

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105
(415) 904-5260



W7a

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Staff: MC - SF
Staff Report: October 24, 2008
Hearing Date: November 12, 2008
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 2-08-004

APPLICANT: City of Pacifica

PROJECT LOCATION: Rockaway Beach Avenue, City of Pacifica (San Mateo County)

PROJECT DESCRIPTION: Repair and maintenance of existing Rockaway Beach revetment, San Mateo County.

1.0 EXECUTIVE SUMMARY

This permit application is for repair of an existing revetment and placement of additional rip-rap. The proposed project would repair the northern half of the revetment and includes recovering approximately 825 tons of dislodged stone and replacing it onto the revetment, and importing 825 tons of new 10-ton stones.

The city constructed the existing seawall and revetment in 1962. The revetment protects a cul-de-sac located at the westerly end of Rockaway Beach Avenue, a public parking lot and a public promenade in this visitor-serving neighborhood. A narrow sandy beach is located below the revetment.

In 1996 and 1998, the city performed repairs to portions of the revetment, which consisted of retrieving rock rip-rap that had spilled out onto the sandy beach, and importing new rock rip-rap. Rocks have again rolled seaward of the revetment, and several sections of the revetment are lower than the design profile, due to settlement and dislodgement of the armor stone.

Staff recommends approval of this shoreline protection repair project because the revetment and seawall are existing shoreline protection devices that protect Rockaway Beach Avenue and adjacent public access features, and the proposed repair would not expand the existing footprint. The proposed repair would only add approximately 6% more rock relative to the total volume of the existing revetment. The project is conditioned to include authorization of future minor repair

and maintenance, and to require a shoreline protection monitoring plan, which will ensure the structural integrity of the wall and prevent dislodged rocks or debris from impeding public access to the beach.

2.0 STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution to approve Coastal Development Permit No. 2-08-004 subject to the conditions in Sections 2.1 and 2.2 below.

Motion:

I move that the Commission approve the coastal development permit no. 2-08-004 subject to conditions pursuant to the staff recommendations.

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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions 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 this permit is reported to the Commission. 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. Approved Development; Conformance to plans.

The permittee shall undertake development in accordance with the approved final plans dated 9/27/2007 and revised 12/26/2007, 5/8/2008, and 5/28/2008. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. 'As-Built' Plans.

WITHIN SIX-MONTHS OF COMPLETION OF CONSTRUCTION, the Permittee shall submit 'As-Built' Plans (in full-size and 11" x 17" formats with a graphic scale) to the Executive Director for review and approval. The 'As-Built' Plans shall clearly identify in site plan and cross-section all development completed pursuant to this coastal development permit. The 'As-Built' Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the project has been constructed in conformance with the approved project plans described by Special Condition 1 above.

3. Repair and Maintenance.

- A. The permittees shall maintain the existing Rockaway Beach revetment for the life of the structure.
- B. This coastal development permit authorizes repair and maintenance activities for a period of 5 years from the date of this approval only if carried out in accordance with all of the following conditions:
 1. Maintenance and repairs shall be limited to removal, repositioning, or replacement of rock within the footprint of the existing approved structure. The permittees shall remove or redeposit any debris, rock or material that becomes dislodged from the revetment as soon as possible after such detection of displacement occurs.

2. No expansion or enlargement of the existing Rockaway Beach revetment is permitted.
 3. Repair and maintenance shall conform to requirements of Special Condition 5.
- C. The Executive Director may extend the 5-year authorization specified in Subsection B for the approved repair and maintenance activities for a period not to exceed 5 years, or 10 total years from the date of this approval. The applicant shall make a request for such extension no later than 30 days before the end of the initial period.
- D. Repair and maintenance activities identified in Subsection B shall be completed as soon as possible but no later than 30 days after the discovery of the need for the repair and maintenance activity.
- E. Repair and maintenance activities other than those identified in Subsection B shall require an amendment to this permit or a new coastal development permit.

4. Shoreline Protection Monitoring Plan.

- A. Monitoring reports prepared by a licensed civil engineer with experience in coastal structures and processes shall be submitted to the Executive Director for review and approval at five year intervals by May 1st of each fifth year (with the first report due May 1, 2014, and subsequent reports due May 1, 2019, May 1, 2024, and so on) for as long as the revetment exists at this location. Each monitoring report shall contain the following:
1. An evaluation of the condition and performance of the approved revetment, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device;
 2. Plans and/or photographs showing any weak or potential failure areas;
 3. An analysis of erosion trends, annual retreat, and rate of retreat of the beach fronting the revetment which is the subject of this permit, including identification of exactly where repeatable measurements had been taken, e.g. by reference to benchmarks, survey positions, or points shown on engineering plans;
 4. A description and documentation of any migration or movement of rock that has occurred on the site; and
 5. Recommendations for repair, maintenance, modifications or other work to the device needed to correct any rock migration or structural damage, failures or weaknesses, including methods and materials to be used.
- B. If a monitoring report contains recommendations for repair, maintenance or other work beyond that which is authorized by Condition 3, the permittee shall apply for a coastal

development permit or coastal development permit amendment to complete such work, within 30 days of transmitting the report to the Commission.

5. Construction Responsibilities and Debris Removal.

The permittee shall comply with the following construction-related requirements:

- A. Any and all debris resulting from construction activities shall be removed from the beach immediately;
- B. Staging and storage of construction machinery and debris on the beach, or in any other area that may interfere with public access to or along the shoreline, is prohibited. No construction materials or debris shall be placed where they may be subject to wave erosion or dispersion. All construction equipment, materials, and debris shall be removed from the project site immediately upon project completion. Any and all debris from construction and maintenance activities shall be disposed of appropriately in an authorized landfill or recycling facility.
- C. Construction staging shall be conducted as follows:
 - 1. Staging shall occur only from the public parking lot adjacent to the project area;
 - 2. Equipment shall be staged adjacent to the area of work and removed by the end of each day;
 - 3. Rockaway Beach Avenue, San Marlo Way, the public parking lot and the Promenade shall remain open for public access for the duration of the construction;
 - 4. Signs shall be placed to minimize impacts to public access to the parking lot and the beach.

6. Assumption of Risk, Waiver of Liability and Indemnity Agreement.

By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicants and the properties that are the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

7. State Lands Commission Approval.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, either (1) approval of the proposed repair and placement of new rip-rap by the California State Lands Commission, or (2) a written determination by the California State Lands Commission that no such approval is required for the project.

3.0 Findings and Declarations

The Commission hereby finds and declares:

3.1 Project Description

The city constructed the existing seawall and revetment in 1962. The seawall protects a cul-de-sac located at the westerly end of Rockaway Beach Avenue, a public parking lot and a public promenade in this visitor-serving neighborhood. A narrow sandy beach is located below the seawall. Failure of the shoreline protection in this area threatens the existing public access features and public infrastructure.

In 1996 and 1998, the city performed repairs to portions of the revetment, which consisted of retrieving rock rip-rap that had spilled out onto the sandy beach, and importing new rock rip-rap. Rocks have again rolled seaward of the revetment, and several sections of the revetment are lower than the design profile, due to settlement and dislodgement of the armor stone. The proposed project would repair the northern half of the revetment and includes recovering approximately 825 tons of dislodged stone and replacing it onto the revetment, and importing 825 tons of new 10-ton stones. The rip-rap placement area is shown on **Exhibit 3**.

The rock revetment is approximately 1,100 feet long and 18 feet wide. The proposed repair would be located along the northern 550 feet of the revetment and would not increase the footprint. It would add an additional 825 tons of rock or approximately 6% of the total volume of the existing revetment.

The proposed repair would be performed in approximately four working days and staging would be conducted from the public parking lot. The public promenade and parking lot would remain open during construction, and only the portion of the beach where the equipment is being used would need to be temporarily closed. Signage would be placed to delineate areas of the beach that are temporarily closed, and equipment would be removed at the end of each working day.

3.2 Other Agency Approvals

California State Lands Commission

The portion of the revetment that is seaward of the Mean High Tide Line is located on state tidelands. The State Lands Commission (SLC) has stated that the existing structures and the

proposed project would encroach onto State-owned sovereign lands, and therefore, a lease from the SLC is required. Therefore, **Special Condition 7** requires the applicant to provide the Executive Director with written verification of SLC approval of the project, prior to issuance of the permit.

3.3 Permit Authority, Extraordinary Methods of Repair and Maintenance, Shoreline Protection Structures

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures which involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in relevant part:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: . . .

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter. [Emphasis added.]

Section 13252 of the Commission regulations provides, in relevant part:

(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(1) Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(A) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(B) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

...

(D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

...

(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

[Emphasis added.]

The proposed project would not involve replacement of 50% or more of a seawall and thus, may be considered a repair and maintenance project under Section 13252(b) of the Commission's regulations. Section 13252 of the Commission's regulations requires a coastal development permit for extraordinary methods of repair and maintenance enumerated in the regulation. The proposed development involves repair to an existing revetment and placement of additional rip-rap on the beach. The proposed repair and maintenance therefore requires a coastal development permit under Section 13252(a)(1) of the Commission's regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the underlying existing development.

3.4 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.

The existing seawall and revetment protect the public Promenade, which as an important public access feature in Pacifica. Repair of the revetment and seawall would ensure protection of this access.

The public Promenade, public parking lot and beach would only be affected for the duration of the project, which would be approximately 4 days, and only the area with equipment in it would be closed. Construction equipment would be staged at the public parking lot and would be removed by the end of each day.

The rock revetment is approximately 1,100 feet long and 18 feet wide. Some of the rocks have now become dislodged and lie seaward of the permitted footprint, impeding lateral public access along the beach. Under the proposed repair, these rocks would be removed from the beach, restoring the area of lateral access. (See **Exhibit 3**.)

If rocks become dislodged from the revetment in the future, they could obstruct public access along the beach inconsistent with Coastal Act Sections 30210 and 30211. **Special Condition 4** provides for a Shoreline Protection Monitoring Plan, which requires the city to survey the rock revetment and report the conditions to the Executive Director every five years, including a description of any migration or movement of rock that has occurred on the site and recommendations for repair and maintenance to the revetment, thereby preventing future debris from impeding public access on the beach. In addition, **Special Condition 3** requires the city to remove or replace any debris, rock or material that becomes dislodged during construction or after completion of the revetment as soon as possible, but no later than 30 days after the discovery of the need for the maintenance, thereby limiting the amount of time future potential debris on the beach would impede lateral access. Together, these conditions ensure that the beach fronting the revetment will remain free from debris and any rock dislodged from the revetment, and that lateral access along the beach will not be impeded, consistent with Coastal Act Sections 30210 and 30211.

Therefore, the Commission finds that the project is consistent with Sections 30210 and 30211 of the Coastal Act.

3.5 Geologic Hazards and Shoreline Erosion

Section 30253 of the Coastal Act 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.

Section 30253 requires that new development minimize risks to life and property and assure stability and structural integrity, and neither create nor contribute to erosion or geologic stability. The proposed repair and maintenance project has been designed and approved by Skelly Engineering, a licensed engineer. The purpose of the proposed project is to maintain and repair the existing Rockaway Beach revetment. The project is designed to improve the stability and structural integrity of the existing structure.

In order to assure stability and structural integrity of the revetment and seawall, **Special Condition 4** provides for a Shoreline Protection Monitoring Plan, designed to assess movement of the revetment and prevent future failure. The Shoreline Protection Monitoring Plan requires that revetment and beach profile measurements be taken every five years by a licensed professional engineer or surveyor, and that results of the survey be reported to the Executive Director, together with recommendations for any necessary maintenance work. Pursuant to **Special Condition 3**, the City is responsible for removing or replacing any rock or material that becomes dislodged from the revetment as soon as possible, consistent with Coastal Act permit requirements.

The proposed development is located on the Pacifica shoreline, in an area subject to inundation and extreme wave forces, as well as shoreline retreat and erosion. Although the project has been designed by a licensed engineer, the location of the revetment and seawall expose these structures to powerful shoreline processes. The construction of shoreline protection structures involving the use of heavy construction equipment and the placement of large boulders is inherently hazardous. Because the City voluntarily proposes to undertake an inherently hazardous activity, the Commission imposes **Special Condition 6**, requiring the applicant to assume the risks of any injury or damage from such hazards, waive any claim of liability against the Commission for such injury or damage, and indemnify the Commission against any resulting third party claims or liability.

The Commission finds that the project is conditioned to minimize risks to life and property, assure stability and structural integrity of the revetment and seawall, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, and is therefore consistent with Section 30253.

3.6 California Environmental Quality Act (CEQA)

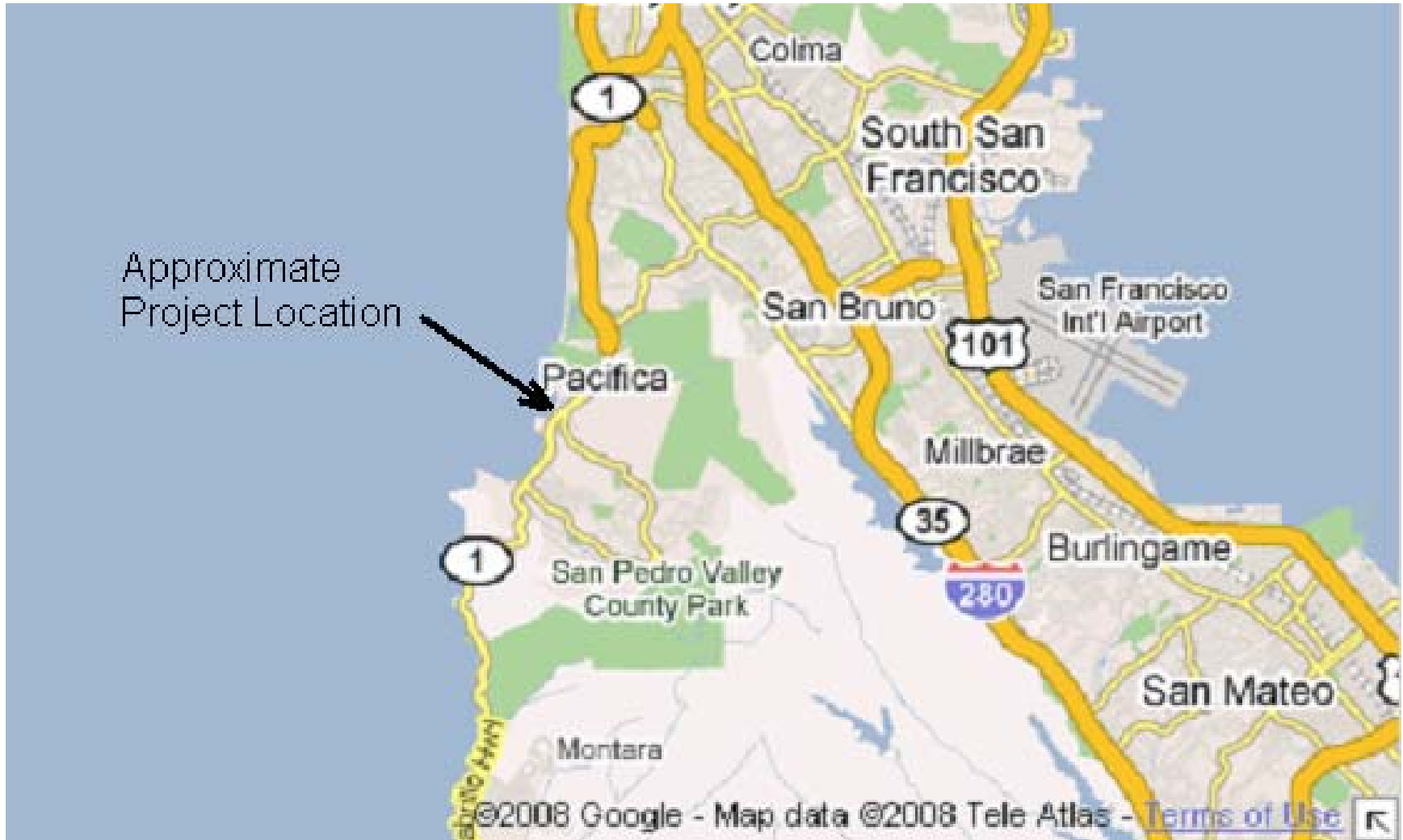
Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing that the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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. The proposed project has been conditioned to mitigate or eliminate any

significant impacts to public access and geologic hazards. 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.

EXHIBITS:

1. Regional map
2. Project location map
3. Plat map

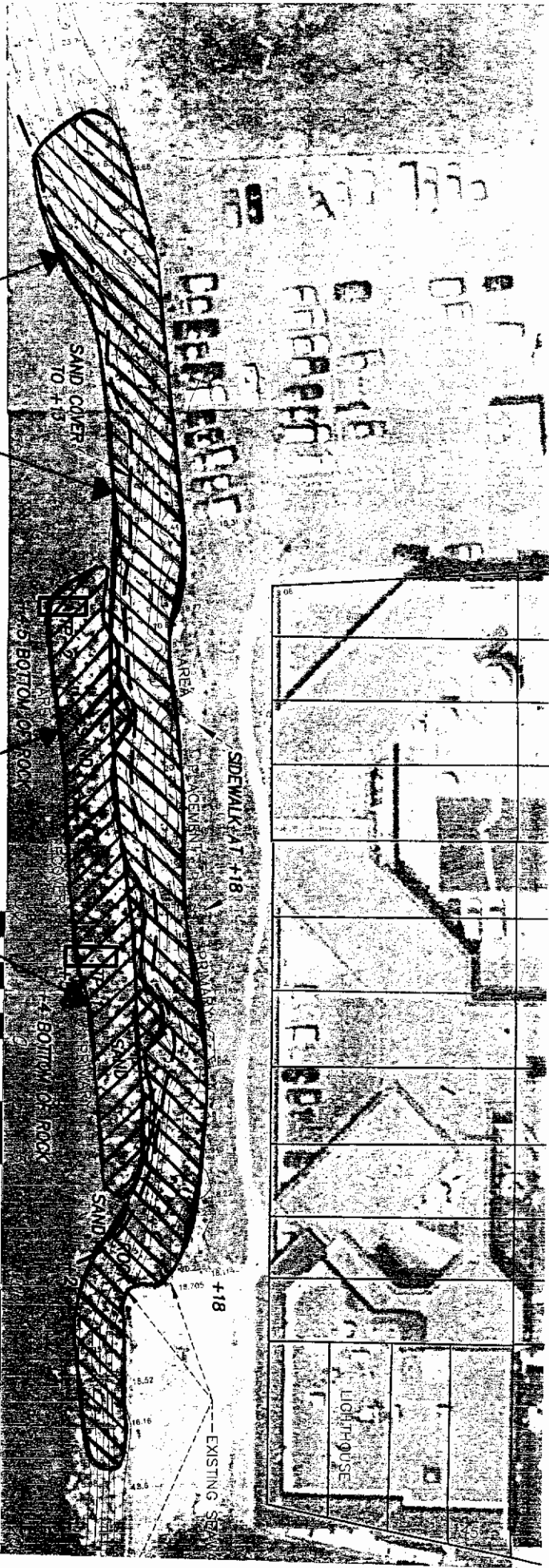


Approximate
Project Location

Exhibit No. 1
Application No. 2-08-004
City of Pacifica



Exhibit No. 2
Application No. 2-08-004
City of Pacifica



Placement Area

Recovery Area

GRAPHIC SCALE: 1" = 50'

EXHIBIT NO. 3
APPLICATION NO. 2-08-004
City & Pacific