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Filed: 03/04/02
49th day: 04/22/02
Staff: M. Watson
Staff report: 03/27/02
Hearing date: 04/11/02

APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal number A-3-PSB-02-016, Coastal Community Builders

Applicants Gary Grossman

Appellants Commissioners Sara Wan and Pedro Nava

Local government City of Pismo Beach

Local decision On December 11, 2001, the Planning Commission approved with conditions an application for a coastal development permit to construct a seawall and shoreline armoring along the bluffs at 121 / 125 Indio Drive. The Planning Commission's decision was appealed on December 26, 2001 and subsequently upheld by the City Council on February 5, 2002.

Project location 121 / 125 Indio Drive, Sunset Palisades Planning Area, Pismo Beach, San Luis Obispo County (APN: 010-205-001). See Exhibit 1.

Project description Construction of a concrete seawall approximately 165' in length and 9' to 11' in height with an additional 4' of gunite facing along the bluff above the seawall.

File documents City of Pismo Beach Permit Numbers 00-0198 and 97-030 and assorted geologic reports; City of Pismo Beach certified Local Coastal Program; California Coastal Commission Regional Cumulative Assessment Project (ReCAP) Database.

Staff recommendation . **Substantial Issue Exists**

Summary of staff recommendation: This is the substantial issue determination hearing for appeal number A-3-PSB-02-016. Staff recommends that the Commission find that a substantial issue exists with respect to this project's conformance with the certified City of Pismo Beach Local Coastal Program (LCP) and take jurisdiction over the project.



California Coastal Commission
April 11, 2002 Meeting in Santa Barbara

Staff: M. Watson Approved by: *P.L. 3/27/02*

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1. Staff Report Summary

The applicant proposes to construct a large bluff-fronting seawall approximately 165 linear feet along a coastal bluff in the Sunset Palisades planning area of the City of Pismo Beach. The proposed 15 foot high seawall is to be placed across the entire lot at 125 Indio and approximately one-third of the lot at 121 Indio. Additionally, the seawall will tie into the City's existing storm-water outfall at the end of the Florin Street cul-de-sac.

The appellants raise substantial issues concerning the consistency of the City's approval of the proposed project with the shoreline structure, public access, and visual resources policies of the certified LCP, and with the Coastal Act's access and recreation policies.



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1.1 Shoreline Structures

The LCP allows structural shoreline protection measures to protect "existing structures" in danger from erosion at this location. The subject residence at 125 Indio Drive is 20 feet from the top of the bluff, the residence at 121 Indio Drive is approximately 15 feet from the top of the bluff. The area of the bluff seaward of both homes has been subject to wave attack and erosion, however this process is not uncommon anywhere within central California. Simply because the properties have observed measurable amounts of bluff retreat, does not necessarily constitute a significant threat. Thus, a substantial issue is raised.

Even were an "existing structure" significantly threatened at this location, the LCP requires a thorough analysis of all reasonable alternatives, including but not limited to, relocation or partial removal of the threatened structure. The LCP only allows structural measures "if no feasible alternatives are available." In this case, the Commission's staff has evaluated the project and determined that the applicant has not provided any evidence to suggest that relocation or partial removal of the existing residence is not a reasonable engineering solution. Likewise the applicant has not provided an adequate evaluation of other less obtrusive alternatives or the "no project" alternative. Thus, a substantial issue is raised.

1.2 Public Access & Recreation

The proposed seawall would be constructed partially on the beach area below and directly on the coastal bluff seaward of the subject properties. The LCP and Coastal Act both require protection of existing public access. The proposed seawall would partially block existing lateral access along the shoreline. Furthermore, the proposed seawall would be constructed directly on the area of beach and bluff that has been dedicated to the state of California for public lateral access. The City's approval did not include mitigation for impacts to public access. Thus, a substantial issue is raised.

1.3 Visual Resources

The LCP and Coastal Act require protection of existing visual access at this location. The proposed seawall will be visible from the public vista at the Florin Street cul-de-sac and other points to the north. Furthermore, the seawall will be very evident from the beach and the water in this area. Residents and visitors gathering at the south Palisades blufftop open space would no longer see a meandering coastal bluff, but rather would see a large seawall in front of the previously unadorned bluff. This would negatively redefine the scenic corridor, reframe the ocean vista at this location, and impact the general viewshed of the bluffs at this location. These negative viewshed impacts are inconsistent with the LCP. Thus, a substantial issue is raised.

1.4 Conclusion

In sum, there is not an existing, significantly threatened structure at this location. Even if such a case were clearly established (which it is not here), it is not clear that the proposed project would be the least environmentally damaging feasible solution to protect such a threatened existing structure. Even if it



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could then be demonstrated that the proposed seawall were the least environmentally damaging feasible solution (which it is not here), the impacts on public access and visual resources are considerable.

The project is inconsistent with the LCP, unnecessarily impacts coastal resources, and staff is recommending that the Commission find substantial issue.

2. Local Government Action

On December 11, 2001, the City of Pismo Beach Planning Commission approved and issued a coastal development permit for a shoreline armoring project at 121 / 125 Indio Drive in the Sunset Palisades planning area of the city. In making its findings, the City relied upon geologic report findings, which showed that the rate of erosion had accelerated to upwards of 2 feet per year. The consulting geologist concluded that at the current rate of erosion the residence (125 Indio Dr.) would be lost within 10 years.

An appeal of the Planning Commission decision was filed on December 26, 2001 by a local resident, Bruce McFarlan. Mr. McFarlan argued that the project was inconsistent with the City's certified LCP policies regarding impacts to sand supply, visual compatibility, public access, and use of accurate geology reports. The appellant's contentions were summarily denied by the City Council on February 5, 2002, upholding the earlier Planning Commission decision. See Exhibit 2.

3. Standard of Review for Appeals

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

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any



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body of water located within the coastal zone. This project is located between the nearest public road and the sea and thus, this additional finding must be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

4. Summary of Appellant's Contentions

In general, the Appellants assert that it has not been clearly demonstrated that the proposed seawall is necessary to protect the existing residence. Specifically, Appellant's Wan and Nava contend that the City's approval is inconsistent with the certified LCP for the following reasons (refer to Exhibit 3 for the full text).

Shoreline Structures

The proposed project is not consistent with the City's Land Use Plan (LUP) Policies S-3 (Bluff Set Backs), S-6 (Shoreline Protective Devices) and Implementation Plan (IP) Chapter 17.078 (Hazards and Protection Overlay Zone), particularly section 17.078.060(4) (Shoreline Protection Criteria and Standards) because:

- It has not been adequately demonstrated that the seawall is necessary to protect an existing endangered structure at this location. The LCP requires that an existing structure be in danger from erosion if a shoreline protection structure is to be considered.
- It has not been adequately demonstrated that the required "thorough analysis of all reasonable alternatives, including but not limited to, relocation, less obtrusive walls, and the "no project" alternative has been performed.
- The proposed seawall reduces recreational beach area contrary to the LCP requirement that the structure must not reduce or restrict public beach access.
- There is little discussion of the effect of the proposed project on shoreline processes and sand supply contrary to the LCP requirement that "the shoreline structure eliminate or mitigate impacts on local shoreline sand supply." There are likewise no mitigations for any such impacts due to the project.
- The seawall does not minimize visual intrusion as required by the LCP.

Visual Resources

The proposed seawall would extend nearly 165 linear feet across the coastal bluff creating a substantial visual impact. Residents and visitors in the area would no longer see a meandering coastal bluff occasionally interrupted by shoreline armoring, but rather would see a succession of shoreline armoring



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including the proposed large vertical seawall (15 feet in height) in front of the previously natural bluff form, which would essentially redefine the scenic corridor. Such visual intrusion is contrary to LCP policies S-6 and 17.078.060(4), which provides for shoreline armoring only if it minimizes visual intrusion. Visual intrusion is guaranteed for which there is no City-approved mitigation.

Public Access

The proposed seawall entirely covers an area of beach that was previously dedicated to the State of California for lateral public access. Both the City's LCP (Sections 17.078.060) as well as the Coastal Act have policies providing for and protecting the public right to access the beach. No mitigating measures were incorporated into the project design or required by the coastal development permit issued by the City.

In sum, it has not been clearly demonstrated that there is an existing principal structure in danger from erosion. If such a case could be clearly established, it is not clear that the proposed project would be the least environmentally damaging feasible solution to protect such an existing principal structure in danger from erosion. If it could be demonstrated that the seawall were the least environmentally damaging feasible solution, the coastal resource impacts associated with such a project have not been adequately characterized and mitigated. The proposed project is not consistent with Coastal Act access and recreation policies, and is not consistent with the LCP's shoreline structure, visual resource, and access and recreation requirements.

5. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. I move that the Commission determine that Appeal Number A-3-PSB-02-016 raises no substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff Recommendation of Substantial Issue. Staff recommends a NO vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution To Find Substantial Issue. The Commission hereby finds that Appeal Number A-3-PSB-02-016 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.



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Recommended Findings and Declarations

6. Project Location, Description, and Background

The proposed project is located on the bluffs and beach westerly of 121 and 125 Indio Drive in the Sunset Palisades planning area of the City of Pismo Beach. Indio Drive is located in a residential neighborhood of large seaside homes grouped close together. Most residences have small yards and decks adjacent to the top of the bluff. The beach at this location is known locally as the "Palisades." The reefs offshore are heavily used by San Luis Obispo County surfers and the waves in the area are known for their good shape and protection from the predominant northwest winds that "blow-out" the surfing areas north of Point Buchon. There is also considerable tide-pooling in this area.

The lot at 125 Indio lies adjacent to the Florin Street cul-de-sac and 121 Indio is directly adjacent to the southeast. The blufftop at this location is at an elevation of approximately 40 feet above mean sea level. The original construction date of the residence at 121 Indio is unknown. The bluff face in the central portion of the lot was covered with a layer of gunite. The existing southwest corner of the residence at 121 Indio is approximately 15 feet from the blufftop.

The westerly portion of the lot at 121 Indio and the entire width of the lot at 125 Indio is natural bluff without any shoreline armoring including the portion of the cul-de-sac at Florin Street. The lot to the northwest of Florin Street has been armored with rip-rap. Staff has been unable to locate any local or Commission permit for the development. The residence at 125 Indio was constructed in 1998 with a blufftop setback of 25 feet. The soil profile of the bluff at this location is comprised of a conglomerate layer of gravels, sand, and silt 4 to 6 feet thick on a bedrock layer of siltstone. The soil composition above the conglomerate mix is known as marine terrace deposits, a mixture of sand, silt, and clay. This material is comparatively soft and readily subject to erosive forces of wind, rain, and wave attack.

The project involves constructing a vertical seawall and gunite facing on the bluff seaward of Indio Drive in the Sunset Palisades planning area of the City of Pismo Beach. The seawall would be approximately 160 feet in length, range in height from 9 feet to 11 feet and have a minimum width of 5 feet to a maximum width of 10 seaward of the toe of the bluff. The project also includes hardscaping the bluff with an additional 4 feet of gunite, bringing the overall height of the seawall to between 13 feet and 15 feet. To provide support for the structure and to minimize the potential for scouring underneath the structure, a 1-foot "key" would be excavated to a minimum depth of 3 feet into firm bedrock. Additionally, an epoxy-coated rebar toe anchor will be drilled 10 feet into native rock.

7. LCP Background

The City's LCP is composed of two documents, the Land Use Plan and the Zoning Ordinance. The Land Use Plan was comprehensively revised in 1992, and Coastal Commission modifications were adopted in May 1993. In 1998, the City submitted to the Commission the first comprehensive Zoning Ordinance



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revision since certification in 1983. The Commission and the City were unable to reach a consensus on suggested modifications and thus, the 1983 Zoning Ordinance remains as the standard of review.

8. Substantial Issue Findings

In general the Commissioner Appellants raise issues with respect to the project's conformance with the certified City of Pismo Beach LCP policies regarding shoreline structures and their associated impacts. Commissioner Appellants generally contend that it has not been clearly demonstrated that there is an existing structure that is significantly threatened as required by the LCP. If such a case could be clearly established, it is not clear that the proposed project would be the least environmentally damaging feasible solution to protect such a threatened existing structure. If it could be demonstrated that the proposed seawall were the least environmentally damaging feasible solution, the coastal resource impacts associated with such a project have not been adequately characterized and mitigated. Public access impacts are particularly clouded by an existing offer of dedication recorded on the property. As summarized below, each of these issues raises a substantial issue with respect to the project's conformance with the City of Pismo Beach certified LCP.

8.1 LCP Policies

The Land Use Plan Safety Element Policy S-6 and Sections 17.078.050(3) and 17.078.060(4) of the Zoning Ordinance each contain policies related to construction of shoreline armoring 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, and to maintain public access to and along the shoreline. Design and construction of protection devices shall minimize alteration of natural landforms, and shall be constructed to minimize visual impacts. The City shall develop detailed standards for the construction of new and repair of existing shoreline protective structure and devices. As funding is available, the City will inventory all existing shoreline protective structures within its boundaries.

17.078.050(3) Bluff Hazard, Erosion and Bluff Retreat Criteria and Standards

Geologic studies and reports shall consider, describe, and analyze the following:

- b. Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configurations and sand transport.*



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17.078.060(4) Shoreline Protection Criteria and Standards

Seawalls shall not be permitted unless the City has determined that there are no other less environmentally damaging alternatives for protection of existing development or coastal dependent uses. If permitted, seawall design must a) respect natural landforms; b) provide for lateral beach access; and c) use visually compatible colors and materials and will eliminate or mitigate any adverse impacts on local shoreline sand supply.

8.2 Shoreline Structures

8.2.1 Existing Structures

City records on the original construction of 121 Indio are not clear, though it is estimated that the residence was constructed pre-Coastal Act. Lot size is 100' by 100'. Also at a date unknown, a large portion, 40' linear feet, of the bluff was armored. The lower 16 feet is constructed of concrete bags connected by rebar and coated with shotcrete. The upper 16 feet is wire mesh coated with four inches of shotcrete. The City approved a second story addition in October of 1995. In 1996, maintenance of the seawall included filling cracks and holes with concrete and re-coating the entire wall with approximately two inches of shotcrete. Today, the lower 5 feet of gunite has been eroded away by wave action but the exposed material is hard rock and the gunite continues to protect the terrace materials above the rock. An analysis of the zoning code development standards for the addition acknowledged among other things, that the existing standard for rear yard setback was a minimum of 25 feet. The existing house, at the time of the application, was approximately 14 feet from the bluff edge.

The City approved and issued a coastal development permit for the existing 4,100 square foot residence at 125 Indio on May 13, 1997. The existing lot size was 92' deep by 80' in width. A Terratech Inc. geologic assessment of bluff erosion and cliff retreat (Terratech Inc. January 9, 1997) for the site concluded that the long-term erosion rate was on the order of 3 inches per year. Furthermore, the study found that development of the site along with proper erosion control measures would likely lead to a reduction in the long-term rate to 2 inches per year. Relying on this information, the City approved the project with a minimum bluff setback of 25'. As a condition of the permit, the applicant was required to convey an Irrevocable Offer to Dedicate Public Lateral Access Easement across the western edge of the property in the area of the bluff. Specifically, the dedication runs from the mean high tide line to the top of the bluff.

8.2.2 Threat to Existing Structure

The LCP allows shoreline protection structures to be permitted only when necessary to protect existing principal structures in danger from erosion. The subject residences are roughly 15 feet and 20 feet from the meandering bluff edge at this location. At the time that the residence at 125 Indio was constructed in 1998, the Applicant's consulting geologist stated the 25' bluff setback should have been adequate to



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sustain 100 years of bluff erosion.

The 1997 Terratech report in its discussion of bluff retreat noted that the cause of erosion could be attributed to several factors including wave attack, surficial runoff, subsurface soil saturation, coastline configuration, beach profiles, etc. In the case of the coastal bluff at the subject location, the soil profile is made up of a shallow layer of siltstone bedrock and conglomerate materials, and a thick layer of marine terrace materials. The report noted that the primary contributor to the rate of erosion is wave attack cutting into the base of the bluff and removing support for the overlying terrace materials. It is noted that the terrace deposits were most likely to slump during period when the soil was saturated during the winter seasons. The report found that over time, the impact of various erosive agents vary; however, over the lifetime of the proposed structure, most agents could be expected to remain constant. Utilizing aerial photos from 1955 – 1996, site reconnaissance, and other geologic maps, the consulting geologists concluded that the historical rate of retreat for the site was 6" annually, but that recent improvements including erosion control measures had effectively reduced the rate of retreat to 3 inches per year. Furthermore, the report concluded that construction of the proposed residential structure at 125 Indio [without a seawall] would actually reduce the rate of retreat at the site to 2 inches annually. Based on the estimates of bluff retreat, the City of Pismo Beach found that a bluff setback of 25' was adequate to ensure the structural integrity of the residence for a period of 100 years.

After construction of the house, a subsequent geologic assessment prepared on January 23, 1998 by GeoSolutions at the request of the applicant, concluded that a coastal protection structure is necessary to mitigate bluff erosion. Borrowing largely from the earlier Terratech report, the Geosolutions report reached the same conclusions regarding the rate of retreat at the site (i.e., 6" historically, 3" currently, 2" annually with additional improvements) but interpreted the findings to support a recommendation for a seawall. There had been no observed or documented changes in the rate of retreat in the year since the coastal development permit had been issued for the construction of a new residence at 125 Indio. Noting that the bluff is actively retreating and would to continue to retreat, the report appears to make a finding that the normal shoreline processes, in and of themselves, constitute a threat without any specific evidence that bluff erosion was endangering a physical structure.

On November 6, 2000, a Bluff Protection Plan for 121 and 125 Indio Drive, prepared by Fred Schott & Associates, was submitted to the City of Pismo Beach. As is the custom, the City requested peer review of the prior reports from Earth Systems Pacific. The consulting geologist, Rick Gorman submitted his findings in a report dated January 15, 2001. Mr. Gorman found that bluff retreat is a normal process for ocean bluffs and that given the estimated rate of retreat of 2" per year by GeoSolutions, the residence at 121 Indio may not reasonably be threatened for another 10 years. Furthermore, based on the erosion rate and the 25-foot setback at 125 Indio, the established setback should be adequate to ensure 100 years of bluff retreat without bluff armoring. The report concluded by recommending that an updated geologic bluff study be prepared if geologic conditions have significantly changed at either site since the preparation of the Terratech or GeoSolutions reports.

In response, the applicant obtained the services of Golden State Aerial Surveys Inc. to photogrammetrically plot the bluff edge and determine the bluff-top retreat at the subject site. Photos



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from 1995, 1974, 1991, and 2000 were plotted and made available for evaluation. Consulting Geologist, R.T. Wooley reviewed this information along with the prior geologic reports and submitted a letter to the applicant's agent Fred Schott on March 11, 2001. Assessing the new information provided by Golden State Aerial Surveys, Mr. Wooley observed that the erosion rates on the properties have not been regular but rather have varied widely. He noted that the episodic nature of bluff retreat coinciding with large storms and high tides, calls into question the applicability of expressing bluff losses in specific amounts per year and determined that the current existing conditions would hazard the residence within 10 years, maybe less. Additionally, Mr. Wooley stated that bluff loss would prevent construction of a seawall within 5 years due to the inability to place construction equipment between the bluff slope and the residence. Finally, in light of the difficulty in predicting severe storms, Mr. Wooley recommended that bluff armoring be permitted and constructed as soon as permissible. According to Mr. Wooley in his letter to Fred Schott dated March 11, 2001, the City of Pismo Beach had previously, concluded the current existing conditions at the subject did not warrant issuing a permit for construction of a seawall. The finding was based on the earlier geologic report estimates of bluff retreat on the order of 2 – 3 inches per year.

In its peer review of June 8, 2001, Earth Systems Engineering Geologist, Rick Gorman, indicated that the results of the photogrammetric survey suggest that the bluff had retreated at a rate of 24" per year at 125 Indio and 10" per year at 121 Indio between 1990 and 2000. Regarding the claim that the structures would be hazarded in 10 years, Mr. Gorman responded that based on the existing proximity to the bluff edge, it is difficult to predict the urgency of a seawall for these residences. Mr. Gorman pointed out that during the 10-year time period the bluff appeared to be eroding at an accelerated rate relative to the 1955 – 1990 values, and certainly much faster than report by Terratech and GeoSolutions, but still did not indicate that the structures were at risk. Mr. Gorman also pointed out that the Florin Street end could be used as a construction staging area to stockpile materials and access point for construction equipment onto the beach.

The last bit of information provided to the City prior to approval of the seawall application, was a July 31, 2001 report by R.T. Wooley. In that report, Mr. Wooley surmised that the bluff slope was vulnerable to seismic shock, particularly if the site is saturated by rainfall, drainage, or irrigation. In the opinion of Mr. Wooley, even though there are no active faults on the subject site, a significant shaking event occurring on the San Andreas Fault 40 miles to the east or the Hosgri Fault, six miles to the west, could result in the loss of portions of the bluff slope. Up until this time, the City had rejected the applicant's claim that a seawall was necessary at the site. However, new evidence in the form of an episodic event and geologic study observing an increase in the rate of retreat in recent times, were enough to establish need and gain City approval of the seawall.

The Commission appealed the project based on its review of the geologic reports, stereo-plotted bluff delineations, and site reconnaissance. In response to the Commission's appeal of the City's permit, the applicant has submitted a report dated 13 February 2002 by R.T. Wooley reiterating his professional opinion that the homes would be at risk within a few years time. This assertion is not well supported by data from Golden State Aerials. Staff Geologist Mark Johnsson noted the data presented on sheet G-1 of



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the large-scale plans submitted by the applicant, indicate that a maximum average erosion rate for one particular cross-section over the period of 1990 – 2000 was used to obtain the 2.25 feet per year. At the point where these data were obtained, the nearest structure is set back approximately 20 feet. Even if this figure does, indeed represent a true long-term average, the structure would not be actually undermined for approximately 8 years —much longer than the 2–3 year timeframe usually adopted by the Commission as a threshold for coastal protection.

In fact, it is quite likely that this erosion does not represent a true shift from the lower erosion rates that prevailed previously, but merely a short-term acceleration. As is widely known, and acknowledged in the 22 January 2001 Woolly report, coastal erosion tends to be highly episodic. Periods of rapid retreat alternate with periods of lesser retreat as slopes re-equilibrate to changing conditions. While it is possible that there has been a permanent shift in the long-term erosion rate, it is equally possible that the lower rates observed represent lower-than-average values, and the current high values represent temporary high values that will later subside as the bluff re-equilibrates. There is no indication of what time interval erosion actually occurred—it is quite possible that much of the ~22 feet of bluff retreat that occurred from 1990-2000 at this cross section location occurred very quickly, perhaps during a single winter, and that the average rate determined is only a function of the amount of time over which this extreme value of retreat is averaged over (22 feet per year, if measured over one year; 11 feet per year if measured over 2 years; 2.2 feet per year if measured over 10 years, etc.). Without more specific data on the nature of erosion at the site, it is impossible to verify an accelerating rate of erosion, such as depicted in the graph included in the 13 February 2002 report by Fred Schott and Associates.

Further, the cross section in question was chosen to show the maximum bluff retreat at the closest point to the structure. While this is conservative, and shows the area of most concern, the bluff retreat rate was far lower everywhere else on the two properties. Indeed, it seems unlikely that bluff retreat would continue at such a high rate at the position of cross section A-A' because to do so would create a significant re-entrant in the bluff. This reentrant would create a cove, allowing for greater dissipation of wave energy before the wave hit the bluff and, presumably, a reduction in the bluff retreat rate. Such shifting of erosion "hotspots" through time is the norm for coastal bluff retreat.

Even given a long-term average rate of retreat of 6" for the site, the applicant has not clearly demonstrated that a structure is in immediate danger of failing. The current residence at 125 Indio was originally sited at 25' from the bluff edge and is now 20' from the edge. The origins of the residence as well as the original bluff setback for 121 Indio are unknown. However, it currently sits approximately 15' from the bluff edge. Based on the proximity to the bluff edge, it appears that the residence at 125 Indio will not be threatened (within 10 feet of the edge) for another 20 years. Similarly, the residence at 121 Indio may not be threatened for another 10 years. Thus, a significant question has been raised as to the project's consistency with the City's LCP policies for the provision of shoreline protective devices to protect existing principal structures in danger from erosion. The LCP policy regarding shoreline devices does not apply to protecting backyard walkways, landscaping, decks, bluff stairways, etc. Because of this uncertainty, substantial issue is raised.



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8.2.3 Alternatives to Shoreline Armoring

Even were an existing structure "threatened" at this location, the LCP requires a thorough analysis of all reasonable alternatives, including but not limited to, the no project solution, relocation or partial removal of the threatened structure, and less obtrusive walls. Both the Land Use Plan policy for the Sunset Palisades planning area and the City's implementation policies require that a "seawall not be permitted unless the City has determined that there are no other less environmentally damaging alternatives for protection of existing development or coastal dependent uses." The alternatives analysis gives short shrift to potential alternatives such as the "no project solution" and relocation of the existing structure.

The applicant's response to the "no project" alternative was that the longevity of the structures without a bluff armoring device is uncertain, particularly in the event of an earthquake. Large earthquakes in the area of the subject property are extremely rare and as has been shown above, the long-term erosion rate of the coastal bluff subject to wave attack is not likely to threaten either structure within 10 years. Thus, this aspect of the applicant's proposal is inconsistent with the City's LCP policies.

Likewise, relocation of the existing structures is summarily dismissed because of conflicts with other existing zoning ordinance requirements for front yard setbacks and off-street parking. Staff has spoken with City planning officials regarding this issue and has been informed that an exception or variance could be granted in special instances where relocation is feasible. The applicant did not provide any information on the feasibility of relocating the structure (e.g., engineering feasibility, cost, etc.). Therefore a substantial issue is raised regarding the consistency of the City's approval with LCP policies S-6 and 17.078.060.

8.2.4 Visual Impact and Public Access

If a hard armoring structure is proven necessary and appropriately sited, LCP policy 17.078.060(4) only allows such protection if it minimizes visual intrusion, and when it does not reduce public beach access, or adversely affect shoreline processes and sand supply. In this case, visual intrusion is guaranteed, though the applicant contends that because the wall is vertical and follows the existing bluff face, it is much less obtrusive than other forms of shoreline armoring such as rip-rap. The City's Land Use Plan calls for creating a public view park at the Florin Street cul-de-sac directly adjacent to the subject lots. Though the City mentions that its approval could be conditioned to include coloring of the seawall, no mitigation was found in the City's approval and the proposed design does not voluntarily include it. The proposed project will noticeably change the existing bluff configuration and view along the bluff in Sunset Palisades. It will present a overwhelming visual impact for beach users in the area.

Similarly, the applicant contends that a vertical wall is less impactful on beach access than other types of shoreline armoring like rip-rap. However, the cutoff design with 3 large steps reaching out and over the natural bedrock formations on the beach will impact lateral access in an area that is heavily used by resident surfers, beachcombers, and tide-poolers. The City's staff report states that the nearest public access point is nearly one-half mile in either direction. Coastal staff notes that the reefs directly in front of the subject lots are well-known in the surfing community as part of the larger "Palisades" surfing area.



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Thus, even though there are no "formal" access points to the beach and reefs below, there are several trails that lead to the shoreline below. Beach users then negotiate the rocky intertidal area to access the surfing resources just offshore. The current design of the seawall introduces a man-made concrete hazard on the beach slope. Furthermore, as a condition of the original building permit issued for the residence at 125 Indio Drive, the applicant was directed to convey an offer of dedication for public lateral access. That offer included that area of the applicant's property from the mean high tide to the top of the bluff. As a result, the proposed seawall is not consistent with the offer of dedication for the provision of lateral beach access. Similarly, as it is currently designed, it is not consistent with the City's LCP policies (17.078.060(4)&(6) or section 30211 the Coastal Act for the provision of beach access. As a result, substantial issue is raised.

8.2.5 Sand Supply Impacts

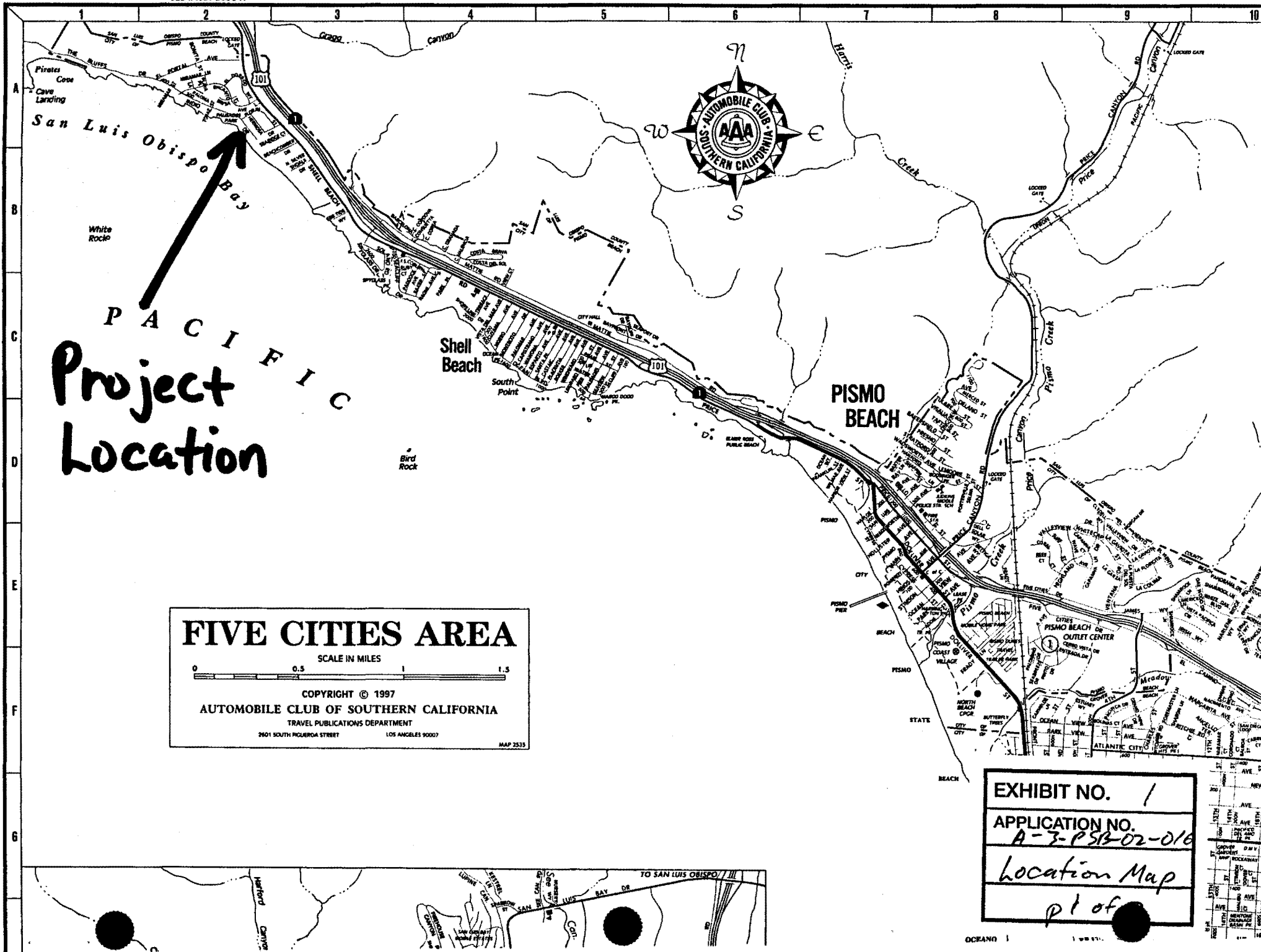
Finally, the City's LCP requires that the seawall be designed to eliminate or mitigate adverse impacts to local shoreline sand supply and be in conformance section 30235 of the Coastal Act. The Commission's experience statewide has been that shoreline protection structures have a significant and measurable effect on shoreline process and sand supply. The proposed revetment would cover the toe and front of a coastal bluff. Bluff materials that would have contributed to the sand supply regime would be retained by such a structure, and the back beach location would be fixed to the detriment of the recreational beach area at this location as the shoreline migrates inland. The project includes no mitigation for this impact. Because of this, a substantial issue is raised.

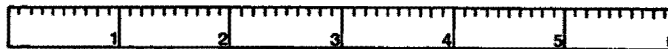
Therefore, a substantial issue is raised regarding the consistency of the City's approval with LUP Policies S-6 and Zoning Ordinance Sections 17.078.050(3)(b) and 17.078.060(4).



California Coastal Commission

SEE INSET BELOW





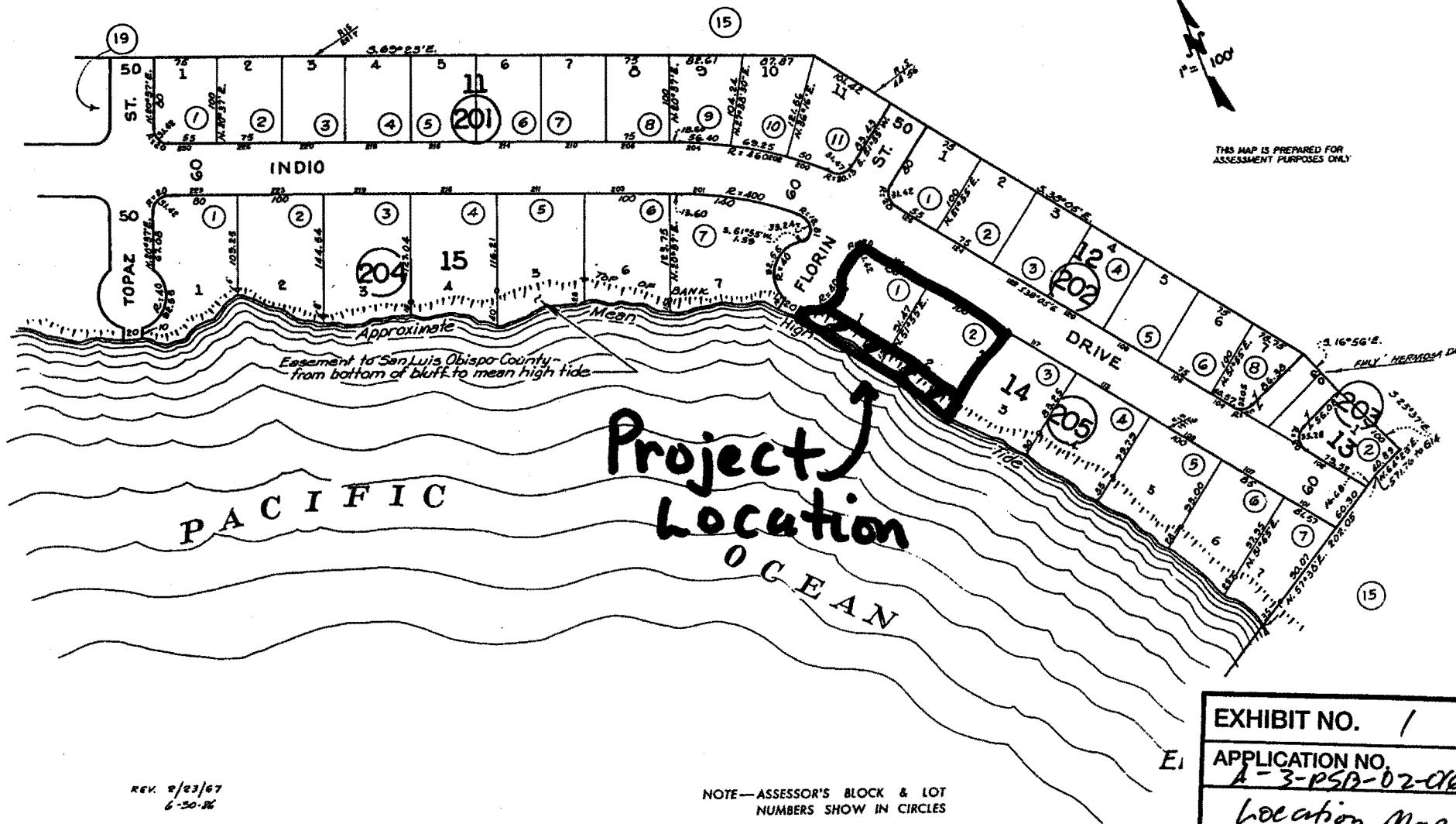
SCALE IN 1/10 OF AN INCH

TAX AREA CODE NO.

10-20



THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY





**City of Pismo Beach, California
City Council Agenda Report**

SUBJECT: 121/125 Indio: Appeal by Bruce McFarlan of Planning Commission determination to approve a Mitigated Negative Declaration and Coastal Development and Architectural Review Permits for a bluff stabilization structure. The site is in a Single Family Residential (R-1) Zone and in the Sunset Palisades/Ontario Ridge Planning Area.

Applicant: Walter Cavanagh APN 010-205-001, Project No. 00-0198

RECOMMENDATION: Adopt Resolution denying the appeal and upholding the Planning Commission's approval.

EXECUTIVE SUMMARY:

On December 11, 2001 the Planning Commission held a public hearing and approved a Mitigated Negative Declaration, Coastal Development and Architectural Review Permits for a bluff stabilization structure at 121/125 Indio. A detailed project description is found on Exhibit C. The Planning Commission found that the proposed project was consistent with the General Plan/Local Coastal Plan policies for bluff stabilization. Subsequently, Bruce McFarlan appealed the Planning Commission determination on December 26, 2001. (See Exhibit A) A synopsis and response to Mr. McFarlan's appeal is attached as Exhibit D.

Council options:

- 1) Deny the appeal and uphold the Planning Commission determination
- 2) Uphold the appeal and with direction to staff to prepare appropriate findings and return to the Council at a date certain.
- 3) Continue the hearing to a date certain should additional information be requested.

Fiscal impacts:

No fiscal impacts are anticipated.

Prepared by: Carolyn Johnson, Planning Manager **Meeting date:** February 5, 2002

Approved by: Randy Bloom, Community Development Director

Exhibits:

A, Appeal of Planning Commission decision; B, Resolution upholding the Planning Commission's project approval; C, Project description, discussion, (including environmental review and response to Coastal Commission comments) and consistency with the City's GP/LCP (from the December 11, 2001 staff report) D, Synopsis of and response to appeal, E, December 11, 2001 Planning Commission minutes (draft), F, February 27, 2001 letter from Golden State Aerial Survey Inc. regarding photometric survey, G, Project plans and site photographs


City Manager Approval

AGENDA ITEM:

EXHIBIT NO. 2
APPLICATION NO. A-3-138-02-016
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Exhibit 2
CITY OF PISMO BEACH
PERMIT NO. 00-0198, CDP / ARP FOR 121/125 INDIO
APPROVED BY THE PLANNING COMMISSION ON DECEMBER 11, 2001 AND
UPHELD BY THE CITY COUNCIL ON FEBRUARY 5, 2002

The property owner(s) and the applicant(s) (if different) shall sign this permit within ten (10) working days of receipt; the permit is not valid until signed by the property owner and applicant.

The requirements set forth in this permit affect the title and possession of the real property, which is the subject of this permit and shall run with the real property or any portion thereof. All the terms, covenants, conditions, and restrictions herein imposed shall be binding upon and inure to the benefit of the owner (applicant, developer), his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the owner (applicant, developer) and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on owner (applicant, developer) by this permit.

AUTHORIZATION: Subject to the conditions stated below, approval of Permit # 00- 0198 grants planning permits to construct a Bluff Stabilization System as shown on the approved plans with City of Pismo Beach stamp of February 5, 2002 and consistent with the standards and criteria noted in below. Approval is granted only for the construction and use as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

COMPLIANCE WITH APPLICABLE LAWS: All applicable requirements of any law or Agency of the State, City of Pismo Beach and any other governmental entity at the time of construction shall be met. The duty of inquiry as to such requirements shall be upon the applicant.

EFFECTIVE DATE: This permit shall become effective upon the passage of 10 days following the Planning Commission approval, provided that an appeal has not been filed to the City Council within ten working days or with the California Coastal Commission within 10 working days of the Commission's receipt of the City's Notice of Action. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

EXPIRATION DATE: The applicant is granted two years for inauguration (i.e. building permits issued and construction begun) of this permit. The permits will expire on December 11, 2003 unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

EXHIBIT NO. 2
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AGREEMENT: I have read and understood, and I will comply with all required standard and special conditions of this permit. I hereby agree to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of project #01-0198, located at 121/125 Indio; or my failure to comply with conditions of approval. This agreement shall be binding on all my successors and heirs, administrators, executors, successors and assigns.

Applicant

date

Applicant

date

Property Owner

date

Property Owner

date

CONDITIONS, POLICIES AND SELECTED CODE REQUIREMENTS

Conditions as indicated below have been deemed to be of a substantive nature on the basis of the Planning Commission's decision. These conditions cannot be altered without Planning Commission approval.

A. CONDITIONS TO BE MET PRIOR TO ISSUANCE OF A BUILDING PERMIT:

PLANNING DIVISION:

1. COMPLIANCE WITH PLANNING COMMISSION APPROVAL. Prior to the issuance of a building permit, the Project Planner shall confirm that the construction plot plan and building elevations are in compliance with the Planning Commission's approval and conditions of approval.
2. CONSTRUCTION METHOD REPORT. The design engineer and/or contractor shall prepare and submit a detailed, step-by-step outline explaining the construction set-up and implementation. A photograph, size, weight and similar statistics of machinery shall be included in this submittal. Applicant shall be responsible for costs associated with review and approval of construction methodology.

EXHIBIT NO. 2

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3. ARCHAEOLOGICAL MATERIALS. In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall cease in the immediate area, and the find left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to its disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
4. ARMY CORP OF ENGINEERS PERMIT. A jurisdictional determination and (if required by the Army Corp of Engineers) a permit application permit shall be submitted to and issued by the Army Corp of Engineers prior to issuance of a building permit.
5. EROSION CONTROL PLAN An erosion control plan shall be prepared, reviewed and approved by the City by a registered engineer qualified in hydrology and soil mechanics and shall assure that the development will not contribute to the erosion or failure of the bluff face and will eliminate or mitigate any adverse impacts on the local shoreline sand supply to the maximum extent feasible. Applicant shall be responsible for costs associated with review and approval of the erosion control plan.

BUILDING DIVISION:

6. BUILDING PERMIT APPLICATION. To apply for building permits submit five (5) sets of construction plans ALONG WITH FIVE (5) COPIES OF THE CONDITIONS OF APPROVAL NOTING HOW EACH CONDITION HAS BEEN SATISFIED to the Building Division.
7. SPECIAL CONDITIONS. No Building Permits will be issued during the period from Nov. 1 to March 31 without prior approval of the Engineering Division and an approved erosion and sediment control plan and construction schedule. Erosion control measures shall be in place and approved by the Engineering Division prior to the start of construction.
8. A BUILDING INSPECTION performed by the City of Pismo Beach building department shall be conducted to determine indicators of soil movement, i.e. drive way cracks and subsiding sidewalks, as to the over-all stability of the site for safe living conditions.

EXHIBIT NO. 2
APPLICATION NO. A-3-PSB-02-016
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ENGINEERING DIVISION:

9. Project improvements shall be designed and constructed in accordance with City standards and specifications and in accordance with all applicable City Ordinances. Where no City Standard or Specification exists, the Standards and Specifications of the County of San Luis Obispo shall govern. The decision of the City Engineer shall be final regarding the specific standards that shall apply.
10. The applicant will be responsible for obtaining an encroachment permit for all work within a public right of way or easement.

Grading and Drainage

11. All grading and drainage improvements shall be designed and constructed in accordance with the City Grading Ordinance.
12. No Building Permits will be issued during the period from November 1 to March 31 without prior approval of the Engineering Division and an approved erosion and sediment control plan and construction schedule. Erosion control measures shall be in place and approved by the Engineering Division prior to the start of construction.
13. Permission to cross property lines must be granted by adjacent owners(s). Proof of any such agreement must be provided to the Engineering Division prior to issuance of permits.
14. Provide engineering demonstrating that proposed structure will not cause detrimental effects to existing drainage structures.

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

BUILDING DIVISION:

1. The title sheet of the plans shall include:
 - a. Street address, lot, block, track and Assessor Parcel number.
 - b. Description of use
 - c. Type of construction
 - d. Height of the building
 - e. Floor area of building (s)
 - f. Vicinity map
2. The Title sheet of the plans shall indicate that all construction will conform to the 1997 UBC, UMC & UPC, the 1996 NEC, 1998 California Title 19 & 24, California I Standards and Accessibility Standards where applicable and all City code this project.

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APPLICATION NO. A-3-PSB-02-016
City Findings
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3. Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to Building Division for plan review.
4. Plans shall be submitted by a California licensed architect and/or engineer.
5. A separate grading plans complying with Appendix Chapter 33, UBC, and Title 15 PMBC, may/shall be required.
6. A soils investigation shall be required for this project.
7. The location of the building should be identified on an established flood hazard map (most recent flood insurance rate map published by FEMA may be considered).
8. Certification that the actual elevation of structures in relation to mean high sea level by a licensed surveyor/engineer.
9. Well-established engineering principles should consider the effect of hydrostatic and hydrodynamic forces.
10. Erosion control of the site shall be clearly identified and mitigated.
11. Spaces below the base flood elevation in a coastal high zone shall be free of obstruction.
12. Note how public disclosure of the inherent dangers of this project shall be provided.
13. Projects shall comply with current City and State water conservation regulations.
14. Dust and erosion control shall be in conformance with standards and regulation of the City of Pismo Beach.
15. The permittee shall put into effect and maintain all precautionary measures necessary to protect adjacent water courses and public or private property from damage by erosion, flooding, deposition of mud or debris originating from the site.
16. A licensed surveyor/engineer shall verify pad elevations, setbacks,
17. Clearly dimension building setbacks and property lines, streets centerlines, and between ~~buildings or other structures on plot plan.~~
18. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided.

ENGINEERING DIVISION:

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19. Owner and/or owner's contractor are to take precaution against damaging road surfaces. Note: The existing street sections adjacent the property may be substandard and may be subject to damage by heavy loading/equipment during construction. The owner is responsible for protection against and/or repairs of, at owner's expense, any/all damage incurred during and/or due to construction.
20. Encroachment Permits are required prior to any/all work in the public right of way. City Streets are to remain open to through traffic at all times. A traffic control plan shall be submitted to the Engineering Division for approval prior to detours or rerouting of traffic. Excavation within the streets shall be covered or backfilled and paved prior to the end of work each day. No temporary or long-term parking, storage, or disposal of construction equipment or materials within the right-of-way shall occur without prior issuance of an encroachment permit.
21. Erosion and Drainage control features are to be available to be placed in the event of rain or other erosive action to prevent any sediment or refuse from leaving the site. Erosion control devices shall be installed and in place following daily construction activities. The applicant shall notify the Engineering Division of any changes in construction, which will require additional erosion control measures.

C. MISCELLANEOUS/FEEES:

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

The property owner and the applicant (if different) shall sign these Conditions of Approval within ten (10) working days of receipt; the permit is not valid until signed by the property owner and applicant.

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Exhibit C
Project description, discussion,
environmental review (including responses to Coastal Commission comments)
and GP/LCP consistency

Location and soil profile

125 Indio lies adjacent to the Florin Street cul-de-sac and 121 Indio is adjacent to 125 Indio. (See attached exhibit). The blufftop area at 121 and 125 Indio are at an elevation of approximately 40 feet MSL. The soil profile in front of the lot at 125 Indio and the westerly portion of the lot at 121 has a conglomerate layer of gravels, sand and silt 4 to 6 ft. thick on a bedrock layer of siltstone. The soils above the conglomerate material are commonly referred to as terrace material, which is a mixture of sand, silt & some clays (very little clay in this particular section of the bluff). The westerly portion of the lot at 121 and the entire width of the lot at 125 Indio are unprotected including the portion below the cul-de-sac at Florin Street. The lot to the west of Florin Street is protected by a rock riprap.

Project description

The proposed bluff stabilization system consists of a new concrete, facing and wave deflector to extend roughly eight to ten feet above beach level to top of wall. There will be a concrete facing on the face of the bluff with a wave deflector at the top, which extends up above the projected highest wave. In a portion of the bluff the siltstone extends up above the relatively uniform beach level. There will be concrete benches over the protrusions and a cut off wall at the outer edge of the siltstone projection. A gunite wall will be constructed on the bluff face to a height of 4 feet above the deflector.

The overall length of the wave deflector is approximately 166 feet over the bluff face at 121 and 125 Indio Drive and spans the entirety of 125 Indio and approximately 34 feet of the bluff face at 125 Indio. The project would tie in to the existing concrete gunite facing at 125 Indio. The proposal is to face the bedrock at the toe-of-slope with concrete requiring at least three feet into the bedrock with a curved wave return at the top of the wall. The top elevation will be 17' except for a 24' center segment at about 19'. The base of the bluff will be faced with concrete and a cut off wall and will be constructed down into the siltstone in order to delay undercutting the wall. Extending the wall straight down would de-stabilize the conglomerate material above so there will be a 3 ft. \pm wide concrete bench up against the bottom of the bluff with the cut off wall at the outer face of the bench.

Construction of the stabilization system will occur in the following sequence: 1) Clean loose soil from base of bluff, 2) Excavate for cut off wall, 3) Install tie backs, 4) Reinforce & pour 3' base section & cut off wall, 5) Install drainage system & place wall reinforcing, 6) Form face of wall, 7) Pour concrete facing, 8) Gunite 4' strip above wall, 9) Remove forms & clean up site.

The project engineer has indicated "construction will necessitate a temporary stairway and/or ladders for personnel and utilize a small hydro crane to transport machinery and materials & heavy equipment from top to bottom & bottom to top. Access at the top will be from the driveway & the small yard area along with the end of the cul-de-sac. The top edge of the bluff is unstable and it will be necessary to limit access within 10 ft. \pm of the edge. Equipment on the beach will be limited to a small tractor/backhoe, which will be used to excavate the cut-off wall and remove loose sand/soil from the areas where the bluff facing is to be constructed. It may also be possible that the tie backs can be installed with a small drilling machine rather than with hand equipment". The start date will be dictated by the last required approval and construction times are dictated by surf & tides and

EXHIBIT NO. 2
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C. H. Findings

storm activity. The staging areas will be limited to the driveway and the Florin Street cul-de-sac (which will require an encroachment permit from the City) along with yard areas more than 10 ft. from the bluff edge. Equipment washout for concrete mixers will not be allowed on site.

121 Indio

The date of construction of the house at 121 Indio is unknown. When the house was built, or sometime thereafter, there were surface level decks constructed that abutted the seawall at the blufftop. Also at a date unknown, a 40' seawall was constructed along the bluff face of the property. The lower 16 feet is constructed of concrete bags connected by rebar and coated with shotcrete. The upper 16 feet is wire mesh coated with four inches of shotcrete. In 1995, a 573 s.f. addition was added to the house a distance of 30' from the top of the bluff. In 1996, maintenance of the seawall included filling minor cracks and holes with concrete and re-coating the entire wall with approximately two inches of shotcrete. Today, the lower 5 ft. \pm of gunite has been eroded away by wave action but the exposed material is relatively hard rock and the gunite is still protecting the terrace materials above the rock (for the central portion of the lot only). The existing southwest corner of the residence at 121 Indio is 13 ft. from the bluff top and the central portion of the house (exclusive of the existing decks) is 15 ft. from the bluff top.

125 Indio

The residence at 125 Indio was constructed in 1998; the setback from the residence to the top of the bluff was 25 feet at the time of construction. The 25' setback was approved based on the *Geologic assessment of bluff erosion and sea cliff retreat report for 125 Indio Drive* (Terratech, Inc dated January 9, 1997), estimating the anticipated bluff retreat rate at 2 inches per year. Over the past four years the bluff has retreated 60 inches, or five feet. Today the house at 125 Indio sits 20 feet from the top of the bluff.

Bluff erosion in the project area

The rate of erosion along this section of the ocean bluff is controlled by wave action cutting into the base of the bluff, removing support for the over-lying terrace material. When the slope of the terrace material becomes too steep it becomes unstable and the terrace material breaks off in chunks & falls. The waves remove the pile of soil and the cycle starts again. There is a significant cave adjacent to the storm drain outlet structure below Florin Street, which extends approximately 10 ft. back into the conglomerate material. The likelihood of the terrace material above collapsing into the void is extremely high.

Multiple geologic surveys and a photometric study have been prepared and were used to evaluate this proposal. (3). The geologic peer review of all surveys concluded that the bluff at 121/125 Indio is eroding at an accelerated rate. The project photometric study (Golden State Aerial Surveys, Inc; February 27, 2001, see Exhibit F) indicates that from 1990 to 2000 the erosion rate at 125 Indio Drive was approximately 24 inches per year and the erosion rate at 121 Indio was about 10 inches per year. (*121 and 125 Indio, Review of Geologic Report by Earth Systems, June 8, 2001*) As noted above, the residence at 125 Indio is approximately 20 feet from, the top of the bluff and the residence at 121 Indio is approximately 13 feet from the top of bluff.

3 Comments and expansion on previous submittals on 121/125 Indio Drive application 00-0198, June 8, 2001, Earth System's comments (by R.T. Wooley, July 31, 2001), Review of geologic report, (Earth Systems, June 8, 2001), Geologic assessment of bluff erosion at 121 and 125 Indio (R.T. Wooley, March 11, 2001), Indio Drive Bluff-top Retracement (Golden State Aerial surveys, Inc letter dated February 27, 2001 Earth Systems January 15, 2001 peer review of geologic assessment of bluff erosion and sea cliff re

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Project Consistency with the General Plan/Local Coastal Plan and Zoning Code/Local Coastal Land Use Program Consistency chart

NOTE: Geology studies prepared for this project are attached at the end of the Mitigated Negative Declaration Initial study in the Council's reading file

Policy	Standard/Requirements	Complies?
General Plan/Local Coastal Plan		
LU-E-2 Bluff Setback and Protection	Requires a Geology study for development along the bluff top	Yes, Geology report provided and requirements incorporated into project conditions
S-4 Blufftop Guidelines/Geologic Studies	Requires site specific geologic reports with information contained in the Coastal Commission's guidelines for Geologic Stability of Blufftop Development	Yes, the geology reports include the information required in policy S-4
S-5 Development on the Bluff face	Prohibits development on the bluff face	Yes, Development is proposed behind the bluff face
S-6 Shoreline Protective Devices	<p>-Permitted only when necessary to protect existing principal structures</p> <p>-Devices to be designed to eliminate or mitigate adverse impact on local shoreline sand supply</p> <p>-Visual impacts and alteration of natural landforms to be avoided</p>	<p>Yes, principal structure is threatened (Wooley, July 31, 2001)</p> <p>-Geology report notes that construction of project will not impede sand transport along the beach. (Wooley, July 31, 2001)</p> <p>- Project has the least impact on natural landforms (Wooley, July 31, 2001).</p>
Zoning Code/Local Coastal Land Use Program		
17.078.010 Hazards and Protection Overlay Zone - purpose	-Identifies purpose of the overlay zone	Yes, project is subject to requirements in this overlay zone
17.078.060 – Shoreline Protection Criteria and Standards	-identifies criteria for development of bluff protection devices	Yes, project meets criteria
17.078.050(3) Bluff Hazard, Erosion and Bluff Retreat Criteria and Standards Geologic studies	-Requirement for a Geology report and description of report contents	Yes, reports submitted with application and utilized to evaluate project
17.078.050(4) Bluff Hazard, Erosion and Bluff Retreat Criteria and Standards Erosion control Plan	-Requirement for an Erosion control plan for blufftop development	Yes, see condition A3B.

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Carolyn

RESOLUTION NO. R-02-10

A Resolution of the City Council of the City of Pismo Beach upholding the Planning Commission's December 11, 2001 approval of a Mitigated Negative Declaration and approving Coastal Development and Architectural Review permits for a Bluff Stabilization System at 121/125 Indio.

WHEREAS, Walter Cavanagh ("Applicant") has submitted an application to the City of Pismo Beach for a Coastal Development permit and Architecture Review permit for a bluff stabilization device; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on December 11, 2001 at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission approved a Mitigated Negative Declaration, Coastal Development and Architectural Review permits for a Bluff Stabilization System at 121/125 Indio; and,

WHEREAS, Bruce McFarlan appealed the Planning Commission determination to the City Council on December 26, 2001; and,

WHEREAS, The City Council held a duly notice public hearing on February 5, 2002 at which all interested persons were given the opportunity to be heard; and

WHEREAS, The City Council upheld the Planning Commission determination and denied the appeal.

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

A. FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. The project consists of construction of a bluff stabilization structure located on a residentially zoned parcel on a site zoned for residential development
2. There are no site constraints or other factors that have otherwise not been addressed within the Initial Study/Mitigated Negative Declaration; therefore, the potential for any significant environmental impact has been mitigated to be less than significant.
3. The project conditions have been reviewed and determined to be adequate in mitigating or avoiding potentially significant environmental effects.
4. The public hearing and issuance of the Mitigated Negative Declaration for this project has been adequately noticed and advertised, to the provisions of Section 15073, and 15074 of the CEQA guidelines and California Government 65090, 65091, and 65095.

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B. FINDINGS FOR APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND ARCHITECTURAL REVIEW PERMIT:

1. The design and general appearance of the project is in keeping with the character of the neighborhood.
2. The proposed bluff protection system is consistent with the General Plan/Local Coastal Plan and the Zoning Code/Local Coastal Land Use Plan.
3. The proposed bluff protection project is compatible with the nearby existing uses and not detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the surrounding area of the proposed project.
4. The proposed bluff protection project will not be detrimental to the orderly development of improvements in the surrounding area, and will not be detrimental to the orderly and harmonious development of the City.
5. The proposed bluff protection project will not impair the desirability of investment or occupation in the neighborhood.

The City Council does hereby uphold the Planning Commission's action approving the Mitigated Negative Declaration attached as Exhibit 1 and the conditioned Coastal Development Permit and Architectural Review Permits approved by the Planning Commission attached as Exhibit 2.

UPON MOTION of Councilmember Henlin, seconded by Councilmember Crescione, the foregoing Resolution is hereby approved and adopted the 5th day of February, 2002 by the following roll call vote, to wit:

AYES: Henlin, Crescione, Rabenaldt, Reiss and Mayor Natoli
NOES: none
ABSTAIN: none
ABSENT: none

ATTEST:

City Clerk

Mayor

EXHIBIT NO. 2
APPLICATION NO. A-3-PSB-02-016
City Findings
p 12 of 12

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 277-4863

**COMMISSION NOTIFICATION OF APPEAL**

DATE: March 4, 2002

TO: Carolyn Johnson, Planner
City of Pismo Beach, Community Development Department
760 Mattie Road
Pismo Beach, CA 93449

FROM: Charles Lester, District Manager

RE: Commission Appeal No. A-3-PSB-02-016

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: 00-0198

Applicant(s): Coastal Community Builders, Inc.

Description: Construction of a concrete seawall that is approximately 165' long and 9' to 11' tall, with an additional 4' of gunite facing at the top. The site is zoned single-family residential (R-1) and is in the Sunset Palisades Planning Area. (Continued from 11/27/01).

Location: 125 Indio, Pismo Beach (San Luis Obispo County) (APN(s) 010-205-001)

Local Decision: Approved w/ Conditions

Appellant(s): California Coastal Commission, Attn: Commissioner Sara Wan;
California Coastal Commission, Attn: Commissioner Pedro Nava

Date Appeal Filed: 3/4/2002

The Commission appeal number assigned to this appeal is A-3-PSB-02-016. The Commission hearing date has been tentatively set for April 9-12, 2002 in Santa Barbara. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Pismo Beach's consideration of this coastal development permit must be delivered to the Central Coast Area office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Mike Watson at the Central Coast office.

EXHIBIT NO. 3

APPLICATION NO.
A-3-PSB-02-016

CCC Appeal

p 1 of 7

RECEIVED

Gray Davis, Governor



MAR 04 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Sara Wan, Chairperson

Pedro Nava, Commissioner

California Coastal Commission

California Coastal Commission

45 Fremont Street, Suite 2000

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

San Francisco, CA 94105-2219

(415) 904-5200

(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Pismo Beach

2. Brief description of development being appealed:

Construction of a concrete seawall that is approximately 165' long and 9' to 11' tall,
with an additional 4' of gunite facing at the top.

3. Development's location (street address, assessor's parcel number, cross street, etc.):
125 Indio (APN 010-205-01) in the Sunset Palisades planning area of the City of Pismo
Beach.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: XX

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-PSB-02-016

DATE FILED: March 4, 2002

DISTRICT: Central Coast

EXHIBIT NO. <u>3</u>
APPLICATION NO. <u>A-3-PSB-02-016</u>
<u>CCC Appeal</u>
<u>p 2 of 7</u>

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning
Administrator

c. ☐ Planning Commission

b. ☒ City Council/Board of
Supervisors

d. ☐ Other: _____

6. Date of local government's decision: February 5, 2002

7. Local government's file number: 00-0198

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Coastal Community Builders, Inc.

P.O. Box 517

Pismo Beach, CA 93448-0517

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

(1) Fred Schott

200 Suburban Road, Suite A

San Luis Obispo, CA 93401

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

EXHIBIT NO. 3
APPLICATION NO. A-3-PSB-02-016
CCC Appeal
p 3 of 7

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

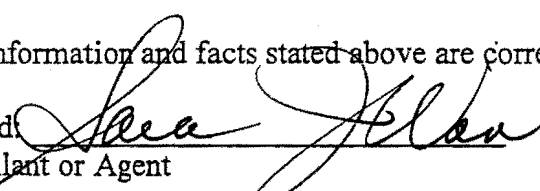
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see attached "Reasons for Appeal"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: March 4, 2002

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

Signed: _____

Date: _____

(Document2)

EXHIBIT NO.	3
APPLICATION NO.	A-3-PSB-02-016
CCC Appeal	
p 4 of 7	

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

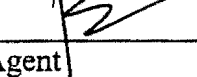
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see attached "Reasons for Appeal"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: March 4, 2002

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

Signed: _____

Date: _____

(Document2)

EXHIBIT NO. 3
APPLICATION NO. A-3-PSB-02-016
CCC Appeal
p 5 of 7

REASONS FOR APPEAL

The City of Pismo Beach approved a proposal to install a shoreline protective structure that includes approximately 165 linear feet and a vertical height of 13 to 15 feet. The foundation element extends another 3 feet into bedrock. The proposed seawall consists of facing the bluff in concrete with a wave deflector at the top. The center segment of the seawall design incorporates a series of stepped-up concrete benches that extends nearly 10 feet seaward of the coastal bluff and is 9 to 11 feet above the existing bedrock bench. Gunite facing is proposed on the bluff face to a height of 4 feet above the wave deflector bringing overall height to 13 to 15 feet. (City Application Number 00-0198; Coastal Community Builders Inc.). The proposed project is located on the entire seaward side of Indio (APN 010-205-01) and a portion of 121 (APN 010-205-02) and in the Sunset Palisades Planning Area of the City of Pismo Beach. The City-approved project raises Local Coastal Program (LCP) and Coastal Act conformance issues and questions as follows:

The LCP addresses whether shoreline protective structures are necessary through Land Use Plan (LUP) Policy S-3 (Bluff Set-Backs), S-6 (Shoreline Protective Devices) and Implementation Plan (IP) Chapter 17.078 (Hazards and Protection Overlay Zone), particularly Section 17.078.060(4) Shoreline Protection Criteria and Standards). These applicable LCP policies only allow for shoreline protection structures "when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion." In the past, the Commission has taken this to mean within the next 2-3 storm cycles. In this case, it is not clear that a threat has been demonstrated.

IP Policy 17.078.050(3)(b) requires that Geology studies evaluate the "historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available." The applicant's consulting engineering geologists originally identified an annual long-term erosion rate of 2 inches per year, based on past steady and episodic erosion processes, for 125 Indio. The residence at 125 Indio was constructed in 1998 and the blufftop setback was 25 feet at the time of construction. Over the past four years the bluff has retreated almost 5 feet (15 inches per year) and the house currently sits about 20 feet from the bluff edge. Recent photometric surveys of the bluff show the rate of retreat from 1990-2000 to be on the order to 24 inches per year. Depending on which rate of retreat is chosen (24", 15", or 2") the structure will be threatened (within 10 feet of the bluff) in 5, 8, or 60 years.

Similarly, the original bluff retreat rate at 121 Indio was on the order of 2 inches per year. However, unlike 125 Indio, the bluff face at 121 Indio is almost entirely armored with reinforced concrete and shotcrete. The original construction date of the seawall and the house is unknown, however a 500 square foot addition and gunite facing were added 1995 (the gunite facing was not part of the CDP). Today the existing residence sits between 13 feet and 15 feet from the bluff top. Accordingly, it is not clear that the required threat has been demonstrated and thus the City's approval raises quest

EXHIBIT NO. 3
APPLICATION NO. A-7-PSB-02-016
CCC Appeal
p 6 of 7

consistency with LCP shoreline protective structure policies and policy for providing adequate geological information.

If a significant threat to an existing structure is proven, the LCP requires a thorough analysis of all reasonable alternatives, including but not limited to, relocation or partial removal of the threatened structure. Land Use Plan policy for the Sunset Palisades planning area specifically requires that "seawalls to protect and existing structure are permitted only if there are no other less environmentally damaging alternatives." Although it is questionable as to whether a significant threat exists as described above, the City found a significant threat here. As a result, the LCP requires that the project be the least environmentally damaging alternative for the protection of existing development.

IP policy 17.078.060(4) states in part, that "seawalls shall not be permitted unless the City determines that there are no less environmentally damaging alternatives for the protection of existing development or coastal dependent uses." The alternative's analysis gives short shrift to potential alternatives such as relocation of the structure and does not include an analysis of less obtrusive vertical walls.

If a hard protective structure is proven necessary and appropriately sites, the LCP (IP policy 17.078.060(4)) only allows such structural protection if it minimizes landform alteration, minimizes visual intrusion, and when it does not reduce public beach access, or adversely affect shoreline processes and sand supply. In this case, the proposed seawall requires excavation into the bedrock and the removal of beach and sand material where currently exists a natural bluff landform. Visual intrusion is guaranteed for which there is no City-approved mitigation (the wave deflector wall is neither compatible with the bluff, the beach, or the shoreline protection directly adjacent to the north or south). Armoring of the bluff will eliminate any further contribution of bluff materials into the natural shoreline sand supply system at this location and the City-approval includes no mitigation for this impact. These public access, viewshed, landform protection, and sand supply issues appear to have been inadequately analyzed (if a protective structure were to be proven necessary and appropriately sited.) Accordingly, the City's approval raises questions of consistency with such applicable Coastal Act and LCP standards for shoreline protection policies.

Additionally, as a condition of the original building permit for 125 Indio, a lateral access easement was required to be offered to the State of California dedicating the real property from the mean high tide line to the top of the bluff. The City-approved seawall structure will adversely impact this public access. No mitigating measures were incorporated into the project design or required by the coastal development permit.

EXHIBIT NO. 3
APPLICATION NO. A-3-PSB-02-016
CCC Appeal
p 7 of 7



City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449
(805) 773-4657 Fax: (805) 773-7006

Exhibit

A

cc: mayor and council
cm
city clerk
community development
cc: FILE CITY OF PISMO BEACH

DEC 26 2001

RECEIVED
CITY CLERK

APPEAL OF A PLANNING COMMISSION DECISION

An appeal of the City of Pismo Beach Planning Commission decision may be filed by paying a fee set by the Pismo Beach City Council. Appeals must be filed in the Office of the City Clerk within 10 working days of the Planning Commission decision. Appeals of all permits for projects within the Coastal Appeal Zone can be made at no charge. See Section 17.121.250 of the Municipal Code for general information on appeals. See Section 17.124.130-180 for Coastal Permit Appeal information.

Person Filing Appeal: BRUCE MCFARLAN
Print Name

331 PARK AVE. #2 PISMO BEACH, CA.
Address City/State/Zip 93449

121/125 INDIO APN 010-205-001
Project Address/Parcel Number

SEA WALL / BLUFF STABILIZATION
Project Name SYSTEM

What permits are being appealed?*

MITIGATED NEGATIVE DECLARATION, COASTAL
DEVELOPMENT PERMIT & ARCHITECTURAL REVIEW
PERMIT

*List all applicable case number(s):

Date heard by Planning Commission: 12/19/01 Date Appeal Filed: 12/26/01

Fee Paid: _____ Date: _____ Receipt No.: _____

(Attach copy of receipt)

CAUSE FOR APPEAL: (Please be specific; attach additional sheets if necessary,

reference any inconsistency with specific city statutes; the General Plan/Local Coastal Plan and Zoning Ordinance is available for review):

THE QUESTIONS ASKED BY THE COASTAL COMMISSION
WERE NOT ANSWERED AS TO SAND SUPPLY & SAND
TRANSPORT (S-G) CP, THE NEGATIVE DECLARATION AS

A-3-PSB-02-016

CCC Exhibit 4
(page 1 of 3 pages) B-2

TO NOT AFFECTING THE SCENIC VIEW IS WRONG IT WILL BE SEEN FORM THE CUL-DE-SAC & OCEAN THIS A VERY BIG & LONG SEAWALL & IT WILL BE GRAY & NOT BLEND INTO THE BLUFF FACE WHICH IS AGAINST BOTH THE CITIES L.C.P. & THE CCC'S STATING THAT SEAWALLS SHOULD NOT STICK OUT. I QUESTION THE NEED FOR THIS LONG SEAWALL IN THE GORMAN LETTER DATED JAN. 15, 2001 HE STATES THAT THERE IS A 10 YEAR SPAN TILL THE HOUSE WOULD BE THREATENED AT 125 INDIO. ALSO THE GEOLOGIC ASSESSMENT OF BLUFF EROSION & SEA CLIFF RETREAT DONE ON JAN. 9, 1997 FOR THE HOUSE AT 125 INDIO TO BE BUILT IN THE FIRST PLACE SAID THAT AFTER CONSTRUCTION "THE RETREAT RATE CAN CONSERVATIVELY BE REDUCED TO 2" PER YEAR. IF THE REPORT WAS WRONG THE HOUSE SHOULD NEVER HAVE BEEN BUILT IF IT NEEDED A SEAWALL SO SOON ACCORDING TO CCC. RULES & REGULATIONS! IS THIS SEAWALL GOING TO TIE IN TO THE CITIES CULVERT? IS IT GOING ON TO CITY OR STATE LAND? WAS "SOFT COPY PHOTOGRAMMETRY" USE IN THE AERIAL SURVEY? CAUSATION OF THIS PROBLEM (NEED OF A SEAWALL) IS STATED IN ONE OF THE GEOLOGIC REPORTS AS

(CONT. P3)

Bruce McFarlane
Signature(s)

ATTEST:

City Clerk

12/23/01

Date

*Definitions of permit initials:

SD..... Subdivision Tentative Map
CUP..... Conditional Use Permit
CP..... Coastal Permit
AR..... Architectural Review Permit
ED..... Environmental Determination
V..... Variance

A-3-PSB-02-016

CCC Exhibit 4(page 2 of 3 pages)

7B-8

EXISTING SLOPE PROTECTION ON ADJOINING PROPERTIES (121 INDIO) RESULTS IN FOCUSSED EFFECT. ALSO THE PROPERTY OWNER AT 125 INDIO HAS ADDED TO HIS OWN PROBLEMS BY THE IRRIGATION ALONG THE EDGE OF THE BLUFF & THE PLANTING OF VEGETATION THAT IS NOT NATIVE & DROUGHT RESISTENT AS TO THE ORIGINAL BUILDING PERMIT & PLANS FROM THE CITY! THIS CAN BE PLAINLY SEEN IN THE PHOTOS. THERE HAS BEEN OVER THREE GEOLOGIC REPORTS & EACH ONE STATES A DIFFERENT EROSION RATE; THIS JUST SHOWS & ILLUSTRATE WHAT MONEY WILL BUY: WHEN FIRST BEING SUBMITTED & BUILT THERE IS LITTLE OR NO EROSION THEN TWO OR THREE YEARS LATER THEY BUY A REPORT THAT STATES IF ACTION IS NOT TAKEN AT THIS TIME THE HOUSE WILL FALL INTO THE OCEAN. THIS HAS BEEN GOING ON FOR FAR TOO LONG. AGAIN THE C.C.C. HAS ASKED MANY, MANY QUESTIONS & NOBODY HAS ANSWERED THEM OR SAY THEY DON'T APPLY TO THEM OR EVEN THAT THEY DON'T NEED TO REPLY TO THE C.C.C.'S CONCERN! MAKE NO MISTAKE THIS IS A SEAWALL & NOT JUST A BLUFF STABILIZATION SYSTEM. PLEASE DON'T REWARD THESE PEOPLE FOR THE MISTAKES THAT THEY HAVE DONE IN PUTTING DOWN A HOUSE TOO CLOSE TO THE OCEAN WITH BUNK GEOLOGIC REPORTS THAT THEY