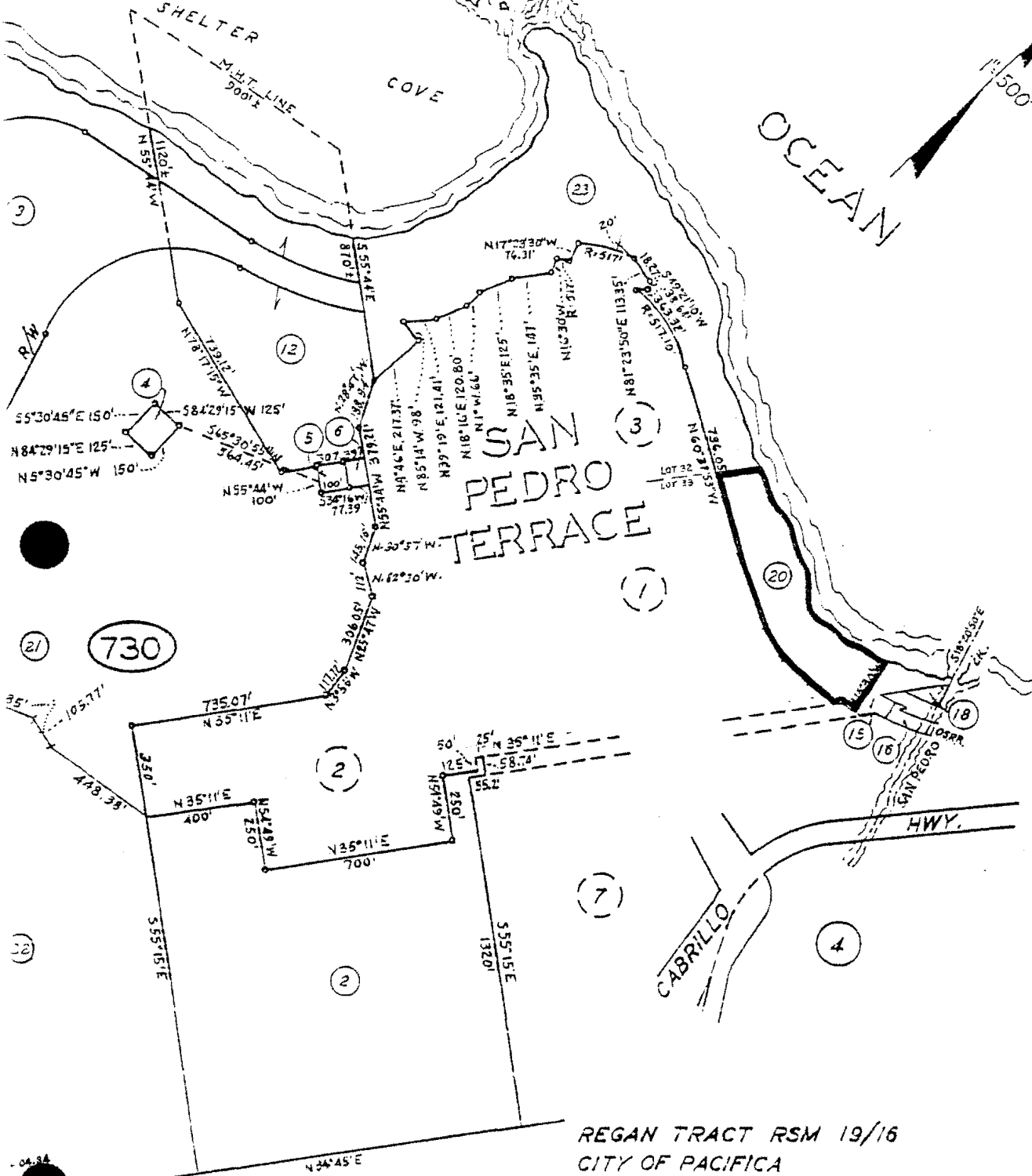
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M.T. LINE

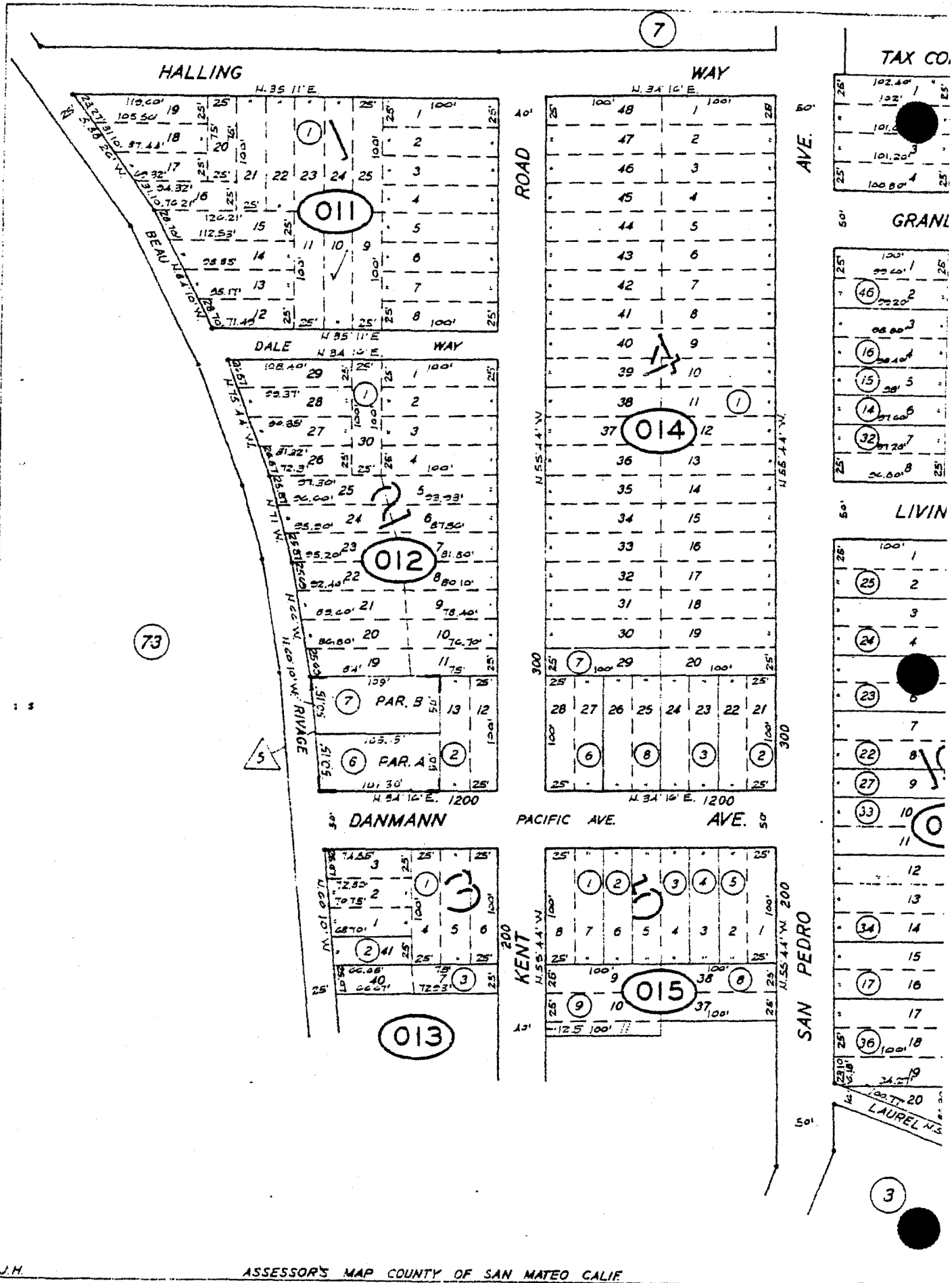
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SAN PEDRO TERRACE

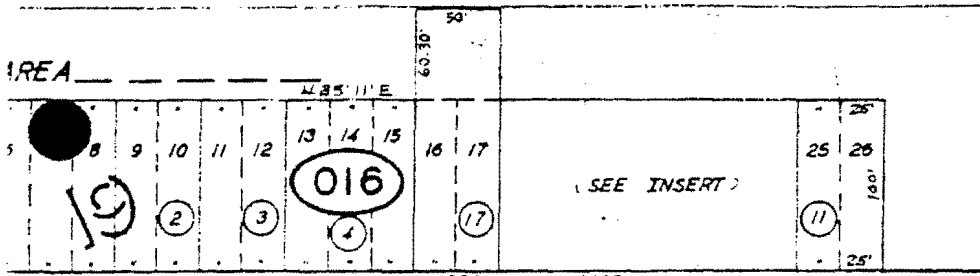
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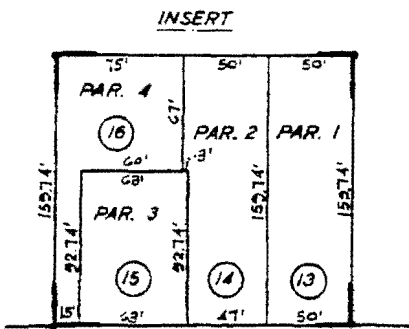
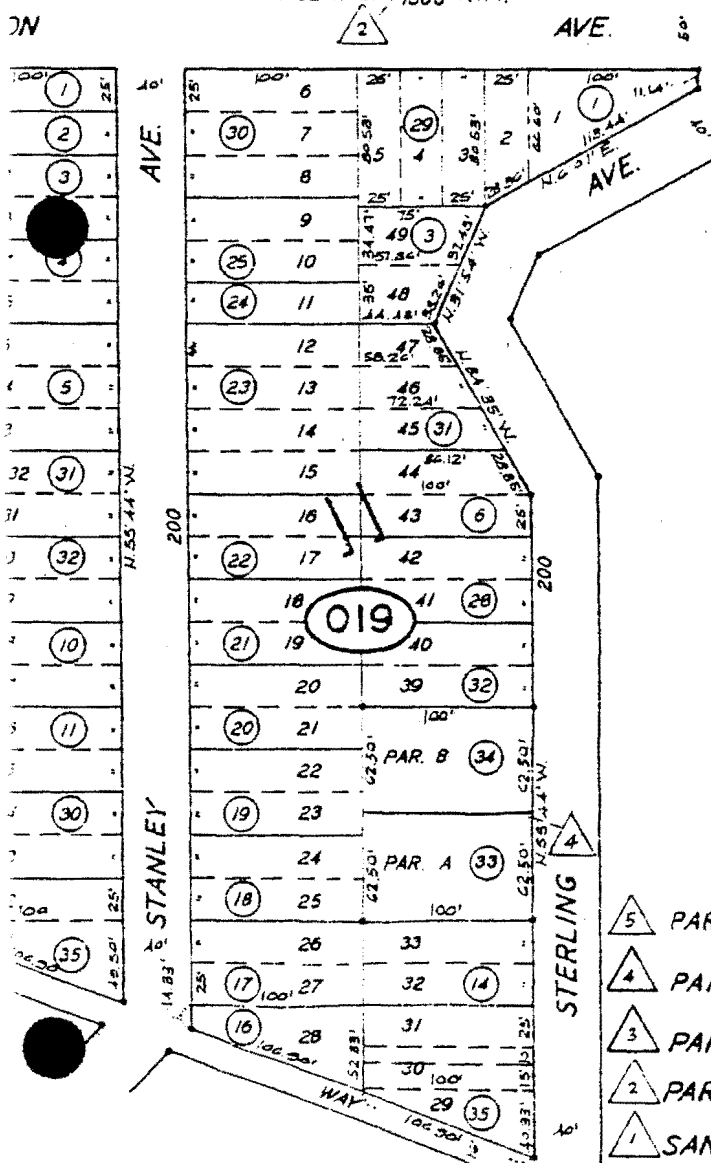
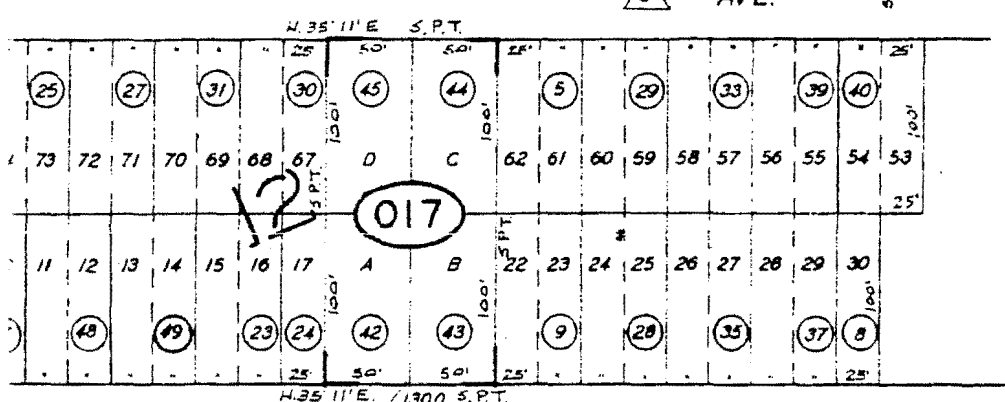
REGAN TRACT RSM 19/16  
CITY OF PACIFICA  
LAGUNA SALADA UNION SCHOOL DIST.







23-1



- 5 PARCEL MAP VOL 73/32-33
- 4 PARCEL MAP VOL 57/25
- 3 PARCEL MAP VOL 49/39-40
- 2 PARCEL MAP VOL 34/20
- 1 SAN PEDRO TERRACE RSM 5/60

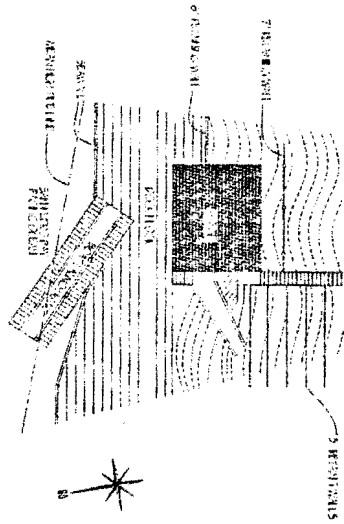
EXHIBIT NO. 3

APPLICATION NO.  
2-01-017

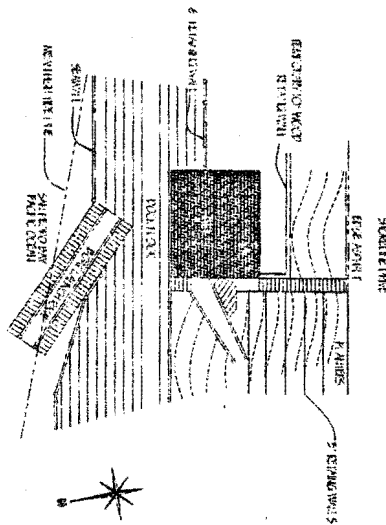
JIM KIBBLEWHITE

Project plans

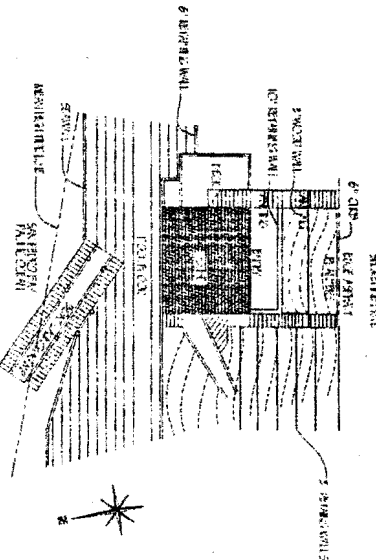
EXISTING SITE PLAN



EXISTING SITE PLAN



PROPOSED SITE PLAN



SITE PLANS

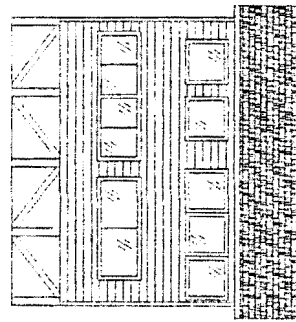
Dr. Ed. Kibb

NO.	Revision	Date

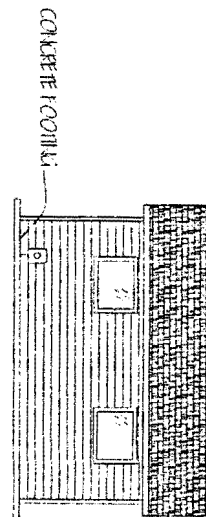
RECEIVED  
JAN 10 2004  
FACILITY

JAN 10 2004  
FACILITY

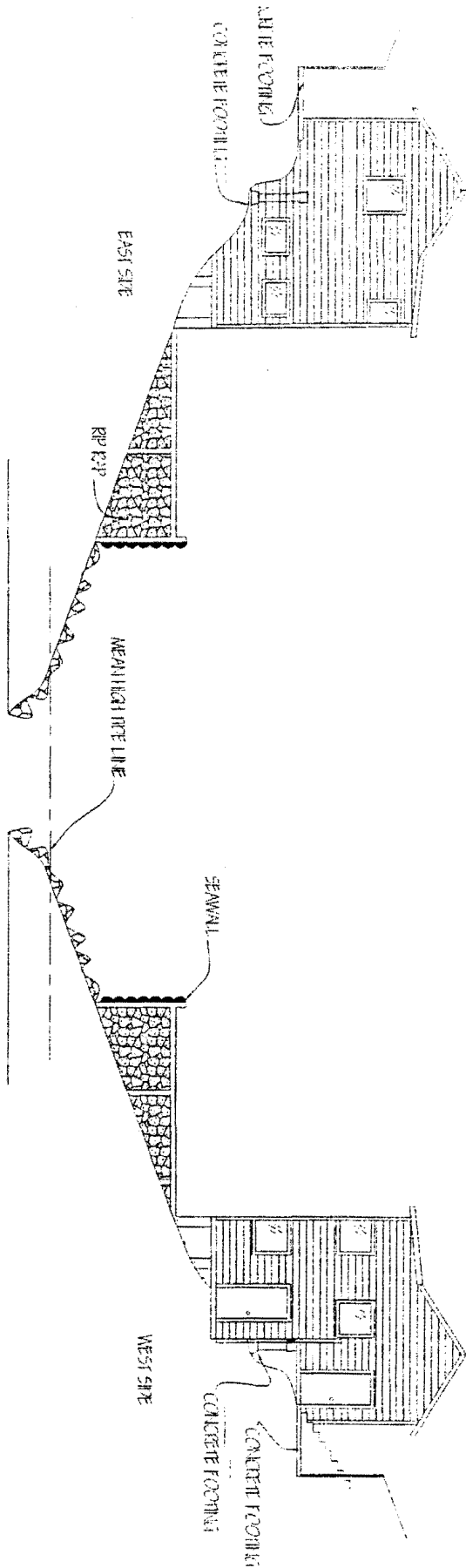
NO.	Revision	Date



NORTH SIDE

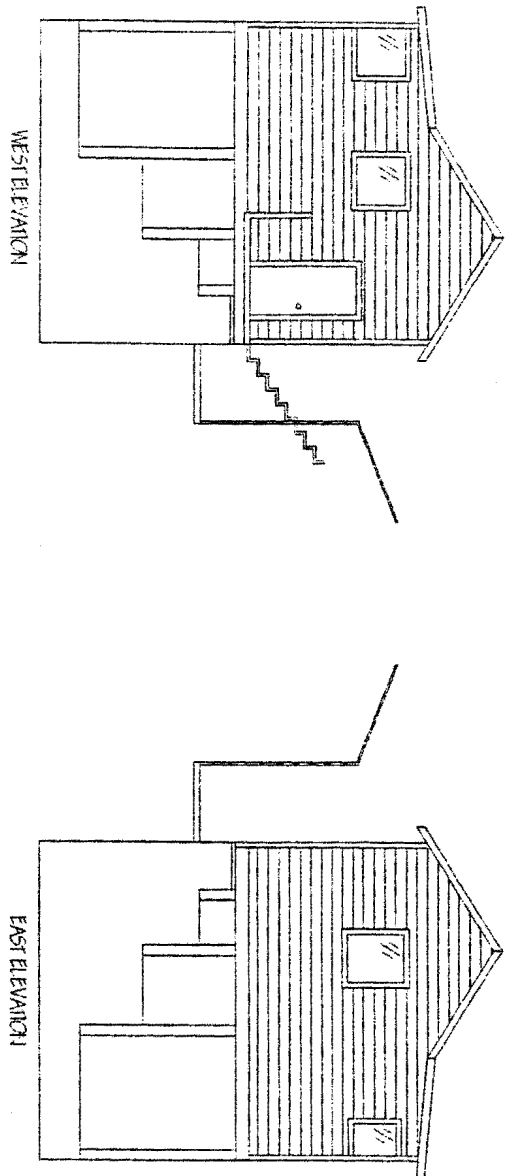


SOUTH SIDE



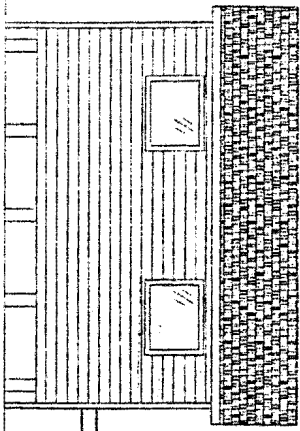
ORIGINAL ELEVATIONS

COB 10/20/01 5/16/01		A-2
JAMES L. WHITE 705 ARCADE DRIVE PORTLAND, ME 04104		
EQUIPMENT RESULTS FOR COMPARATIVE ANALYSIS ON 9-10-01		
No. 10-10-01	Date 10-10-01	Date 10-10-01

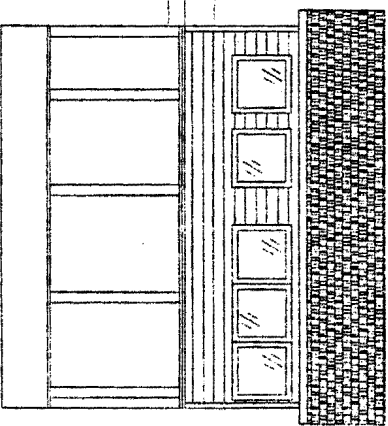


WEST ELEVATION

EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

# EXISTING ELEVATIONS

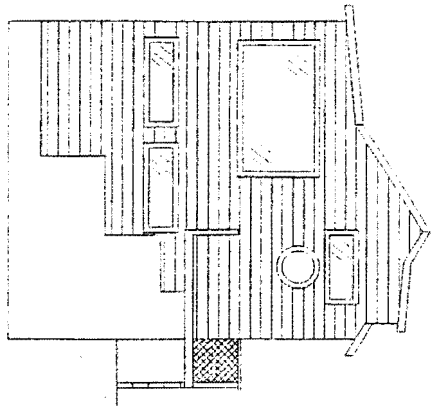
Get out there!  
DATE: 10/11/2001  
BY: JIM KIRBY

NO.	DESCRIPTION	DATE
1	10/11/2001	10/11/2001

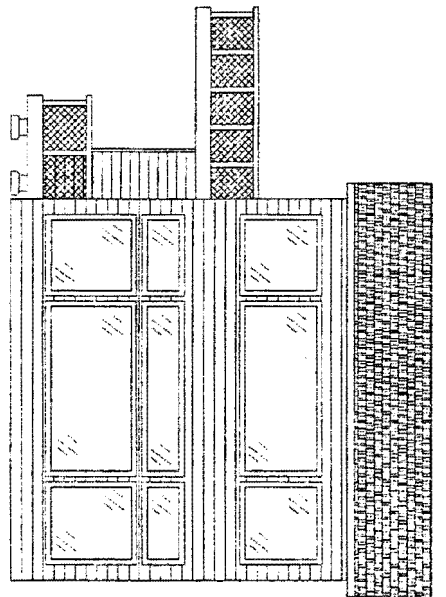
JIM KIRBY  
305 S. RIVERSIDE DRIVE  
PACIFIC, CA 94044

JIM KIRBY  
305 S. RIVERSIDE DRIVE  
PACIFIC, CA 94044

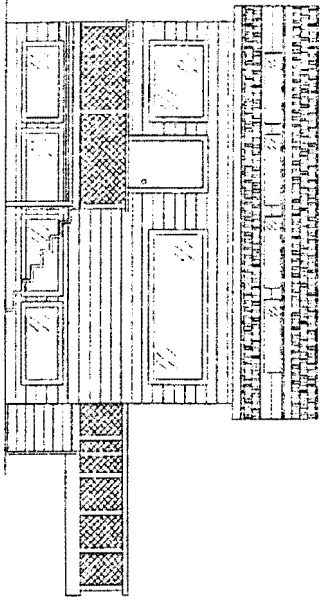
10/11/2001  
A-3



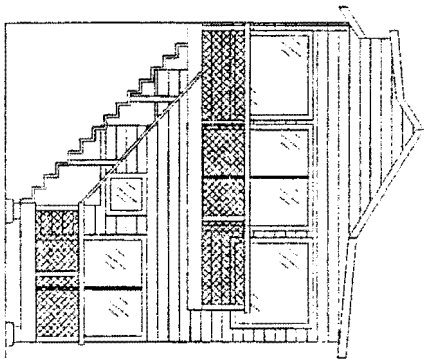
WEST ELEVATION



NORTH ELEVATION



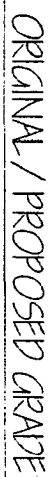
SOUTH ELEVATION

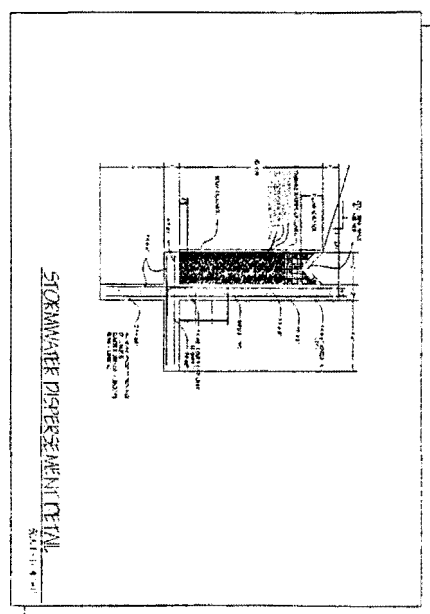
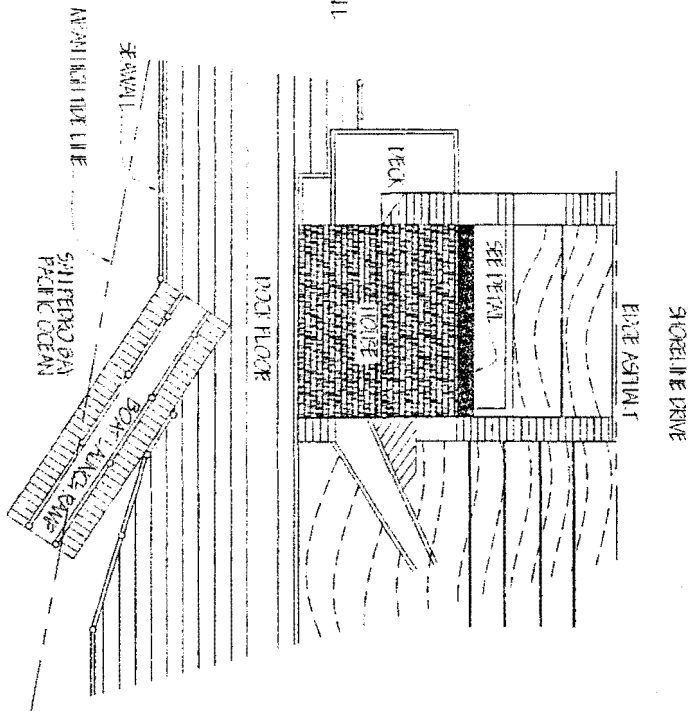


EAST ELEVATION

PROPOSED ELEVATIONS

DATE: 10/20/2021 DRAWN BY: J. L. [illegible] CHECKED BY: [illegible] PROJECT: [illegible] SHEET: A-4			
PROJECT: [illegible] LOCATION: [illegible] CLIENT: [illegible]			
SCALE: [illegible] NOTES: [illegible]			

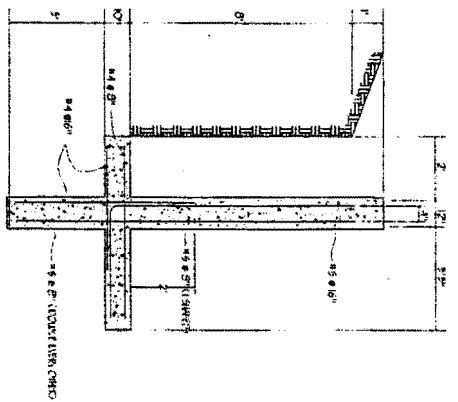
[illegible]



THE PROJECT SITE IS LOCATED ON AN ADJACENT TO THE SAN PEDRO BAY WHICH IS TO COLLECT AND TREAT THE SITE  
THE DRAINAGE IS FOR THE ADJACENT TO THE SAN PEDRO BAY WHICH IS TO COLLECT AND TREAT THE SITE  
OF THE SITE IS FROM SHORELINE DRIVE (EUCALYPTUS) TO THE SAN PEDRO BAY WHICH IS TO COLLECT AND TREAT THE SITE  
WEST AND NORTHWEST TO THE SAN PEDRO BAY WHICH IS TO COLLECT AND TREAT THE SITE  
ALL ROOF SURFACE DRAINAGE SHALL BE COLLECTED AND TREATED BY THE SAN PEDRO BAY WHICH IS TO COLLECT AND TREAT THE SITE

# POST-CONSTRUCTION STORMWATER POLLUTION PREVENTION PLAN

PROJECT NO. 005 DATE 8/2001 SCALE 1/8" = 1'		PROJECT NAME SAN PEDRO BAY PACIFIC OCEAN		PROJECT LOCATION SAN PEDRO BAY PACIFIC OCEAN		PROJECT OWNER SAN PEDRO BAY PACIFIC OCEAN		PROJECT ENGINEER SAN PEDRO BAY PACIFIC OCEAN		PROJECT DATE 8/2001		PROJECT SCALE 1/8" = 1'		PROJECT SHEET A-6	
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EAST/WEST FOUNDATION/RETAINING WALL.



Dec 30 1964

[illegible]