

**CALIFORNIA COASTAL COMMISSION**

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**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION FILE NO.:** 2-00-041

**APPLICANT:** City of Pacifica

**PROJECT DESCRIPTION:** Construction of an 8-foot wide, 4,000+ foot long, wheelchair accessible, pedestrian walkway and boardwalk, along with signage and fencing to protect adjacent wetland and snowy plover habitat.

**PROJECT LOCATION:** The west side of Highway 1, between Rockaway Beach and Pacifica State Beach, City of Pacifica, San Mateo County (**Exhibits 1 and 2**)

**LOCAL APPROVALS:** City of Pacifica Coastal Development Permit No. CDP-182-00

**1.0 EXECUTIVE SUMMARY**

This permit application is a resubmission of a project which was previously approved by the Commission on August 14, 1997 under permit application 1-97-010. Because the City of Pacifica did not commence construction within two years of approval, this permit expired and the City has reapplied for a new permit. The current walkway project is substantially similar to that approved in 1997 and involves construction of an approximately 4000 foot long pedestrian and wheelchair accessible walkway from Rockaway Beach to Pacifica State Beach west of Highway 1 in the City of Pacifica. Although the project site is currently accessible to the public, this project will enhance public access along this portion of the coast.

A portion of the project site along Pacifica State Beach, which is within the Commission's retained permit jurisdiction, is constrained by the presence of sensitive snowy plover habitat and a delineated wetland area (**Exhibit 4**). The current proposed alignment of the walkway in the middle portion of the project has been shifted east to bring it closer to Highway 1 and farther

away from sensitive snowy plover habitat. The proposed alignment runs just east and within 100 feet of the delineated wetland. Site constraints prevent the project from observing a 100-foot buffer from the wetland. However, as conditioned, the project protects these sensitive habitat areas and is consistent with the policies of the Coastal Act. **Special Condition 1** requires (a) the construction of a site-appropriate, rod and cable fence to protect these sensitive habitat areas and (b) posting of interpretative and no trespassing signs. Since the snowy plover is particularly vulnerable to disturbance during its breeding season, **Special Condition 1** also requires that installation of the fence, and construction of any portion of the paved walkway or boardwalk within 300 feet of the plover habitat area, shall not occur from April to August, the breeding season of the snowy plover.

The Commission retains permit jurisdiction over the portion of the walkway running south from the base of the Pacifica Headlands, which lies on former public tidelands (**Exhibit 3**). The policies of Chapter 3 of the Coastal Act accordingly form the standard of review.

## 2.0 STAFF RECOMMENDATION

The staff recommends that the Commission approve Coastal Development Permit No. 2-00-041 subject to the conditions in Sections 2.1 and 2.2 below.

### *Motion:*

I move that the Commission approve Coastal Development Permit No. 2-00-041 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. **Protection of Sensitive Habitat Areas. PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the permittee shall: (a) install a proposed rod and cable barrier at the western edge of the walkway between the walkway and the perimeter of the wetland area and around the snowy plover habitat, as generally depicted in **Exhibit 4**, and (b) post no trespassing and interpretative signs, explaining the sensitive nature of the habitat, at appropriate intervals (30 to 50 feet) along the path adjacent to the wetland area. Installation of the fence, and construction of any portion of the paved walkway or boardwalk within 300 feet of the plover habitat area, shall not occur between April 1 and August 31, the breeding season of the snowy plover.
2. **Caltrans Encroachment Permit. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive director for review and written approval, evidence of an approved encroachment permit or exemption from the California Department of Transportation. The encroachment permit or exemption shall evidence the ability of the applicant to develop within the Caltrans right-of-way.
3. **Construction Period Erosion Control Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, an Erosion Control Plan. 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 down gradient of the pathway along its planned alignment, as far from the mean high tide line as feasible, but in no case shall silt fencing within 25 feet of the mean high tide line, and between the pathway and all sensitive habitat areas, as generally depicted in **Exhibit 4**.
      - 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. Establish construction staging areas at least 100 feet from the mean high tide line, and design these areas to control runoff.
  - d. Place soil and/or other construction-related material stockpiled on site a minimum of 100 feet from the mean high tide line. Cover stockpiled soils with tarps at all times of the year.
  - e. Maintain and wash equipment and construction vehicles in confined areas specifically designed to control runoff and more than 100 feet away from the mean high tide line.
  - f. Provide sanitary facilities for construction workers.
  - g. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.
  - h. 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.
  - i. 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.
  - j. 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.
  - k. 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 applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan.
- C. The applicant 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.

### **3.0 FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

#### **3.1 Project and Site Description**

The applicant proposes to construct an 8-foot wide, 4,000+ foot-long, wheel chair accessible, pedestrian walkway and boardwalk along the west side of Highway One, between Rockaway

Beach and Pacifica State Beach, in the City of Pacifica. (**Exhibits 2 and 4**). This permit application applies to the portion of the pathway located within the Coastal Commission's retained permit jurisdiction, running south from the Headlands over Pacifica State Beach. The northern segment of the walkway from Rockaway Beach south over the Headlands lies within the City of Pacifica's LCP jurisdiction and has been separately permitted by the City under CDP-182-00.

The 4,000+ foot long project includes about 2,900 lineal feet of 8-foot-wide, paved walkway and about 1,200 lineal feet of 8-foot-wide boardwalk made of recycled polyethylene. The project includes signage and fencing to protect a delineated wetland and snowy plover habitat area at Pacifica State Beach. In addition, posts and guardrail fencing along the walkway and boardwalk will be used where required by the Building Code. As designed, the project will be wheelchair accessible and comply with the Americans with Disabilities Act (ADA). The paved walkway includes a series of switchbacks where the trail moves up the relatively steep northern slope of the Headlands, a local promontory and ridgeline located between Rockaway Beach and Pacifica State Beach. The City estimates that the proposed project will require approximately 867 cubic yards of cut and fill to construct the paved walkway at existing grade.

Currently, there are several unimproved, informal trails within the project site which lead south from the surfer's parking lot area at Rockaway Beach and up over the Headlands, providing informal access to Pacifica State Beach. Current informal access is not wheelchair accessible and is located to some extent on private land. On State Beach property, beach users can follow a number of unimproved trails or descend the low marine terrace to the open beach. The northern portion of the State Beach contains a small, fresh water wetland near Highway One. The northern portion of the State Beach also contains a substantial area of active dunes that support a population of the federally-threatened Western snowy plover (*Charadrius alexandrinus nivosus*). Both the wetland habitat and the snowy plover habitat are considered to be environmentally sensitive areas. Vegetation on the dunes also includes several native plant species. Uncontrolled and undirected access by the public through the dunes disturbs the plovers and tends to discourage the establishment of successful nesting areas. As proposed by the applicant, the paved walkway and elevated boardwalk will be built in large part over the alignment of an existing dirt path, and will avoid the environmentally sensitive, fresh water wetland and snowy plover habitat areas.

The segment of the pathway which includes Pacifica State Beach and the base of the south-facing slope of the Headlands is shown on the Commission's post cert maps as lying within the Coastal Commission's original permit jurisdiction (**Exhibit 3**).

From the base of the Headlands, the proposed walkway follows an existing trail southward and then follows the Highway 1 right-of-way. The walkway skirts the eastern edge of an environmentally sensitive, freshwater wetland that is located between the walkway and Highway 1. The 1.2+ acre wetland collects surface water runoff from Highway 1 and supports sedges, rushes, willows, and cattails. The paved walkway continues south into the dune area of Pacifica State Beach. The approximately 1,200-foot-long boardwalk ends at the northwest corner of a 112-space, public parking lot for Pacifica State Beach. The vegetation within this segment of the pathway transitions from the coastal scrub community within the Headlands hillside to weedy,

non-native species within the highway right-of-way to a sand dune community at Pacifica State Beach.

Pacifica State Beach consists of an open, flat, sandy beach that is backed by a dune area having little or no vegetation. The dunes at Pacifica State Beach have been impacted heavily by humans as evidenced by the presence of large areas of bare sand and expanses of non-native ice plant known as African sea fig (*Carpobrotus edule*). However, the dune area within Pacifica State Beach does support some native plant species, including Dune Buckwheat (*Eriogonou parvifolium*), Silvery Beach Weed (*Abrosia chamissionis*), Mock 'Heather' (*Ericameria ericoides*), and Sand Verbena (*Abronia* species).

In 1988, the City estimated that visitation to Pacifica State Beach was approximately 200,000 people annually. Developed facilities at the State Beach include a 112-space parking lot and a restroom building with outdoor showers. Several fire rings are located northwest of the parking lot. Common activities in the State Beach include picnicking, hiking, swimming, surfing, surf kayaking, surf-fishing, sunbathing, horseback riding, and general nature appreciation. The parcel containing the parking area and restrooms is owned by the City of Pacifica.

The proposed project is surrounded by commercial development to the north at Rockaway Beach, Highway One and residential and commercial development to the east, the beach and ocean to the west, and additional commercial development to the south.

The project area was the subject of a September 1996 field investigation by Holman & Associates, archaeological consultants. No cultural resources were located along the route of the trail, although a small area of possible prehistoric cultural deposit (midden) was sighted near the northern end of the proposed project outside of the Commission's jurisdiction.

The project area was surveyed by Thomas Reid & Associates (TRA) in 1996, the City's environmental consultant for the project, to determine the project's potential impact on sensitive animal and plant species. Except for the snowy plover habitat area in Pacifica State Beach, no other sensitive animal or plant species were identified. Since that time, no other sensitive species have been identified.

### 3.2 Environmentally Sensitive Habitat Areas

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.*

The proposed alignment of the pathway brings it near two sensitive habitat areas on Pacifica State Beach, the first, habitat used by the Western snowy plover for roosting and foraging, especially during the winter season and, second, a freshwater wetland area fed

by runoff from nearby Highway 1. Potential impacts from the project to these two sensitive habitat areas are discussed below.

### 3.2.1 Snowy Plover Habitat

In December 1996, Thomas Reid & Associates (TRA), investigated sensitive animal and plant species within the project site. With the exception of the Western snowy plover, no sensitive animal species were identified at the site. Moreover, no listed or special plant species were noted within the entire alignment of the proposed walkway. Coastal populations of the snowy plover are listed as threatened under the Federal Endangered Species Act and as a Species of Special Concern by the California Department of Fish and Game. The plover's decline is attributed to habitat loss and increased predation resulting from human disturbance and development.

At Pacifica State Beach, the snowy plover habitat is comprised of the active dune area towards the northern end of the beach (**Exhibit 4**). According to the TRA study, sightings of small flocks of 6 to 15 snowy plover had been made for the several years prior to the 1996 study during the non-breeding season, which is generally between August and April. As of January 2001, according to TRA, the size of the snowy plover habitat area remained consistent with that identified in the 1996 study. Monitoring of local coastal populations of snowy plovers is coordinated by the Point Reyes Bird Observatory (PRBO) in Bolinas, CA and is carried out by volunteer observers. Gary Page of the PRBO stated that as of January 2001 there had still been no documented occurrences of successful nesting by plovers on the site, but that snowy plovers do use the beach for roosting and foraging. Human use of beaches is the greatest factor contributing to this species' decline.

According to the TRA study, pairs of snowy plovers nest singly or in loosely concentrated colonies in sandpits, dune-backed beaches, bare beach strands, and open areas around river mouths and estuaries. The snowy plover avoids detection by predators by remaining motionless. The plover's sandy coloration, color pattern, and behavior make it difficult to detect in its preferred habitat. Plovers tend to use the same breeding and wintering sites year after year. Males scrape a shallow depression in the sand that is sometimes lined with twigs, pebbles, or debris. By mid-March, the first scraps are in place. Females lay eggs as early as April and may produce 3 broods in succession during the breeding season, ending usually in August.

According to an April 22, 1997 circular prepared by the U.S. Fish and Wildlife Service for the snowy plover at Ocean Beach in San Francisco, nesting plovers are very sensitive to disturbance and will react to an approaching human as a significant threat and can be disturbed from their nest at distances over 100 yards. A person may pass within a dozen feet of a plover without disturbing it if the plover perceives that it has not been detected or is not the object of the person's attention. Plovers respond to people and vehicles that approach too closely by running a short distance before settling into another position. Activities such as unrestricted human beach use, off-road vehicle use, horseback riding, and unleashed pets can cumulatively result in a significant harassment of snowy plovers. In a biological opinion letter dated July 22, 1999, the U.S. Fish and Wildlife Service concluded that installation of a fence around the Pacifica Beach

dune habitat would reduce harassment of plovers by intrusion of dogs and hikers into nesting habitat, as would enforcement of a prohibition on unleashed dogs.

The visually unobtrusive cable and rod fence proposed by the applicant is adequate to protect the perimeter of the snowy plover habitat area. According to Gary Page of the PRBO, a cable and rod fence represents the "best compromise" for protecting snowy plover because it limits passage by humans without blocking movement of the plover. Significantly, at present dogs are permitted only on leashes on Pacifica State Beach. In addition, the interpretative and warning signs proposed by the applicant to be posted on the fence will explain to the public why the snowy plover habitat is environmentally sensitive and why the public needs to stay out of the area. Taken together, these two aspects of the project proposed by the applicant help ensure consistency of the project with Section 30240's requirement that environmentally sensitive habitat areas be protected against any significant disruption of habitat values and that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade those areas. Accordingly, the Commission attaches **Special Condition 1**, which requires in part, that the applicant install the fence and signs as proposed.

However, since the plover is particularly vulnerable to disruption during its breeding season, **Special Condition 1** further requires that installation of the fence, and construction of any portion of the paved walkway or boardwalk within 300 feet of the plover habitat area, shall not occur during the breeding season of the snowy plover, which is April to August of each year. As conditioned, the proposed development is consistent with Section 30240 of the Coastal Act.

### 3.2.2 Wetland Area

The proposed current alignment of the pathway runs between Highway 1 and the eastern border of a delineated wetland on Pacifica State Beach (**Exhibit 4**). Section 30121 of the Coastal Act defines "wetland" to mean "lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens." The Commission regulations further define the term "wetland" as "land where the water table is at, near or above the land surfaces long enough to promote the formation of hydric soils or support the growth of hydrophytes . . ." (14 CCR § 13577(a)(1)).

Consistent with these definitions, L.C. Lee and Associates (LCLA) conducted a wetland delineation of the project site in June and July 2001. The wetlands delineated on the site by LCLA lie to the north and east of the snowy plover habitat, at the base of the sloped Highway 1 roadbed. LCLA's delineation characterized the wetlands as "predominantly a palustrine scrub-shrub wetland dominated by Arroyo willow (*Salix Lasiolepis*), with Coyote brush (*Baccharis pilularis*), California blackberry (*Rubus ursinus*) and German ivy (*Senecio mikanoides*) also present." Small portions of the wetland are also dominated by cattail (*Typha latifolia*), California bulrush (*Scirpus californicus*) and baltic rush (*Juncus balticus*). Soils range from silty to very fine sandy loam without redoximorphic features. Wetland hydrology includes ponded water and saturation in the upper 12 inches of soil profile. Although the wetland provides valuable habitat, it is not known to provide habitat for any threatened or protected species.



Because of the topography of the site, specifically, the relatively steep embankment of the Highway 1 roadbed fill, the eastern boundary of the wetlands at the base of the embankment is relatively clearly demarcated. The space between the eastern boundary of the wetland and Highway 1 is narrow, as little as 15 to 20 feet at its narrowest.

The original alignment of the pathway approved by the Commission in 1997 ran west of the wetlands, through the narrow band (approximately 30 feet wide) of sandy dunes running between the wetlands and the snowy plover habitat. The current proposed alignment shifts the pathway eastward so that it runs just east of the wetland boundary within the Highway 1 right-of-way. Accordingly, the current proposed alignment would no longer be aligned between the wetlands and the snowy plover habitat but would instead be aligned adjacent to only the wetlands. Although the construction of pathway does not involve the fill of these delineated wetlands, the pathway comes within 10 feet of the eastern wetland boundary. Potential impacts from the proximity of the pathway to the wetlands include disturbance of wildlife by the presence of humans and dogs. Potential impacts also exist as a result of sedimentation from polluted runoff during construction.

To mitigate impacts from the presence of humans and dogs nearby, **Special Condition 1** requires installation of a rod and cable fence between the pathway and the wetlands. Although site appropriate and visually unobtrusive, the fence will serve as a barrier to passers-by and prevent incursions into the wetland. **Special Condition 1** also requires the posting of no trespassing and informative signs as a further protective measure. In evaluating potential impacts from the presence of humans and dogs, it is important to note that the wetlands are already in close proximity to Highway 1 and must contend with vehicle and, to a lesser extent, foot traffic passing along the roadway. It is also important to note that this area is currently open to the public as part of Pacifica State Beach with no use restrictions. By formalizing a public trail and providing fencing and signage, the proposed project will discourage the public from disturbing these sensitive areas. The proposed alignment has the advantage of moving the pathway farther away from the sensitive snowy plover habitat, where human presence is more likely to have negative impacts.

**Special Condition 3** requires the applicant to submit, prior to permit issuance, a Construction Period Erosion Control Plan for the review and approval of the Executive Director. The Erosions Control Plan must incorporate the Best Management Practices listed in the condition, including silt fencing and other measures to prevent sediment-polluted runoff from entering the wetland.

Because the project will avoid the environmentally sensitive, snowy plover habitat area and the freshwater wetland area and these areas will be protected against intrusion or disruption by humans and pets, the Commission finds that the project, as conditioned, is consistent with Section 30240 of the Coastal Act.

### 3.3 Public Access

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to*

*protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*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.*

Coastal Act Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or where the provision of public access would be inconsistent with the protection of fragile coastal resources.

Coastal Act Section 30214(a) states:

*The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

The proposed project will be a major asset for coastal access in Pacifica. Pacifica State Beach and Rockaway Beach are very popular with the public. The proposed 4,000+ foot-long, pedestrian link between the beaches will clearly enhance the visitor attractiveness of each beach and complete a significant segment of the California coastal trail.

The project is consistent with Section 30210 of the Coastal Act because it provides maximum public access opportunities to and along the coast in a manner that is consistent with public safety, private property rights, and natural resource protection. The project has been sited and designed to conform with the requirements of the ADA and safety requirements. The walkway is located entirely on public lands and does not implicate the privacy or other rights of adjacent property owners. As discussed in detail with respect to Environmentally Sensitive Habitat Areas, above, the project has been sited and designed to avoid and minimize disturbance of an environmentally sensitive, fresh water wetland and an environmentally sensitive, snowy plover habitat area. The project is accordingly consistent with the protection of natural resources.

Since the portion of the project which is the subject of this permit will serve to enhance public access to and along the shoreline on public lands, the project does not interfere with any rights acquired through use or legislative authorization and is consistent with Section 30211.

The project is consistent with Sections 30212 and 30214 because it provides public access along a 4,000+ foot-long section of the coast and will be constructed in a manner that is consistent with the protection of fragile coastal resources. The project has been designed and conditioned to respect the capacity of the site to sustain a certain level of use and intensity that takes into account the protection of fragile natural resources. By providing a confined trail and an elevated boardwalk for the public, the project is designed to keep people away from fragile natural resources, such as the environmentally sensitive, fresh water wetland habitat area and the snowy plover habitat area. In addition, the provision of an elevated boardwalk through the dune area provides a means of public access that respects the limited capacity of the dune area to sustain foot traffic. By providing a boardwalk above the dunes, foot traffic through the area can be accommodated without trampling the vegetation that holds the dunes in place.

As conditioned, the Commission finds that the project is consistent with Sections 30210, 30211, 30212, and 30214 of the Coastal Act because the project will provide a public access connection between Pacifica State Beach and Rockaway Beach which will enhance the visitor attractiveness of both beaches while protecting coastal resources.

### **3.4 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 runoff be minimized to protect the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes. The project, as proposed involves a total of some 867 cubic yards of cut and fill, principally in the stretch of walkway running over the Headlands. In addition, the portion of the pathway running nearest the sensitive wetland area will traverse and be cut into the compacted fill of the Highway 1 roadbed.

To minimize the effects of polluted runoff and sedimentation during construction, **Special Condition 3** requires the applicant to prepare and submit an Erosion Control Plan for the review and approval of the Executive Director prior to the issuance of the permit. The Erosion control Plan must incorporate the specific Best Management Practices outlined in the condition, including the use of silt fencing to catch sediment and prevent it from entering sensitive habitat or coastal waters.

The Commission finds that the project, as conditioned, protects the biological productivity and the quality of coastal waters and wetlands in conformity with Section 30231 of the Coastal Act.

### **3.5 Flood 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.*

According to the City, the top surface of the boardwalk will be approximately 14 feet above mean sea level. The base flood elevation for a 100-year storm in this area is estimated to be 18 feet above mean sea level. The run-up distance along the wave slope is estimated to be about 250 feet. Therefore, the project will be subject to flood waters from the 100-year storm. Nevertheless risks to life and property in an area of high flood hazard are minimized because (1) the project is not intended for human habitation or occupancy, and (2) bad weather conditions during a severe winter storm tend to discourage use of the beach by the public. The Commission therefore finds that the project minimizes risks to life and property in an area of high flood hazard and is consistent with Section 30253.

In addition, installation of the boardwalk will not cause geologic instability of the sand dunes. The walkway is designed to allow sand to be able to move over and under the boardwalk without restriction. The Commission therefore finds that the project is consistent with Section 30253.

### **3.6 Visual Resources**

Section 30251 of the Coastal Act states in applicable part that permitted development shall: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, (b) minimize the alteration of natural land forms, and (c) be visually compatible with the character of surrounding areas.

The proposed boardwalk may be partially visible from Highway One as it travels through the dunes. Due to its low profile, however, the boardwalk will not block views of the Pacific Ocean from Highway One. Construction of the boardwalk minimizes the alteration of natural land forms since it will be constructed on grade to the greatest extent feasible. Boardwalks are typically used to traverse sand dune areas, and the proposed boardwalk will be visually compatible with the character of the surrounding area, which includes Pacifica State Beach.

Finally, installation of the proposed rod and cable fence to protect the wetland area and snowy plover habitat will not block views to and along the sea as a solid fence might. The unobtrusive fence will be visually compatible with the character of the surrounding area. The Commission finds that the project will be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural land forms, and be visually compatible with the character of surrounding area, and is therefore consistent with Section 30251.

### **3.7 Other Permit Approvals**

The applicant indicated in its permit application that there is no potential for impacts to jurisdictional areas of the U.S. Army Corps of Engineers as a result of the proposed project. The applicant has also indicated that no easements or other approvals are required by the State Lands Commission.

Mr. Ronald P. Schafer, the District Superintendent for the State Department of Parks and Recreation (California State Parks), has granted permission to the City to construct the portion of the project that is on State-owned Pacifica State Beach (**Exhibit 5**). Mr. Schafer indicates that the project is consistent with the general plan for Pacifica State Beach.

The U.S. Fish and Wildlife Service issued a biological opinion letter dated July 22, 1999. The Negative Declaration for the project was submitted to the California Department of Fish and Game for comment and no comments were received.

The project also requires approval an encroachment permit from the California Department of Transportation, since portions of the project are located within the Highway One right-of-way. The City has not yet obtained this approval. Therefore, to ensure that the City has the legal ability to carry out the project consistent with Section 30601.5 of the Coastal Act, **Special Condition 2** requires the applicant to submit a copy of an approved encroachment permit from the California Department of Transportation.

#### **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.

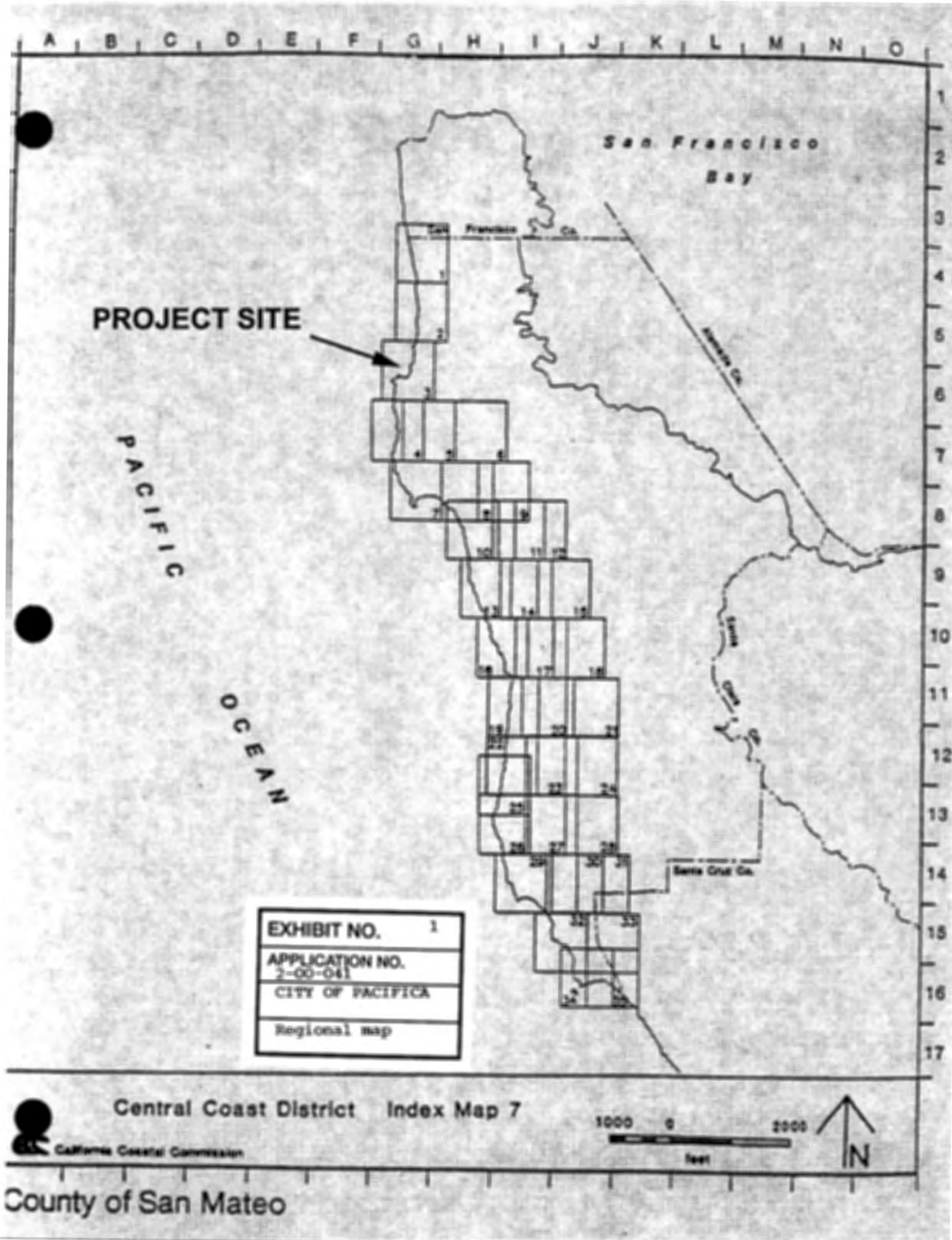
The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, as conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts which the development may have on the environment. Therefore, the Commission finds that the proposed project has been conditioned to mitigate the identified impacts and can be found consistent with Coastal Act requirements to conform to CEQA.

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#### **EXHIBITS:**

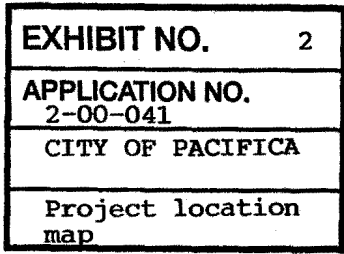
1. Regional map
2. Project location map
3. Boundary determination by Commission mapping division staff
4. Pathway alignment, wetland area and snowy plover habitat
5. State Parks 6/17/97 approval letter







122°30'  
37°37'30" 545000m E



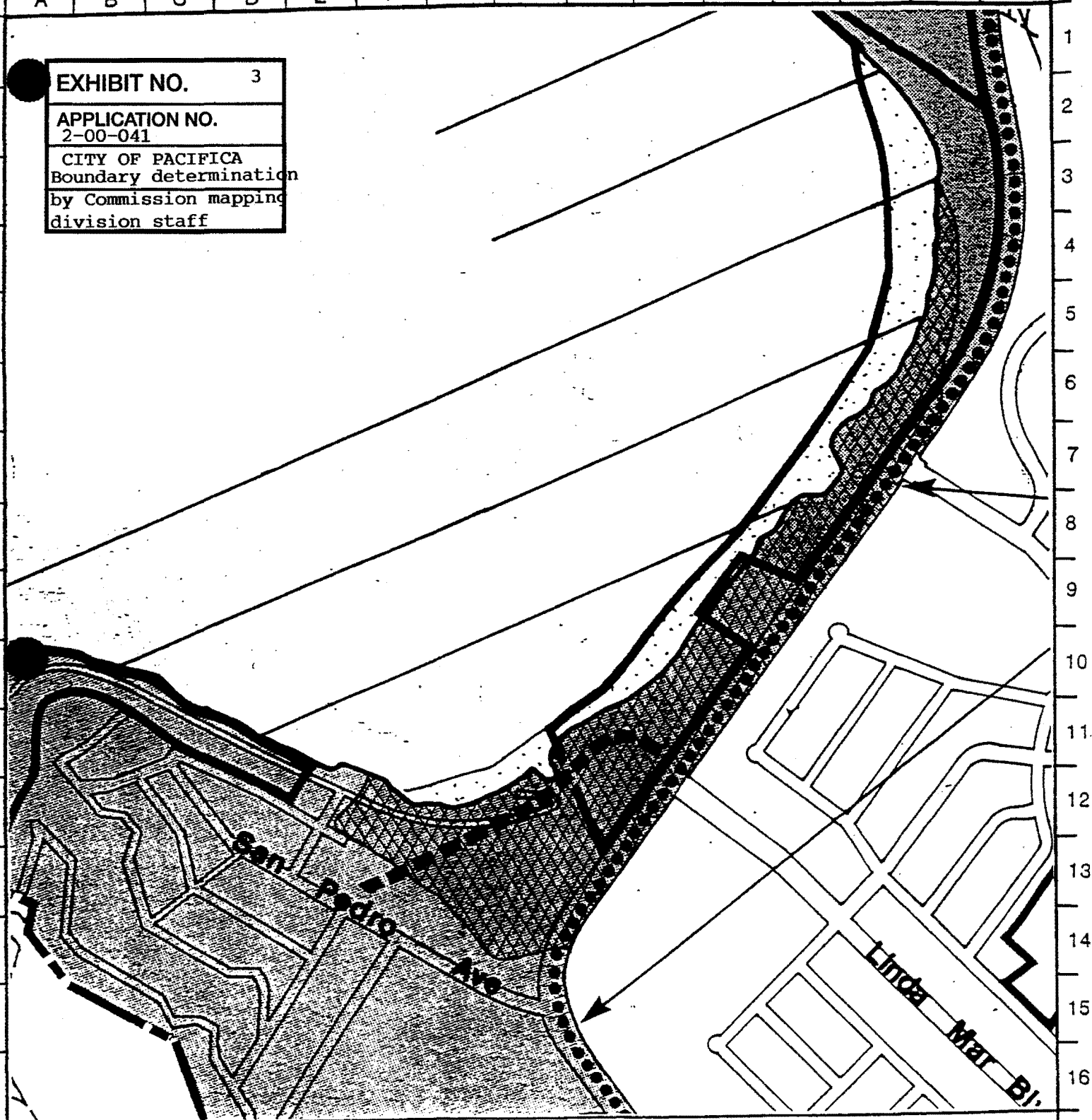


A B C D E F G H I J K L M N O

EXHIBIT NO. 3

APPLICATION NO.  
2-00-041

CITY OF PACIFICA  
Boundary determination  
by Commission mapping  
division staff



Additional Permit Jurisdiction



California Coastal Commission

Portion of Adopted  
Post-LCP Certification Map

0 1000  
feet



City of Pacifica

RANCHO SAN JUAN

Approximate Eastern Limit of Jurisdictional Waters / Wetlands Delineated by LCLA

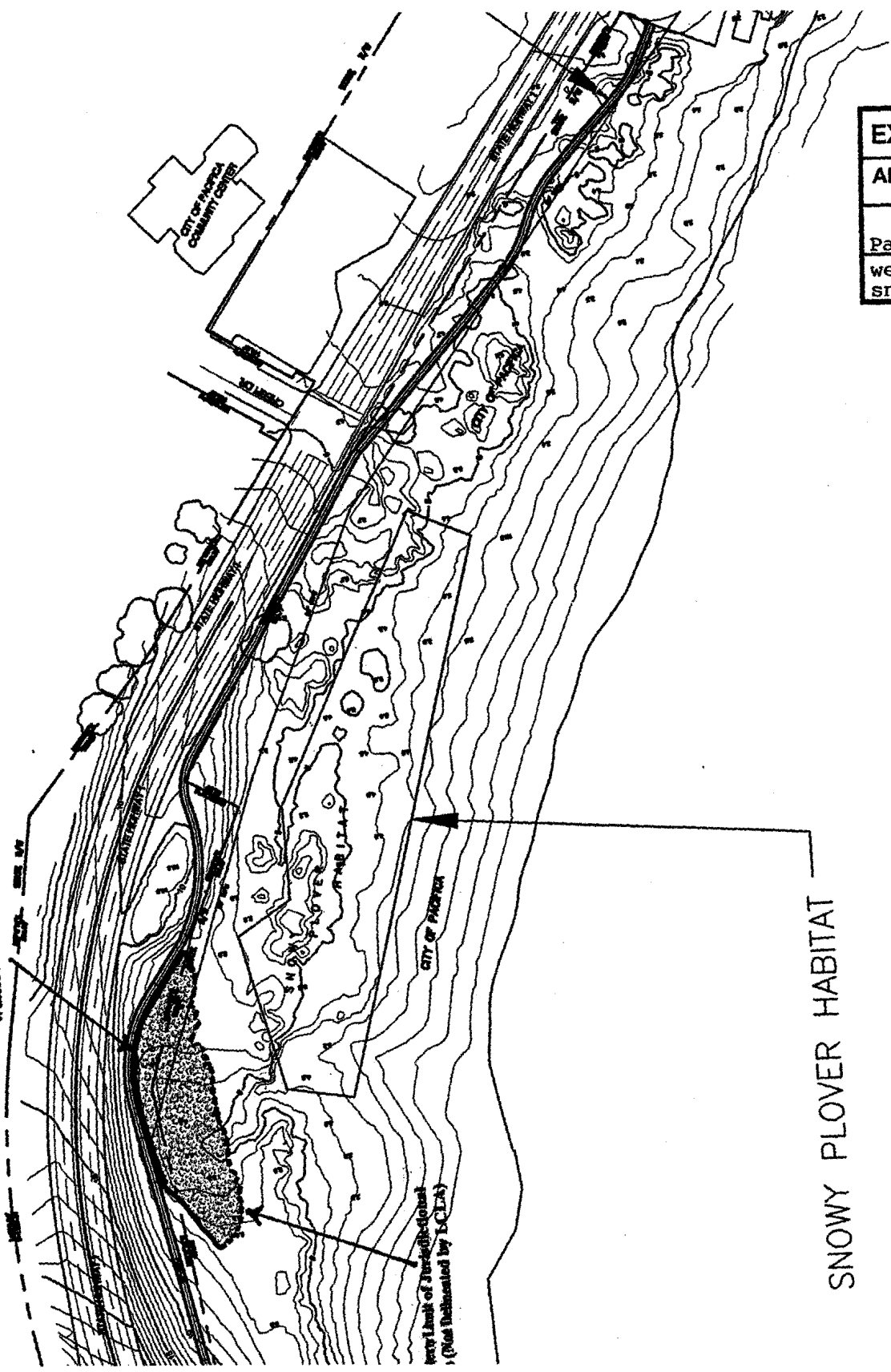
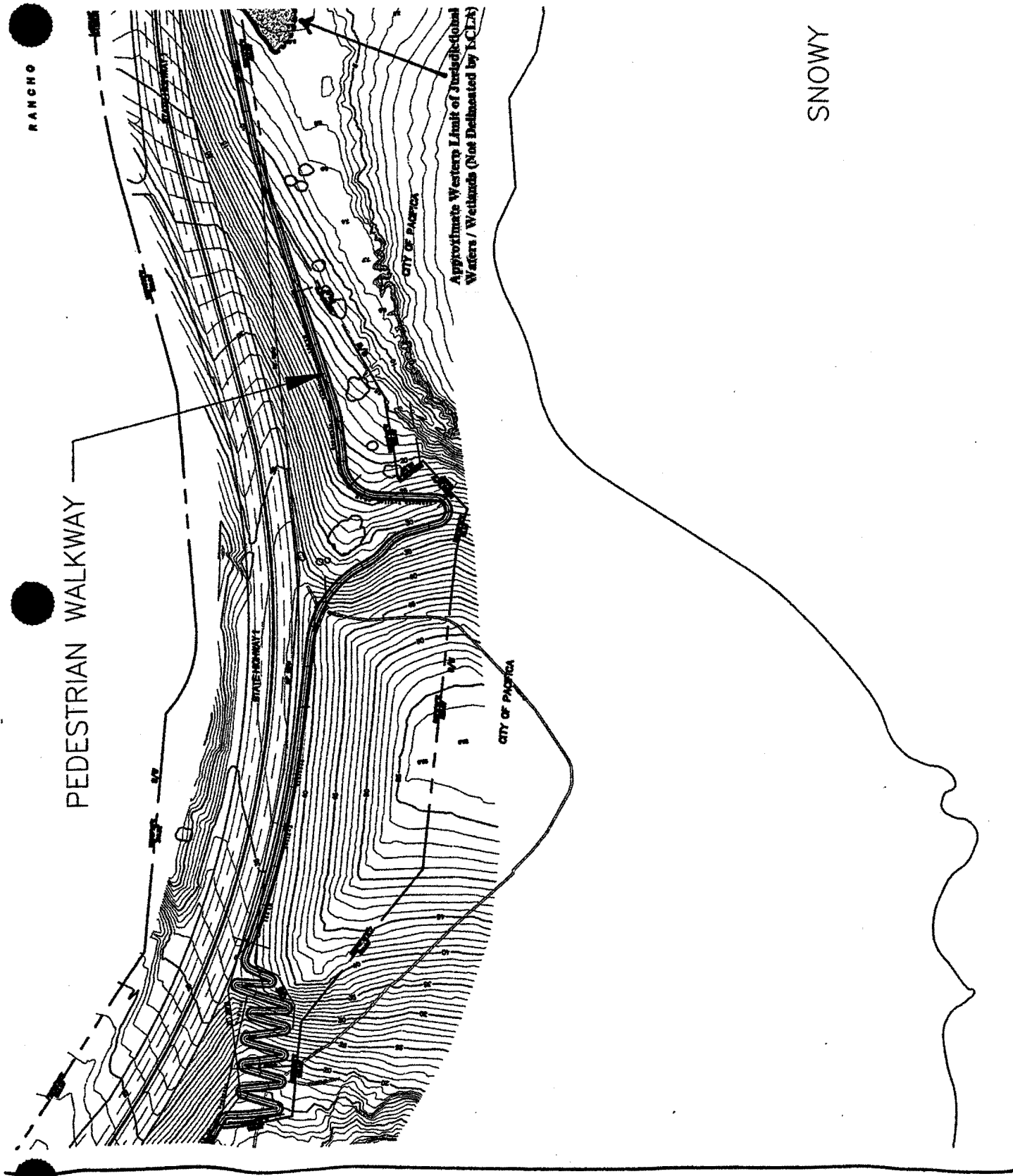


EXHIBIT NO.	4
APPLICATION NO.	2-00-041
CITY OF PACIFICA	
Pathway alignment, wetland area and snowy plover habitat	

RANCHO

PEDESTRIAN WALKWAY



SNOWY

**DEPARTMENT OF PARKS AND RECREATION**

Bay Area District  
250 Executive Park Blvd. Suite 4900  
San Francisco, CA 94134  
(415) 330-6300



June 17, 1997

RECEIVED  
JUN 20 1997

CALIFORNIA  
COASTAL COMMISSION

James J. Muth, Coastal Planner  
California Coastal Commission  
North Coast Area  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

Re: Pedestrian Walkway at Pacifica State Beach - Application #1-97-10

Dear Mr. Muth,

The State of California Department of Parks and Recreation (California State Parks) is granting permission to the City of Pacifica to construct this Pedestrian Walkway on State owned Pacifica State Beach.

This project is consistent with the general plan for Pacifica State Beach which states; "A low-profile boardwalk will direct pedestrian circulation, parallel to the beach and through the dunes from the main parking lot to the pedestrian access at Crespi Drive. A boardwalk will also connect the Crespi drive pedestrian access to the beach....In the future, if the headlands are acquired, and there is a lot of pedestrian traffic a trail could extend north from the Crespi Drive pedestrian access."

California State Parks prefer the alignment that meanders through the dunes over the one adjacent to Highway One. This alternative is more consistent with our general plan.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call.

Sincerely,

Ron P. Schafer  
District Superintendent

cc: David Carmany, City Manager  
Michael Crabtree, Planner

EXHIBIT NO.	5
APPLICATION NO.	2-00-041
CITY OF PACIFICA State Parks	
6/17/97 approval letter	