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Filed: June 6, 2007
Substantial Issue Found: Sept.6, 2007
Staff: M. Endicott- SF
Staff Report: February 22, 2008
Hearing Date: March 7, 2008

De Novo Hearing STAFF REPORT

APPEAL NO.:	**A-2-PAC-07-022**
APPLICANT:	Pacific Beach, LLC
LOCAL GOVERNMENT:	City of Pacifica
LOCAL DECISION:	Approval with Conditions
PROJECT LOCATION:	1567 Beach Boulevard, Pacifica, CA (APN 016-011-019)
PROJECT DESCRIPTION:	Construction of a nine unit three-story condominium building with 10,575 square-foot subterranean parking garage.
APPELLANTS:	Nancy Merchant, Patrick Rentsch, and Roberta Schuler
STAFF RECOMMENDATION:	**Approve with conditions.**
SUBSTANTIVE FILE DOCUMENTS:	1. City of Pacifica certified Local Coastal Program 2. Initial Study/Mitigated Negative Declaration prepared for the Construction of Nine (9) Condominium Residential Units 1567 Beach Blvd (APN 016-011-019) Pacifica, CA (August, 2006) 3. CDP 2-01-026, City of Pacifica Repairs to Beach Blvd Seawall 4. Supplemental materials submitted by applicant including redesigned project plans dated January 17, 2008.

EXECUTIVE SUMMARY

The City of Pacifica approved with conditions a nine (9) unit, three-story condominium building with 10,575 square-foot subterranean garage at 1567 Beach Boulevard (Blvd). As approved by the City, the project also included flood protection improvements to protect the building and subterranean garage from waves that can overtop the Beach Blvd seawall and threaten the approved development on the inland side of the street. The flood protection improvements involved raising approximately 40 linear feet of Beach Blvd about two (2) feet near the northwest corner of the subject property line to the garage entrance and construction of a retaining wall on the seaward side of the street to support the proposed elevated road and driveway.

Three appellants filed timely appeals for the project contending that the approved development was inconsistent with the City of Pacifica's (City) certified Local Coastal Program (LCP) policies on hazards, shoreline protection, scenic and visual qualities, and public access. One appellant also contended that the approved development does not meet the LCP policy on protecting low and moderate income housing. Another appellant contended that the approved project is inconsistent with the LCP because the applicant has not provided the proper proof of title for the approved development.

On September 6, 2007, the Commission found that that the appeal raised significant questions regarding whether the development approved by the City is consistent with the hazard and shoreline protection policies of the City's certified LCP. In particular, the Commission determined that a substantial issue was raised regarding whether: 1) the approved project would be constructed in a high hazard area in a manner that assured that risks to life and property had been minimized as required by LCP 26(a); 2) the structural integrity of the surrounding area and more specifically, the Beach Blvd seawall, had been adequately assured as required by LCP 26(b) and Section 9-4.4406 of the Implementation Plan; and 3) flood protection improvements to raise Beach Blvd and construct a retaining wall would in effect act as a seawall or shoreline protective device to protect the new development from flooding, inconsistent with LCP Policy 16 prohibiting such a structure unless required to protect existing development.

The project relies on the presence of the existing Beach Blvd seawall to protect it from flooding and coastal erosion; consequently, the long-term structural integrity of this project is tied to the ongoing repair and maintenance of the Beach Blvd seawall. The local records indicate that the existing Beach Blvd seawall may not be structurally sound for the life of the approved project. This instability is also evidenced by previous and current coastal development permit applications by the City to repair the Beach Blvd seawall. Given the uncertain condition of the seawall, the project approved by the City could engender the need for additional shoreline protection through the design life of the project because the existing sea wall: 1) may not be strong enough to protect the size and design of the City approved project; or 2) could necessitate modifications to the existing seawall that go beyond normal maintenance and repair.

Approval of the project as conditioned by the local government would also set a precedent for elevating Beach Blvd as mitigation to prevent flooding of new infill projects along Beach Blvd. It is possible that over time, as redevelopment continues along this section of coast, more

projects would rely on elevating Beach Blvd to mitigate flood risk to new development. The cumulative impact of an elevated road and associated retaining walls could further stress the existing Beach Blvd seawall and revetment enough to cause the structure to fail.

Since the Commission found substantial issue, revisions to the project proposed by the applicant, and supplemental analysis have, to a significant degree, resolved the central issue raised by the appeal, that is the elevation of Beach Blvd and the construction of a retaining wall on the western edge of Beach Blvd opposite the property. By redesigning the project to eliminate the addition of a wall on the seaward edge of the existing Beach Blvd, surcharge on that portion of the seawall has been eliminated. Another key concern of the project design was the raising of 40 feet Beach Blvd by as much as 2 feet (in effect raising the seawall) to direct flow from any wave overtopping opposite the project site southward along Beach Blvd to where other residential buildings exist. After conferring with the applicant, a redesign has been proposed to eliminate raising Beach Blvd and the retaining wall. The applicant has also confirmed that as currently proposed, the project would be safe, without the need for new shoreline protection, for 100 years, as required by the LCP.

Nonetheless, special conditions are needed to ensure that the project is carried out in a manner consistent with applicable LCP provisions and Coastal Act Policies. If adopted by the Commission, Special Condition B1 (Project design change) would minimize the direct impacts of this project on the existing seawall by prohibiting the construction of the retaining wall and the elevation of Beach Blvd. consistent with the applicant's revised project description.

Therefore, staff recommends that the Commission **approve the project with conditions that include**:

(1) Require redesign of the project consistent with the applicant's revised project description to eliminate the retaining wall and the raising of Beach Blvd in front of the project. (Special Condition B1).
(2) Require the permittee to assume the risk of developing in a hazardous location, and waive liability for any such claims of injury or damage against the Commission. (Special Condition B6).
(3) Require the permittee to waive any right to additional shoreline protection device beyond what currently exists for the life of the project. (Special Condition B5).
(4) Require recordation of a deed restriction that binds Applicants and all successors to the property to the terms and conditions of this permit. (Special Condition B7) .
(5) Plan for signage and information for residents and visitors regarding exit routes and procedures for storms and Tsunamis and control of stormwater runoff. (Special Condition B3).
(6) Require a plan for the proper maintenance of the driveway and garage drains. (Special Condition B2)

The motion to adopt the staff recommendation on the De Novo Permit is found on page 8.

Table of Contents

EXHIBITS:

1. Regional Location/Vicinity Map
2. Aerial Photo of Project Site
3. Modified Site Plan
4. Notice of Final Local Action, including May 14, 2007 City Council Resolution and Agenda Summary Report and October 16, 2006 Planning Commission Staff Report
5. Coastal Hazards Study, Skelly Engineering (May 2004)
6. FEMA Flood Inundation Map
7. City of Pacifica Tsunami Inundation Mapping
8. Letter from Nadia Holober re: Alternatives, January 2, 2008
9. Letter from GeoSoils Inc. re: effective Life of Modified Design, January 2, 2008
10. Letter from GeoSoils Inc. re: Impact of Sea Level Rise, October 22, 2007
11. Cotton, Shires & Associates, Peer Review Geotechnical Report, February 13, 2007
12. GeoSoils letters to the City of Pacifica, March 2, 2007 and March 22, 2007
13. Letter from URS re: Review of Existing Seawall, June 24, 2005
14. Photos of waves overtopping onto Beach Blvd
15. Visual Simulations provided by BEST Design & Construction Company

1.0 CONDITIONS OF APPROVAL

A. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

B. Special Conditions

1. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit Final Engineered Plans to the Executive Director for review and approval. The final plans shall conform with the January 17, 2008 plan revisions prepared by Bahram Mozayeny, and the Final Plan shall comply with the following requirements:

(a) **No Raising of Beach Boulevard.** Beach Boulevard shall not be raised from its current elevation.

(b) **No Retaining Wall.** No retaining wall, or other similar structure, shall be constructed on Beach Boulevard between the project and the ocean side.

2. Post Construction Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS**,** the Permittee shall submit to the Executive Director for review and approval, a post construction drainage plan that shall identify the specific type, design, and location of all drainage infrastructure and Best Management Practices (BMPs) necessary to ensure that post construction drainage from the project, parking areas, and the entrance to the driveway does not result in erosion, sedimentation, or the degradation of coastal water quality. Such plan shall clearly identify a drainage system designed to collect, filter, and treat all runoff prior to its discharge from the site and to remove vehicular contaminants and other typical urban runoff pollutants more efficiently than standard silt and grease traps. It shall also describe how the drainage plan shall be implemented (by the Homeowners Association) and require the conditions to be included in the Conditions Covenants & Restrictions. Such plan shall at a minimum provide for:

(a) The drainage system shall include at least one engineered filtration unit to which all drainage from the subterranean garage area shall be directed prior to any discharge from the site. The engineered filtration unit shall be designed to remove, at a minimum, vehicular contaminants, and shall be appropriately sized to handle all parking lot drainage. Such unit may include media designed to remove expected contaminants.

(b) The garage area shall be swept and/or vacuumed at regular intervals and at least once prior to October 15th of each year. Any oily spills shall be cleaned with appropriate absorbent materials. All debris, trash and soiled absorbent materials shall be disposed of in a proper manner. If wet cleanup of any of these areas is absolutely necessary, all debris shall first be removed by sweeping and/or vacuuming, all storm drains inlets shall be sealed, and wash water pumped to a holding tank to be disposed of properly and/or into a sanitary sewer system.

(c) Signage making it clear that no chemicals, soapy water or other materials shall be dumped down the drain shall be posted in the garage and painted on the drains to the entrance of the driveway and in the garage.

3. Tsunami Preparedness Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director a plan for mitigating the hazards associated with tsunamis. The plan should demonstrate that: (i) the existence of a threat of a tsunami from both distant and local sources will be adequately communicated to residents of the property; (ii) Samples of informational flyers that will be provided to owners of the units and examples of the signs and locations of the signs indicating escape routes.

4. No changes to plans without approval. Any proposed changes to the approved plans required pursuant to Special Conditions B1, B2 , and B3 shall be reported to the Executive Director. No changes to the approved Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally necessary.

5. No Future Bluff or Shoreline Protective Device

(a) By acceptance of this Permit, the applicant/landowners agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. A-2-PAC-07-022 in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 or the City of Pacifica's Certified LCP.

(b) By acceptance of this Permit, the applicant/landowners further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this Permit if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

(c) In the event the edge of the bluff recedes to within twenty-five (25) feet of the principal residence but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained

by the permittee, that addresses whether any portions of the development are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the development without shore or bluff protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the development, or any portion of the development, is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the development.

6. Assumption of Risk, Waiver of Liability and Indemnity Agreement. The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term bluff retreat and coastal erosion, stream erosion and scour, wave and storm events, bluff and other geologic instability, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (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; (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; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.

7. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicants shall submit to the Executive Director for review and approval documentation demonstrating that the Applicants has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

8. Incorporation of Mitigation Measures. The permittee shall undertake development consistent with all Mitigation Measures identified in the Mitigated Negative Declaration, which was adopted on May 14, 2007, to the extent they are consistent with B1. Any mitigation measures related to the raising of Beach Blvd or construction of a retaining wall are superseded by Special Condition B1.

9. Future Development. This permit is only for the development described in Coastal Development Permit No. A-2-PAC-07-022. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (b) shall not apply. Accordingly, any future improvements to the permitted structures shall require an amendment to Permit No. A-2-PAC-07-022 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

10. Local Conditions. This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

11. Public Rights. The Coastal Commissions approval of this permit shall not constitute a waiver of any public rights that amy exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

2.0 STAFF RECOMMENDATION

After public hearing, the staff recommends that the Commission approve the 1567 Beach Boulevard coastal development permit with conditions. The proper motion is:

MOTION

I move that the Commission approve Coastal Development Permit No. A-2-PAC-07-022 pursuant to staff recommendation.

STAFF RECOMMENDATION ON 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 an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO APPROVE THE PERMIT

The Commission hereby approves a coastal development permit for the proposed development and adopts findings set forth below on the grounds the development as conditioned will be in conformity with the policies of the certified local coastal program of the City of Pacifica. Approval of the permit complies with the California Environmental Policy Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effect 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.

As conditioned by CDP No. A-2-PAC-07-022 the project will be consistent with the Certified Local Coastal Plan and the public access and recreation policies of the Coastal Act.

3.0 PROJECT BACKGROUND

3.1 Local Government Action

In October 2003, the applicant submitted a proposal for a fourteen unit (14) condominium building with three stories of living space and a subterranean parking garage to accommodate 50 parking spaces and storage. Upon initial review, the City determined that the original 14 unit proposal did not comply with the City's General Plan and Local Coastal Program; the applicant then resubmitted plans for a nine (9) unit complex on November 24, 2003. On July 18, 2005, the City's Planning Commission held a study session to allow for public participation in the review of the proposed 9-unit condominium project.

On October 16, 2006, the City of Pacifica Planning Commission voted to adopt the Mitigated Negative Declaration (MND) for this project and conditionally approved the coastal development permit to construct a three-story residential condominium development consisting of 10,575 square feet of subterranean garage area and nine residential units (Exhibit 4). The approved project included construction of two retaining walls along the west and east side of a 20-foot wide driveway off Beach Blvd into the garage. The approved project also included increasing the elevation of the existing seawall located on the ocean side of Beach Blvd directly in front of the site from 23.7 feet to 27 feet above sea level in order to protect the proposed below-grade garage from wave overtopping. The Planning Commission also approved a Site Development Permit, Use Permit, and Tentative (Condominium) Subdivision Map Permit at this hearing. The staff report for the October 16 hearing states that an encroachment permit would also be required to allow for proposed landscaping to the north of the site on the Bella Vista Avenue right-of-way.

A local appeal was filed and brought before the City Council on January 22, 2007. At this hearing, the City Council voted to continue this item and requested that the City's geotechnical consultant develop a scope of work for peer review of the flood protection improvements along Beach Blvd to ensure the improvements were designed so as not to result in significant adverse impacts. In addition, the Council requested that the applicant address a boundary dispute that was raised by a neighbor along the northern portion of the site.

The City Council held another public hearing on this project on April 23, 2007. The Council considered revised plans submitted by the applicant that eliminated the proposed elevation increase of the existing seawall located directly in front of the site. Instead the applicant proposed raising about 40 feet Beach Blvd approximately two (2) feet bringing the section of Beach Blvd fronting the property to a height of 27 +/- Mean Sea Level (MSL). The applicant also proposed to build a two-foot high retaining wall along the raised portion of Beach Blvd from the proposed fire turn around to the garage entrance. Both the elevated Beach Blvd and retaining wall would serve as flood protection improvements. The City Council was divided over the issue of requiring a full Environmental Impact Report (EIR) for the project with the revised flood protection improvements and continued this item to the next City Council meeting.

On May 14, 2007, the City Council considered and approved with conditions the coastal development permit (CDP) for this project as submitted on April 23, 2007.

3.2 Filing of Appeal

The Commission received the Notice of Final Action for the City's action on the CDP application for the approved development on May 23, 2007 (Exhibit 4). In accordance with the Commission's regulations, the 10-working-day appeal period ran from May 24 through June 7, 2007 (14 CCR Section 13110). On June 6 and 7, 2007, within 10 working days of receipt by the Commission of the Notice of Final Local Action, Nancy Merchant, Patrick Rentsch, and Roberta Schuler appealed the City's action on the locally approved CDP to the Commission.

3.3 Appeal Process

After certification of LCP, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with a certified LCP 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. On September 6, 2007, the Commission found that the appeals raised substantial issues of conformity of the approved project with City's LCP policies 16 (Shoreline Protection), and 26 (construction in high hazard areas and coastal armoring restrictions). The Commission found that the appeals did not raise substantial issues with respect to LCP Policies 24 (Visual and Scenic), 25 (Land Use and Public Access) and questions regarding ownership of property underlying the project area.

Under section 30604(b), when the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified LCP.

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 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.

While the only persons qualified to testify before the Commission on the substantial issue question are the Applicants, persons who made their views known before the local government

(or their representatives), and the local government, any person may testify during the de novo stage of an appeal.

4.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

4.1 The Commission hereby incorporates herein its staff report for the September 6, 2007 substantial issue hearing.

4.2 Project Location and Description

The proposed development is a three-story building consisting of approximately 10,575 square feet of subterranean garage area and nine (9) condominium residential units totaling approximately 18,678 square feet. Each condominium would contain three bedrooms with 2 -1/2 baths with living areas ranging from 2,011 to 2,079 square feet. There will be 4,211 square feet of common and private open space. The subterranean garage would provide twenty-one (21) parking spaces, two for each unit and three guest spaces, with an additional storage area for each unit.[1] Access to the parking area would be provided by a 20-foot driveway that would be elevated above from Beach Blvd approximately two feet and enter the garage at the north end of the property. Space for a fire truck turn around would also be provided as required by the Fire Department, a portion of which would be located within the front property boundary of the site.

The property is a 0.421 acre-lot located at the north end of Beach Blvd on the inland side, in the West Sharp Park neighborhood (Exhibit 1). The site fronts the Pacific Ocean and the Beach Blvd seawall. In order to provide protection from waves that overtop the Beach Blvd seawall, the project originally proposed by the applicant included flood protection improvements that involve elevating about 40 feet of Beach Blvd up to two feet near the northwestern corner of the site bringing Beach Blvd to a height of 27 +/- MSL at its highest point, and building a retaining wall to accommodate the northern portion of the elevated road. As originally proposed by the applicant, the retaining wall would be built as a separate structure from the existing seawall on the seaward edge of Beach Blvd, starting 15 feet northwest of the end of Beach Blvd, and have a maximum height of two and a half feet. A trench drain would be installed at the garage entrance to prevent water from entering the garage. The drain would have the capacity to move a volume of water equal to the volume of the garage in two hours and would use an 18-inch diameter pipe to discharge water through an existing, nearby storm drain discharge headwall at the beach.

Subsequent to the SI hearing, the applicant proposed modifications to the project that would remove the construction of a retaining wall on the seaward edge of Beach Blvd and cancel the raising of approximately 40 feet of the northern end of Beach Blvd. (Exhibit 3) Special Condition B1 incorporates those changes.

The site's zoning designation is R-3 (Multi-Family Residential/Coastal Zone Combing District), which allows multi-family residential buildings. Existing development in the area consists of:

[1] Local zoning requires 20 off street spaces be provided for a project of this size.

single family residential structures to the north; four-plex, single-family, duplex, and triplex residential structures to the south (which also abut the eastern edge of Beach Blvd); and a three-story apartment complex to the east (behind the site).

The site is relatively flat and partially covered with ice plant, small shrubs and non-heritage trees. The vacant site was originally developed with a two-story single family residence and two-car detached garage. The residence was demolished over two years ago, although the detached garage still remains (Exhibit 2). This site originally consisted of seven lots that were merged into one 17,962 square foot lot in 1985 under the City's Merger Ordinance.

4.3 De Novo Issue Analysis

On September 6, 2008, the Commission found that the appeals raised substantial issues and that the project merited a De Novo Hearing. Having found that the project raised substantial issue with respect to the conformity of the approved project with the certified LCP, the Commission took jurisdiction over the CDP application for the proposed project. The standard of review for this application is the City of Pacifica's certified LCP policies on hazards and provisions regarding shoreline protection, and the Coastal Act's access and recreation policies.

4.3.1 Hazards and Shoreline Protection

Applicable LCP Policies:

LCP Policy 16 states (in relevant part):

> *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply*. [Emphasis added.]

LCP Policy 26 states:

> *New development shall:*
>
> *(a) Minimize risks to life and property in areas of high geologic, flood and fire hazard.*
>
> *(b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or the destruction of the site or surrounding area or in any way require the construction of a protective devices that would substantially alter natural landforms along bluffs and cliffs*. [Emphasis added.]

Applicable Implementation Plan (IP)/Zoning Code Policies:

Section 9-4.4406 Shoreline Protection (in relevant part)

> *(c) Development Standards. The following standards shall apply to all new development along the shoreline and coastal bluffs.*
>
> *(1) Alteration of the shoreline, including diking, dredging , filling and placement or erection of a shoreline protection device, shall not be permitted unless the device has been designed to eliminate or mitigate adverse impacts on local shoreline sand supply and it is necessary to protect existing development or to serve coast-dependent uses or public beaches in danger from erosion or unless, without such measure, the property at issue will be rendered undevelopable for any economically viable use;*
>
> *(2) Consistent with the City's Seismic Safety and Safety Element, new development which requires seawalls as a mitigation measure or projects which would eventually require seawalls for the safety of the structures shall be prohibited, unless without such seawall the property will be rendered undevelopable for any economically viable use;* [Emphasis added]

Discussion

a) Risk to Life and Property

LCP Policy 26 (a) requires that "new development minimize risks to life and property in areas of high geologic, flood and fire hazard." The administrative record indicates that this project is located in and adjacent to areas of high flood hazard.

Potential Flooding Issues: As stated in the staff report for the September 6, 2007 SI hearing, the Mitigated Negative Declaration (MND) for the approved development states that the project involves construction of housing within the 100-year flood zone without construction of levees or dams. The MND also states that the site is adjacent to areas of 100-year coastal flood. This indicates that the site is within an area of high flood hazard. Immediately seaward of the site is an area known as a velocity flood zone. Velocity flood zones, also known as V-zones or coastal high hazard areas, have been identified by FEMA as areas where wave action and/or high velocity water can cause structural damage in the 100-year flood, which is a flood with a one-percent chance of occurring or being exceeded in a given year and where it is possible that the area could by inundated by fast moving water.[2] Despite the written description in the MND, the FEMA map for the area notes that the V zone boundary runs north-south and is located along the western edge of the seawall and that the project would be located across Beach Blvd from that delineation. Thus, the western third of the applicant's property is located in Zone B (which denotes flood hazard every 100 to 500 years) rather than Zone A (which denotes flooding every 100 years. (See Exhibit 6).

[2] Quigley, Wendy, "The Art and Science of Identifying Flood Zones," 2002. http://www.mass.gov/czm/coastlines/2002/pdf/c26.pdf

Regardless of whether the subject site is located in Zone A or Zone B, there is no question that the project is located in a hazardous area. The local government records, correspondence and photographs indicate that wave overtopping during storm events and tsunami events pose a real hazard along Beach Blvd.

The Coastal Hazard Study (Exhibit 5), completed by Skelly Engineering in 2004 for this project, determined that waves overtopped the existing Beach Blvd seawall and revetment system fronting the approved project site at elevations of approximately 23 MSL and that wave driven water over the seawall was observed to be approximately one to two feet high. Skelly also stated in this report that the overtopping occurs on average a few times per year. As a result, the originally proposed project design included raising the seawall to a height of 25 MSL as a way to further minimize the risks of flooding posed by the project's location. This element of the project was subsequently abandoned. Subsequently the applicant received local approval for a project that envisioned raising of the road fronting the site of the project that runs along the edge of the seawall and building a 2.25 foot high retaining wall to hold the associated fill required to raise the road. Even with these flood mitigations, a March 2, 2007 letter from Skelly to the City (Exhibit 12) acknowledges that the proposed project, namely the subterranean garage, would be subject to short term flooding due to wave overtopping. Additional mitigations, such as the trench drain installed at the garage entrance and blocking the entrance with sand bags when storm conditions are anticipated are suggested by Skelly so that overtopping waters will not significantly impact the approved development. Correspondence from the City's geotechnical consultants, Cotton, Shires and Associates (CSA) to the City also suggests that flooding of the garage is anticipated because CSA expects that all condominium owners and buyers will be informed that flooding of the garage and storage level may occur several times a year.

Potential Risks from Tsunamis: The applicant's coastal engineer, David Skelly, concludes in his tsunami evaluation for this project that because the approved development is built according to Uniform Building Codes, is above 25 feet above sea level, and is protected by an existing quarry stone revetment, "it is reasonably safe from tsunami hazards." Conversely, the Commission's Senior Coastal Engineer determined that the approved development would be located within an area of high flood risk and potential inundation from an extreme tsunami event. The City's tsunami inundation mapping (Exhibit 7) shows that this location can also be subject to inundation from an extreme tsunami event. In a letter from Nadia Holober, dated January 2, 2008, the first floor living space above the underground garage is described as being at 30 feet MSL.[3]

In addition, it appears from photos submitted by the appellants for the SI hearing that wave overtopping has the potential to put lives and property at risk (Exhibit 14). While the proposed raising of Beach Blvd and the construction of a trench drain at the garage entrance are meant to minimize the risk of flooding the garage, risks to vehicular and pedestrian access to and from the property during periods when wave overtopping are significant. The wave overtopping has the potential to create hazardous conditions because of the amount of water and the potential for the wave energy to move debris across the revetment onto the street. More specifically, appellants

[3] Nadia Holober is the applicant's representative.

describe conditions in which wave overtopping was strong enough to damage an existing steel handrail that was designed to protect pedestrians walking along the seaward side of Beach Blvd.

Project Alternatives to Minimize Flooding and Tsunami Risk: The 2004 Coastal Hazard Study states that wave overtopping along Beach Blvd occurs on average, a few times per year; this risk is substantiated in Skelly reports regarding the condition of Beach Blvd (2002) that also describe waves as "high energy" and overtopping as "excessive and significant" to justify additional repairs to the seawall. In comparison, in the local record for this project, final project letters between Skelly and the applicant describe the frequency and severity of wave overtopping as a "rare" event having minimal effect on the seawall itself or the road (Exhibit 12).

However, because the record and experience suggests that there is indeed some risk to life and property in the project area from flooding and tsunami, it is necessary to consider potential alternatives to the project design consistent with LCP Policy 26 (a). Indeed, some people are attracted to the area during storm events and the roads are closed off by the City upon occasion. However, short of having no project at all, the risk to the people walking or driving along Beach Blvd is similar to that of the existing neighboring residential units immediately south of the project site. Downsizing the project could incrementally lessen the risk to life and property by drawing fewer residents and guests to the site. This site was previously the location of a two story single family residence with a detached garage.

A project that has at-grade parking would still expose residents at the project site to the same risks faced by existing neighboring residences as they commute to and from the site. In a letter submitted by the applicant, dated January 2, 2008, (See Exhibit 8), the applicant contends that a below grade design has advantages over at grade parking for the following reasons:

> *We believe that the street level parking design is less preferable than the proposed Project design that includes below-grade parking primarily for the three following reasons: (1) The garage entrance for the street level parking design would be at a lower elevation (entrance ~+25.5 feet MSL) than the City-approved design (entrance ~+27 feet MSL) and would be oriented toward the ocean such that very extreme wave runup would flow directly into the garage opening, resulting in a greater likelihood of water entering the garage during very extreme wave runup events; (2) The below-grade parking design elevates the first floor above ~+30 feet MSL, thereby better protecting the first-floor residences and residents during very extreme wave runup events than does the street level parking design (residences ~+25.5 feet MSL); (3) The below-grade parking design results in a structure that is more aesthetically pleasing.*

Sea Level Rise: Finally, there are also concerns regarding whether the existing seawall can adequately protect the approved project in light of sea level rise. Although Skelly's Coastal Hazard Study recognizes that there may be between eight to twelve inches of sea level rise within the next 50 to100 years due to global warming, his analysis does not address whether the resulting magnitude and frequency of wave overtopping will require improvements to the Beach Blvd seawall that go beyond authorized maintenance or repair. Moreover, both the FEMA flooding and the tsunami run-up mapping identify areas that would be subject to inundation based on current sea level conditions. These mapping efforts do not attempt to project future hazards that could result from any rise in sea level above current water level conditions. At least as to the issue of sea level rise, the greater height of the level first floor in the subterranean

garage alternative reduces the risk when compared to at-grade parking in this site.

Conclusion: In addition to the fact that the garage entrance is in Zone B rather than Zone A or V, the applicant contends that because a garage is not considered to be a living area, periodic flooding of the garage is allowed, and the risk to life and property is minimized to the extent necessary to meet the requirements of LCP 26 (a). The Commission agrees, in this situation, that the additional incremental risks to life and property that may be entailed by the underground garage and associated project density are not significant enough to justify major redesign of the project. The risks for the subject development are similar to those for adjacent residential buildings. However, it is important that residents be adequately warned about the risks of storms and inundation, and so Special Condition B3 would require posting of warning signs at the garage entrance and in the garage area warning residents of the potential for flooding and information regarding rapid escape routes. In addition Special Condition B6 requires that the applicant clearly assume these risks.

b) No Potential for Significant Impacts to the Stability and Structural Integrity of the Surrounding Area from construction of a Subterranean Garage.

LCP Policy 26 (b) requires that a project must assure the stability and structural integrity of the surrounding area. Regarding whether excavation for the subterranean garage, at this location, would cause damage to adjacent properties, the applicant's geotechnical analysis and City's peer review conclusions indicate that by adhering to construction condition 16 during excavation, the proposed project would not adversely impact the structural integrity of the surrounding area, buildings or public services infrastructure. Condition 16 requires that applicant comply with all Mitigation Measures that are part of the MND including the provision that excavation within ten feet of an existing building be appropriately sloped and that underpinning piers should extend at least two feet below the garage depth and by at least two feet square. The Commission's Staff Geologist has reviewed the geotechnical issues and concurs with this conclusion. In addition, in order to assure that drainage from the garage, as well as the project, is properly maintained and operating so that it does not affect the stability and structural integrity of the surrounding area Special Condition B2 requires a Post Construction Drainage Plan to be submitted for approval by the Executive Director. Therefore, Special Condition B8 imposes the MND Mitigation Measures as a condition of this coastal development permit. As conditioned, by Special Conditions B1, B2 and B8, the proposed subterranean garage is consistent with LCP Policy 26(b).

c) Potential Impacts on the Stability and Structural Integrity of the Surrounding Area from construction of a retaining wall and raising of Beach Blvd. are Eliminated from the Proposed Project by the Applicant.

While there may be no identifiable surcharge on the surrounding area due to the construction of the subterranean garage, the project, as approved by the City, permitted the applicant to raise 40 feet of Beach Blvd by about 2 feet at the northern end of the boulevard in front of the project site. It also allowed for construction of a retaining wall on the seaward edge of the street and the seawall. Given the condition of Beach Blvd and the seawall, there were fundamental concerns that these changes to a portion of the Beach Blvd could affect the structural integrity and performance of the shoreline protection for existing development around the property in conflict with LCP 26(b). In this case, Beach Blvd and its associated seawall, serve to provide protection

for the properties surrounding the project, particularly those to the south of the site which would be at the receiving end of water directed downhill if a portion of Beach Blvd were to be raised above them. The modified project, however, removes these two elements of project design.

That the proposed project was revised by the applicant to eliminate the retaining wall and the raising of Beach Blvd. is significant because the Commission's Senior Coastal Engineer made the following determinations based on her review of the coastal and geotechnical analysis of record for this project before it was modified that indicate that all concerns regarding the impact of the raised road on the seawall had not been adequately addressed:

1. Beach Blvd is overtopped by wave uprush and wave spray so that there can be several inches of water on Beach Blvd that result from wave overtopping. The elevation of the road and associated retaining wall could add to the interference with the wave shoreline interactions already caused by the revetment in this location. This fact is acknowledged but not adequately addressed in the record.

2. The elevated road will change the volume and velocity of the flows that are conveyed to the storm drain system. While the decrease in volume would be beneficial, the increase in velocity would not be beneficial. Neither factor was discussed in the analysis of the road elevation portion of the project.

3. In the past few years, the City of Pacifica has had two separate coastal development permit applications before the Commission to do repairs to the existing Beach Boulevard revetment and the most recent permit indicate that additional work will still be needed. This work by the City indicates that the existing revetment, in its current configuration and with its permitted footprint, may not be able to protect the elevation of Beach Boulevard for the expected life of the project. This is especially of concern given that there will not be revetment rock fronting the elevated portion of Beach Blvd as there is for the rest of the existing Beach Blvd revetment and given that any future rise in sea level is likely to exacerbate current erosion and inundation conditions throughout this region.

Given the status of the existing Beach Blvd., a project built to include raising portions of Beach Boulevard and the addition of a retaining wall, would be inconsistent with LCP Policy 26(b) as it does not assure the structural integrity of the surrounding area and could increase flow to the neighboring properties. However, the Commission finds that the proposed project, as revised by the applicant and conditioned by Special Condition B1, eliminates the raised road bed and the retaining wall that could lead to the surcharge of Beach Blvd and the seawall. Therefore, the proposed project, as revised by the applicant and conditioned by Special Condition B1**,** is consistent with LCP Policy 26(b).

d) Eliminating the Potential for Significant Re-armoring of an Existing Seawall

Another relevant portion of LCP Policy 26(b) states that new development shall not "…in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." Section 9-4.4406 states that "new development which

requires seawalls as a mitigation measure or projects which would eventually require seawalls for the safety of the structures shall be prohibited, unless without such seawall the property will be rendered undevelopable for any economically viable use."

Significant re-armoring or improvements to the Beach Blvd seawall that go beyond the realm of repair and maintenance are tantamount to a new or expanded seawall. Based on discussion of the status of the existing seawall, it is reasonable to assume that the surcharge on the existing street and its associated seawall could lead to failures requiring improvements that might include extending or raising the height of the wall so as to provide protection from high waves or reconstruction of the wall to replace deteriorating sections or sectional collapses. By definition, Section 30610(d) of the Coastal Act confines repair and maintenance to activities that do not enlarge or expand the object of the repair. If the approved project would engender the need for such significant re-armoring of the existing seawall, it would constitute "construction of protective devices that would substantially alter natural landforms along bluffs" or would "eventually require additional shoreline protection" above and beyond what the existing seawall can provide. New development that would eventually require construction of shoreline protective devices is prohibited by LCP Policy 26(b) and Section 9-4.4406.

However, because the project has been revised to eliminate both the retaining wall and the elevation of Beach Blvd., the potential surcharge on the seawall from these project components has been eliminated. Therefore, the revised project will not engender the need for future shoreline protection due to surcharge on the existing wall. The Commission therefore finds this aspect of the proposed project, as revised by the applicant and conditioned in Special Conditions B1 and B5, consistent with LCP Policy 26(b) and Section 9-4.4406 of the City's certified LCP.

The remaining component of the revised project is a three-story building consisting of approximately 10,575 square feet of subterranean garage area and nine (9) condominium residential units totaling approximately 18,678 square feet. The property is a 0.421 acre-lot located at the north end of Beach Blvd. It is set about 50 feet back from the edge of the existing seawall. The living area occupies two floors above the garage at 30+/- ft MSL. Pursuant to the revised plan as required by Special Condition B1, the entrance to the garage is still at 27 +/- ft MSL, and the subterranean garage faces north at right angles to the wave direction. A large capacity, trench drain precedes the entrance to the garage to catch wave runup from overtopping.

Two primary coastal hazard studies were conducted as part of the local review process one by applicant's consultant Skelly Engineering in May 2004 and it was peer reviewed by the City's consultant, Cotton, Shires and Associates in April of 2006. The current seawall is at 23.7 ft MSL. When considering the earlier designs that involved altering the seawall and Beach Blvd, the City felt that the system needed to be at 25 feet MSL to "provide full protection to the below grade garage at the site." (see Exhibit 4, page 25). The plan approved by the City, which involved raising Beach Blvd and construction of the retaining wall was directed at achieving a 27 ft MSL protection from overtopping for the project. These reports were supplemented with several further studies examining the revised project and potential impacts on the project due to periodic flooding from severe storms or tsunamis. In his October 22, 2007 report, "Discussing Sea Level Rise Impacts on Pacific Beach," Skelly examined a 1-3 foot sea level rise. Using US Army Corps of Engineers Automated Coastal Engineering System (ACES), he examined the

overtopping rate for a still water level of +8.5 feet MSL (3 feet over the current observed maximum level). He concludes, "As it is currently designed, the project is capable of withstanding a sea level rise of about 3 feet and the associated increase in frequency of overtopping of the shore protection." (Exhibit 10, p. 6). [4] In a letter on January 2, 2008, he also certifies that the revised project will also not be significantly impacted by wave runup and overtopping over the life of the proposed development (100 years). (Exhibit 9).

Therefore the Commission finds that the revised project is designed in such a way as to not engender the need for a future shoreline protective device.

Notwithstanding the FEMA flood zone designation, the applicant is proposing to construct nine new residences that are located on the immediate coast behind a sea wall that is subject to periodic overtopping during severe storms and to potential tsunamis. New development can only be found consistent with the above-referenced LCP provisions if the risks to life and property from the geologic hazards are minimized and if a shoreline or bluff face protective device would not be needed in the future. The record contains information from the City's own and the applicant's consultants that the revised development would be safe from flooding and would not require any devices to protect the proposed development during its useful economic life.

Although coastal engineering and geological studies are necessary and useful tools that the Commission relies on to determine if proposed development is permissible, the Commission finds that such evaluations alone is not a guarantee that a development will be safe from flooding due to storms, tsunamis or sea level rise. Site-specific geotechnical and engineering evaluations cannot always accurately account for the spatial and temporal variability associated with coastal processes and therefore cannot always absolutely predict what will occur. Therefore, the project site is subject to significant inherent hazards and could potentially someday require a bluff or shoreline protective device, inconsistent with LCP 26(b). The Commission finds that the proposed development could not be approved as being consistent with LCP 26(b) if storm, sea level rise or erosion affect the proposed development and necessitate construction of a shoreline protective device to protect it.

Based upon the reports prepared by the City's and the applicant's engineers, and as reviewed by Commission staff, the Commission finds that the risks, even if minimized and modeled, cannot be completely eliminated. Therefore the Commission finds that the revised plan could be found consistent with the certified LCP only if it is established that shoreline protective works will not be constructed in the future, as asserted by the applicants. Thus, the Commission further finds that due to the inherently hazardous nature of the project site, the fact that the approved development and its maintenance may cause future problems that were not anticipated, and because the LCP requires that in the permitting of new development the need for shoreline protective devices shall not be engendered, it is necessary to attach Special Condition B5 and B6 to ensure that no future shoreline protective device will be constructed as proposed by the applicants.

[4] Skelly contends that current consensus suggest a sea level rise over of 100 years, of somewhere between 1-2 feet maximum.

e) Assuring that Development Does Not Include Shoreline Device to Protect New Rather than Existing Development (LCP 16)

LCP Policy 16 permits shoreline protective devices, such as revetments, breakwaters, cliff retaining walls or other construction that alters natural shoreline processes, when required to serve coastal-dependent uses or to protect existing development or public beaches. As originally proposed, the project would have raised forty feet of the road (Beach Blvd) fronting the property approximately two feet and construction of a retaining wall along the northern edge of the property line and driveway to minimize risks of flooding to the property. By function, these originally proposed improvements are in essence shoreline protection devices required to protect new rather than existing development because they were designed as mitigations to prevent the subterranean garage from potential flooding due to overtopping from severe storm events.

As shoreline protection is only permitted by LCP Policy 16 when required to serve coastal dependent uses or protect existing structures or public beaches the originally proposed project design was inconsistent with LCP 16.

However, the applicant has revised the proposed project to eliminate the raised road and the retaining wall. As revised by the applicant and conditioned by Special Conditions B1 and B5 to eliminate the raised road and the retaining wall, the proposed project is consistent with LCP Policy 16 of the certified LCP.

f. Conclusions Regarding Shoreline Protection and Hazards

The Commission thereby finds that this project, as revised by the applicant and conditioned by the Commission, is consistent with LCP Polices 16, 26 and Section 9-4.4406 of the IP/Zoning Code because the project revisions eliminate the project elements that had the potential for direct impacts on the existing seawall in front of the property. As revised by the applicant and conditioned by the Special Conditions, the proposed project will not have a significant adverse impact on the existing Beach Blvd seawall, does not redirect runoff in the direction of existing development and is therefore consistent with LCP Policies 16, 26 and its Implementation Plan. The acknowledged periodic flooding and risk from tsunamis and extreme storm events to the underground garage, and to the pedestrians and traffic along Beach Blvd cannot be further significantly mitigated by altering the design of the project short of a major downsizing or no project alternative. Reduction in size of the project, or requiring at-grade parking, in this circumstance, will not alter the exposure of people to the potential hazards to which existing neighboring housing is exposed. Special Condition B3 will assure that people are alerted to the maximum extent possible of the potential risks during storm and tsunami events.

4.3.2 Assumption of Risk

The experience of the Commission in evaluating the consistency of proposed developments with LCP policies regarding development in areas subject to problems associated with geologic instability, wave and/or erosion hazard, has been that development in such dynamic environments are susceptible to damage due to such long-term and episodic processes. As a result, permits for development in such areas must require the permittee to acknowledge site geologic, wave and/or erosion risks, assume the risks to the permittee and the property from such hazards, and agree to waive any claims of liability against the Commission as a result of

permitted development.

Although the Commission has sought to minimize the risks associated with the development proposed in this application, the risks cannot be eliminated entirely. Given that the Applicants have chosen to pursue the development despite these risks, the Applicants must assume these risks. Accordingly, this approval is conditioned for the Applicants to assume all risks for developing at this location (see Special Condition B6).

As noted above, some risks of an unforeseen natural disaster, could result in destruction or partial destruction of the development approved by the Commission. In addition, the development itself and its maintenance may cause future problems that were not anticipated. When such an event takes place, public funds are often sought for the clean up of structural debris that winds up on the beach or on an adjacent property. As a precaution, in case such an unexpected event occurs on the subject property, Special Condition B5 requires that the landowners accept sole responsibility for the removal of any structural debris resulting from such unforeseen natural disasters, and agree to remove the condominiums should the bluff retreat reach the point where a government agency has ordered that the structure not be occupied.

The Commission finds that Special Conditions B6 and B7 are also required to ensure that the proposed development is consistent with the certified LCP. These Special Conditions are required to provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely into the future, or that a protective device could be constructed to protect the approved development. Special Condition B7 requires that the applicant record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

Finally the Commission further notes that Section 30610(b) of the Coastal Act and Section 9-4.4303(h) of the City's Coastal Zoning Ordinance exempt certain improvements to existing development from coastal development permit requirements. Pursuant to this exemption, once the structure has been built, certain improvements that the applicant might propose in the future are generally exempt from the need for a permit or permit amendment.

However, Section 30610(b) requires the Commission to specify by regulation those classes of development which involve risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(b) of the Coastal Act, the Commission adopted Section 13253(b)(6) of Title 14 of the California Code of Regulations. Section 13253(b)(6) specifically authorizes the Commission to require a permit for improvements to existing structure that could involve a risk of adverse environmental effect if the permit for the original structure so indicates. Therefore, pursuant to Section 13253(b)(6) of the Commission's regulations, Special Condition B9 expressly requires all future improvements to the approved development to obtain a coastal development permit so the County and the Commission will have the ability to review all future development on the site to ensure future improvements will not be sited or designed in a manner that would result in adverse environmental impact. As discussed above, Special Condition B7 also requires that the applicant

record and execute a deed restriction approved by the Executive Director against the property that imposes the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Special Condition B7 will also help assure that future owners are aware of those CDP requirements applicable to all future improvements.

The Commission thus finds that the proposed development, as conditioned, is consistent with the policies of the certified LCP including LCP 26, 16, and Zoning Code Section 9-4.4406, since the development as conditioned, will not have adverse impacts on the stability of the existing seawall, will not require the construction of shoreline protective works, will minimize risk to life and property, and will protect public access.

4.3.3. Public Access

When reviewing a project located between the first public road and the sea, Section 30604 (c) requires that the Commission makes specific findings of conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

Coastal Act Policies

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.*

Section 30212 (in relevant part) of the Coastal Act states:

> *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is consistent with the public safety, military security needs, or the protection of fragile resources, (2) Adequate access exists nearby, or (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area..

LCP Policy 25 states:

The location and amount of new development should maintain and enhance access to the coast by:

a) Facilitating the provision or extension of transit service;
b) Providing commercial facilities within or adjoining residential development, or in other areas that will minimize the use of coastal access roads;
c) Providing non-automobile circulation within the development;
d) ***Providing adequate parking facilities or providing substitute means of serving the development with public transportation****;*
e) Assuring the potential for public transit for high intensity uses such as high-rise office buildings; and
f) Assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

Discussion

As required by LCP25 (d) it is important that the project provide adequate parking so that the proposed project does not adversely affect the ability of visitors to access the coast. As designed, the approved project, including the subterranean garage, provides two parking spaces for each residential unit and three guest parking spaces. The City's Zoning Code Section 9-4.2818 specifies that new multi-family residential developments, including condominiums, shall provide two (2) spaces for each unit of 2 or more bedrooms. In addition one space to accommodate guest parking shall be provided for each four (4) units and at least one of the required off-street parking spaces per unit shall be in a garage or carport.

The proposed 9-unit building would therefore require 18 off-street parking spaces, of which 9 spaces must be provided in a garage or carport, plus 2 guest spaces.[5] Since the proposed project includes 21 parking spaces, one more than is required by the Zoning Code, it meets the City's certified parking requirements. Although a lack of adequate parking spaces for residential units surrounding the project site may contribute to parking conflicts in the area, evidence in the record does not support the contention that this proposed project would further exacerbate this conflict nor does it appear that this project would limit parking in the area for beach access. The City recognized the need for public parking at the north end of Beach Blvd when the LCP was certified in 1980. However, as discussed further below, public access to the beach from Beach Blvd currently exists at the corner of San Jose Avenue and Beach Blvd and public parking for

[5] Section 9-4.2818(a)(2) of the Pacifica Zoning Code specifies that when the determination of the number of guest parking spaces results in the requirement of a fractional space, the fraction shall be disregarded.

this beach access is provided just south of this location where Beach Blvd intersects Monticeto Avenue.

Since certification of the LCP, the City has built a public access stairway along Beach Blvd at the intersection with San Jose Avenue to provide vertical access down to the beach from Beach Blvd in this location. As a result, the proposed development does not interfere with any existing public access points identified in the certified LCP.

Upon occasion, the City does need to access to the beach for the repair and maintenance of the Beach Blvd sea wall and therefore the proposed project could create a temporary conflict between residents and the City's needs to access the beach at this location. However, the record indicates that the Public Works Department would still be able to use this area as they do now to access the seawall for repair and maintenance purposes. In the minutes from the April 23, 2007 City Council hearing, Councilmember Lancelle stated that she was concerned about whether the fire turnaround at the northwestern corner of the property would block maintenance equipment from accessing the beach to repair the revetment. The City Planner responded that the City Engineer had concluded that the flood protection improvements and fire turnaround would not prevent any equipment from accessing the seawall to do future repairs.

Finally, regarding the approved project's impact on new or existing access, although there are no formal existing trails to the shoreline from the property, there is some evidence of pedestrian use through the fence at the end of Beach Blvd down to the small pocket beach immediately upcoast of the project site. However, the proposed development would not interfere with any potential rights of public use which could exist on the property, and there are no existing public access easements on the parcel. The approved project will increase the density of development from the pre-existing single-family residence, thereby increasing the number of residents utilizing nearby coastal recreation areas; however, adequate public access is provided in a nearby location just south of the project site at the corner of San Jose Avenue and Beach Blvd and at the south end of Beach Blvd where it intersects Montecito Avenue. Residents wishing to recreate along the beach will find safe vertical access at the stairway located at the corner of San Jose Avenue and Beach Boulevard even though there is no safe access to the beach directly in front or to the north of the site due to existing armoring. In addition, the subterranean garage provided by the approved project would address any parking related needs of residents wishing to access the beach in this area. Consequently, existing public access facilities and parking facilities are adequate to address recreational needs resulting from the increased density of the approved project.

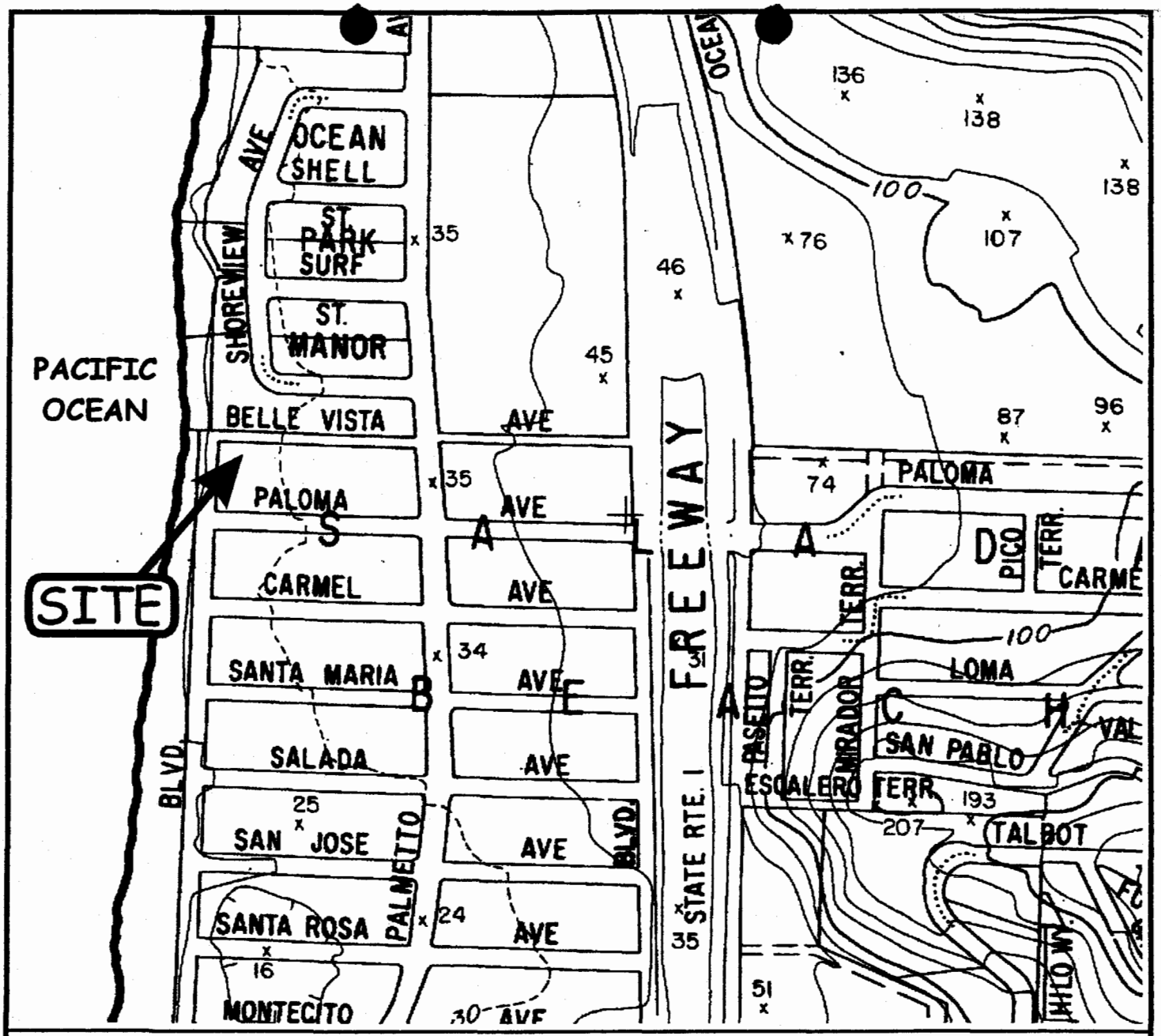
For the reasons stated above, and with the adoption of Special Condition B11, the Commission finds that the project as conditioned is consistent with the coastal access policies of the Coastal Act and the certified LCP for the City of Pacifica.

4.3.4 California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of 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

effect which the activity may have on the environment. The City of Pacifica conducted environmental review for the proposed project per the requirements of CEQA and issued a Mitigated Negative Declaration.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Project changes required by special conditions implement alternatives and mitigation measures that lessen the project impacts on the environment and address cumulative impacts associated with beachfront development. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.



San Mateo County Topographic Map 4B (1/1/96)

Earth Investigations Consultants	Job No. 1564.05.00 Date 6/1/04	VICINITY MAP 1567 Beach Boulevard Pacifica, California	Plate 1

Exhibit No. 1
Application No. A-2-PAC-07-022
Pacific Beach LLC
Regional Location/Vicinity Map

Exhibit No. 2
Application No. A-2-PAC-07-022
Pacific Beach LLC
Aerial Photo of Project Site

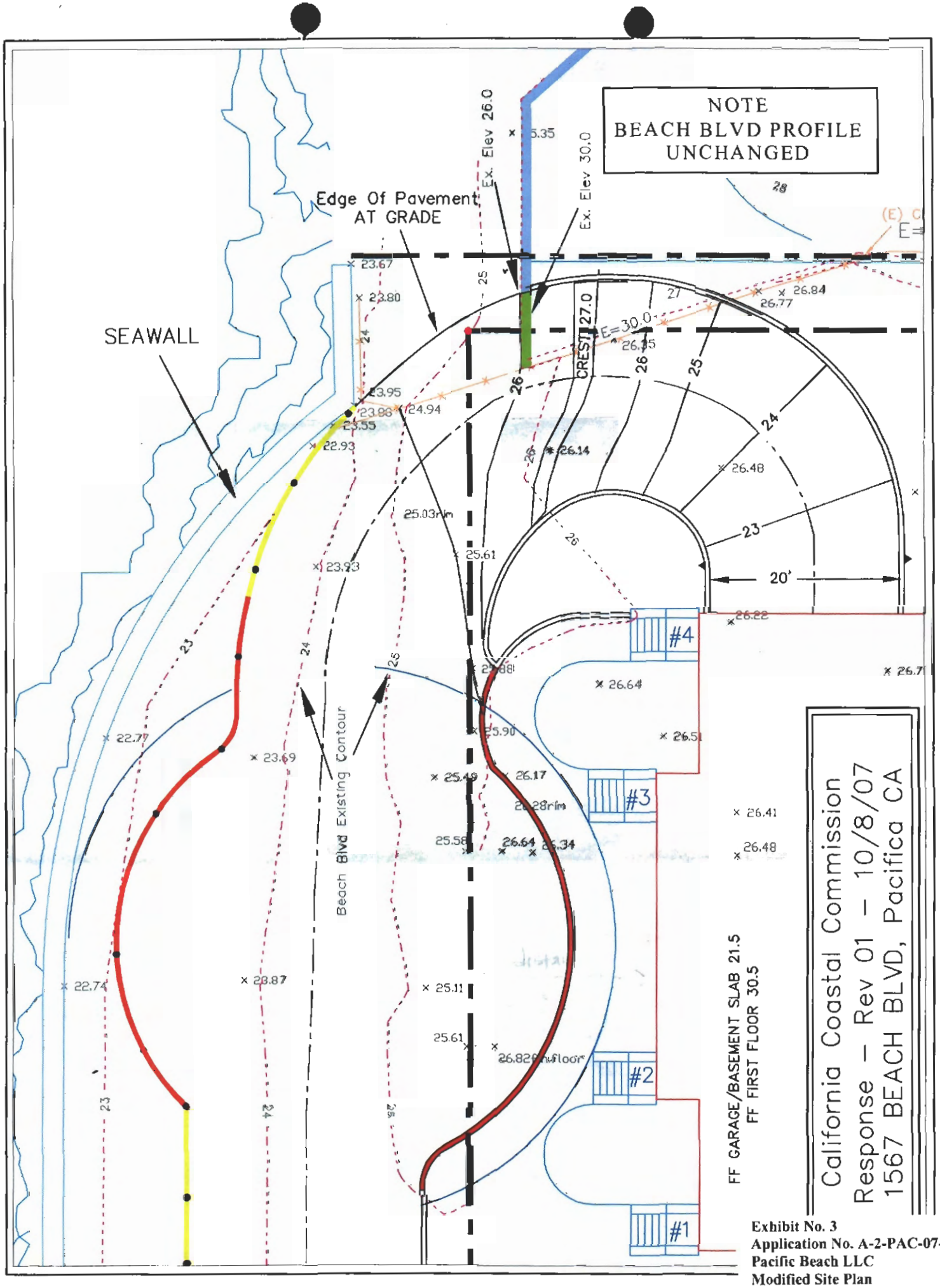


Exhibit No. 3
Application No. A-2-PAC-07-022
Pacific Beach LLC
Modified Site Plan

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

CITY HALL • 170 Santa Maria Avenue • Pacifica, CA 94044 • (650) 738-7341 • Fax (650) 359-5807

Scenic Pacifica

NOTICE OF FINAL LOCAL ACTION

May 22, 2007

Attn: Coastal Planner
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

VIA CERTIFIED MAIL

RE: **COASTAL DEVELOPMENT PERMIT # (CDP-275-06)**
Construction of nine (9) condominium residential units at 1567 Beach Boulevard, Pacifica (APN: 016-011-190)

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and Pacifica Zoning Code Section 9-4.4304(n), this notice will serve to confirm that the City of Pacifica approved the above-referenced Coastal Development Permit, and to furnish the following additional information:

APPLICANT NAME/ADDRESS: Pacifica Beach LLC, 428 Broadway, Millbrae, CA 94030

PROJECT DESCRIPTION: The applicant proposes to develop the subject property with nine (9) condominium residential units with associated flood control improvements. The condominium residential units would contain three levels of living area totaling approximately 18,768 square feet. Each condominium would contain 3 bedrooms with 2-1/2 baths. Building height would be approximately 34 feet 10 inches. The total living area of the residential units would range between 2,010.8 to 2,268.56 square feet. The subterranean garage would provide twenty-one (21) garage parking spaces; two for each unit and three guest spaces. Access to parking area would be provided via a 20-foot wide driveway off Beach Boulevard. The entrance to the garage would be located on the north side of the building.

DECISION: The subject permit was approved by the City of Pacifica City Council on May 14, 2007,based on the attached required findings contained and adopted in the October 16, 2006 Planning Commission staff report and based on the January 22, 2007 and May 14, 2007 City Council Agenda Summary Reports.

APPEAL PROCEDURES: The appeals process may involve the following:

LOCAL
- ☐ The local appeal period ended on _____ 2007, and no appeal was filed; or,
- ☑ The permit was appealed to and decided by the City Council, exhausting the local appeals process.

STATE
- ☑ The project IS within the Appeals Zone and the permit IS appealable to the State of California Coastal Commission if the appeal is made in writing to the Coastal Commission within 10 working days from the next business day following the date of receipt of this notice by the Executive Director of the Commission. For additional information, contact the California Coastal Commission @ 45 Fremont, Suite 2000, San Francisco, CA 94105-2219 (415) 904-5260; or,
- ☐ The project is NOT in the Appeals Zone and the permit is NOT appealable to the Coastal Commission.

Additional information may be obtained by contacting the Pacifica Planning Department at 1800 Francisco Boulevard, Pacifica, (650) 738-7341.

Michael Crabtree
Planning Director

Attachments: ☐ Letter of Approval with conditions ☑ Staff Report(s)

Exhibit No. 4 **(Page 1 of 36)**
Application No. A-2-PAC-07-022
Pacific Beach LLC
Notice of Final Local Action, including 5/14/07 City Council Resolution, Agenda Summary Rpt. And 10/16/06 Plng. Comm. Staff Rpt.

Conditions added by the City Council at their May 14, 2007 meeting for the Proposed 9 Condominium Residential units at 1567 Beach Boulevard

44. A streetlight that is compatible with the surrounding neighborhood shall be installed in front of the project site, subject to approval of the Planning Director and City Engineer. The streetlight shall not cause spillover onto adjacent properties.

45. The development shall include outdoor space on the north and eastern portions of the property for the children of the development to play. The outdoor space shall not be for the use of pets and shall be designed to avoid any significant environmental impacts.

RESOLUTION NO. 19-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR A NINE (9) UNIT CONDOMINIUM DEVELOPMENT AT 1567 BEACH BOULEVARD (APN 016-011-190)

Initiated: Bill Riddle of Best Design and Construction, on behalf of Pacifica Beach LLC

WHEREAS, an application has been submitted to develop a 17,962 square foot vacant parcel with a nine (9) unit condominium project on property classified R-3/CZ, Multiple-Family Residential within the Coastal Zone Combining District; and

WHEREAS, an appeal was filed on October 24, 2006 of the October 16, 2006 Planning Commission decision to approve the Coastal Development Permit, Site Development Permit, Use Permit, and Tentative (condominium) Subdivision Map; and

WHEREAS, said application includes a Coastal Development Permit, Site Development Permit, Use Permit, and Tentative (Condominium) Subdivision Map, for the construction of a nine (9) unit condominium project on the subject site; and

WHEREAS, the Mitigated Negative Declaration for the subject project consists of the Initial Study dated August 9, 2006, and the Mitigation Monitoring and Reporting Program attached as Exhibit "A", and the Planning Commission staff report and minutes of October 16, 2006; and

WHEREAS, a Mitigated Negative Declaration has been prepared, publicized, and reviewed in accordance with applicable law and, together with the City Council Agenda Summary Report of January 22, 2007, including Findings and Conditions of Approval contained within the Planning Commission staff report of October 16, 2006, constitutes an adequate, accurate, objective, and complete Mitigated Negative Declaration in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA guidelines;

WHEREAS, the City Council held duly noticed public hearings on January 22, 2007, April 23, 2007 and May 14, 2007 to consider the Mitigated Negative Declaration, Coastal Development Permit, Site Development Permit, Use Permit, and Tentative (Condominium) Subdivision Map prior to taking action on the proposed project; and

WHEREAS, detailed plans, the Mitigated Negative Declaration, additional information and record of the proceedings regarding action on the subject project are available for public review in the Planning and Economic Development Department, 1800 Francisco Boulevard, Pacifica; and

Exhibit No. 4
Application No. A-2-PAC-07-022
Pacific Beach LLC
Notice of Final Local Action, including 5/14/07 City Council Resolution, Agenda Summary Rpt. And 10/16/06 Plng. Comm. Staff Rpt.

WHEREAS, the City Council has independently reviewed and analyzed the Mitigated Negative Declaration and considered the information contained therein prior to adopting the Mitigated Negative Declaration; and

WHEREAS, the information and analysis contained in the Mitigated Negative Declaration reflect the City's independent judgment as to the environmental consequences of the proposed project; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pacifica finds that on the basis of the whole record before it there is no substantial evidence that the proposed project, as conditioned, will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.

BE IT FURTHER RESOLVED, that the City Council of the City of Pacifica finds that the changes made to the flood protection improvements and to the drainage system for the garage will more effectively reduce potential significant impacts identified in the Mitigated Negative Declaration and will not themselves result in any significant environmental impacts.

BE IT FURTHER RESOLVED, that the City Council of the City of Pacifica does hereby adopt the Mitigated Negative Declaration for the nine (9) unit condominium project located at 1567 Beach Boulevard.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on May 14, 2007 by the following vote of the members thereof:

AYES, Councilmembers: Lancelle, Hinton, Vreeland & DeJarnatt

NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: Digre

Pete DeJarnatt

Pete DeJarnatt, Mayor

ATTEST:

Kathy O'Connell

Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

Cecilia M. Quick

Cecilia Quick, City Attorney

CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT
MAY 14, 2007

Agenda Item No.

SUBJECT:

Appeal of Planning Commission Approval of Coastal Development Permit, CDP-275-06, Site Development Permit, PSD-757-06, Use Permit, UP-965-06, and Tentative (Condominium) Subdivision Map, SUB-211-06, to develop property located at 1567 Beach Boulevard (APN 016-011-190) with nine (9) condominium units.

ORIGINATED BY:

Planning and Economic Development Department

DISCUSSION:

On January 22, 2007, the City Council conducted a public hearing to consider an appeal of planning permits and certification of a Mitigated Negative Declaration for the construction of a three story residential condominium development consisting of approximately 10,575 square feet of subterranean garage area and nine (9) residential units with three levels of living area totaling approximately 18,768 square feet at 1567 Beach Boulevard in the West Sharp Park neighborhood. The Council had requested that the City's geotechnical consultant develop a scope of work for a peer review of the flood protection improvements along Beach Boulevard to ensure the improvements are designed so that they do not result in any significant impacts. In addition, the Council requested that the applicant address the boundary dispute along the northern portion of the subject property known as Bella Vista. On April 23, 2007, the Council held a public meeting to consider the requested information addressing the proposed flood protection improvements and boundary dispute. All but one council member was present at this meeting. The Council was divided (2-2) over requiring an Environmental Impact Report (EIR) for this project. After considering extensive testimony presented at the public hearing, the Council voted (4-0) to continue the item to the May 14, 2007 Council meeting to allow the Council Member that was absent from the Council meeting an opportunity to vote on the appeal of the planning permits and certification of the Mitigated Negative Declaration for this project. The City Council Agenda Summary Report and minutes of the April 23, 2007 meeting are also attached. The conceptual plans have already been submitted to the Council at their last meeting.

For the convenience of the Council, the information requested that addresses both the proposed flood protection improvements and boundary dispute is repeated and discussed below:

Flood Protection Improvements:

To provide full protection for the proposed below-grade garage from wave overtopping the original plans called for an increase of the local seawall directly in front of the subject site from 23.7 feet to 27 feet. The proposed improvements were peer reviewed by the City's geotechnical consultant, Cotton, Shires and Associates. Due to the controversy of raising the seawall, the applicant decided to eliminate the plan to raise the seawall.

The revised plans submitted by the applicant clarify that the Project will not alter the seawall directly in front of the subject site or change the existing shore protection. In order to provide the necessary protection from the waves, the flood protection improvements involve raising Beach Boulevard about two (2') feet near the northwest corner of the subject site bringing Beach Boulevard to a height of 27+/- feet MSL (Mean Sea Level) at its highest point to protect the proposed garage from flooding and building a retaining wall to accommodate the northern portion of the proposed elevated road. The retaining wall which is part of the elevation of Beach Boulevard will be built as a separate structure *from the existing seawall* starting approximately 15 feet northwest of the proposed fire turnaround and will have a maximum height of 2 feet.

On March 22, 2007 Skelly Engineering, an experienced coastal engineer, provided additional discussion of the proposed project and flood protection improvements, wave run-up reflection and garage flooding for the proposed project. Mr. Skelly concluded that the project and proposed flood protection improvements can be designed so that they will not adversely affect the neighborhood properties or revetment, Beach Boulevard, Beach Boulevard seawall, or the hydrological and geological conditions of the area.

According to Skelly Engineering, the proposed flood control improvements would effectively protect the project from flooding. Beach Boulevard would ascend northward from the subject property line to the crown in the driveway area. The driveway would be crowned so that wave overtopping has to run uphill from any point of the seawall. Waves that overtop the seawall on the southern portion of the site would need to ascend the driveway and then make the turn to descend into the garage. The proposed sidewalk and curb along Beach Boulevard fronting the proposed building would route the water downhill and into the City's storm drain system. In addition, the garage entrance would be located within the area where Beach Boulevard is proposed to be raised to its highest elevation. Finally, a trench drain is proposed at the entrance of the garage to intercept water before it enters the garage. The drain would have the capacity to move a volume of water equal to the volume of the garage in two hours. One of the mitigation measures that was recommended by the applicant's coastal engineer to collect water from the garage during wave run up activity was to install a sump pump. According to the City's public works director, the proposed gravity drain at the entrance of the parking garage would more effectively drain water that entered the garage. The drain would use an 18-inch diameter pipe to discharge water through an existing, nearby storm drain discharge headwall at the beach. As a condition of approval staff will also require that the applicant install a grease interceptor at the proposed drainage inlet.

As requested by Council, the scope of work for peer review of the flood protection improvements will ensure the improvements are designed so that they do not result in any significant impacts shall be as follows:

"The design of all site improvements including any roadways, driveways and retaining walls, shall be submitted to the City for approval and peer review. The peer review shall insure that the improvements (1) will not cause any erosion, (2) will not result in flooding of any properties, (3) will not adversely surcharge, overstress or reduce the effectiveness or integrity of the existing sea wall, and (4) will not divert any additional water to neighboring properties."

Northern Property Boundary:

The applicant has relocated the proposed driveway including the proposed landscaping entirely on his property so that no part of it is on land shown on the 1953 subdivision map submitted by the neighbor immediately to the north. The 1953 map shows that all but 7.8 feet of the 25-foot Bella Vista dedication declined by the County on the applicant's 1906/07 subdivision maps was assumed by the Shoreview subdivision to the north of the subject property. A survey of the property has confirmed that the Project will be constructed on property owned by the applicant.

However, the neighbor to the north still contends that the project is still on disputed property. She claims that the City deeded her home's former owner property at the northern end of Beach Boulevard. Specifically, she believes that when the prior owner of her property entered with the City into a "Temporary License, Release and Agreement Regarding Emergency Repairs" in 1998, the City deeded property of the project site to her. The purpose of this agreement was to allow the City access to her property and other owner's property on Shoreview Avenue to repair the revetment that had failed in the winter rains of 1997 and 1998. The City did not transfer any interest in this property to this property owner or any prior property owners. The City Attorney sent a letter to this property owner on March 12, 2007 clarifying the City's role in the ownership of the disputed property (see attached). It should be noted that the agenda summary report of January 22, 2007 incorrectly identified Bella Vista as a public right-of-way. City records do not show Bella Vista as a City right-of-way.

Other modifications made to address concerns raised by the public include moving the garage/recycling area from the northwest part of the garage to the mid section of the building facing south with exterior access. The applicant discussed the relocation of the garage/recycling area with Coastside Scavengers and the immediate neighbor who found it acceptable. Planters have also been added on the west side of Beach Boulevard per the appellant's request to further prevent parking near the seawall. The planters will be maintained by the applicant.

Conditions of Approval:

Staff is recommending additional conditions of approval, modifications to conditions of approval and a deletion of a condition of approval as listed below.

40. The applicant shall install and maintain in functioning condition a grease interceptor at the proposed drainage inlet.
41. The design of all site improvements including any roadways, driveways and retaining walls, shall be submitted to the City for approval and peer review. The peer review shall insure that the improvements (1) will not cause any erosion, (2) will not result in flooding of any properties, (3) will not adversely surcharge, overstress or reduce the

effectiveness or integrity of the existing sea wall, and (4) will not divert any additional water to neighboring properties.

42. The applicant shall install and maintain a 6-Inch Sanitary Sewer Lateral and a 6-Inch Sanitary Sewer Cleanout that will be located within the site's northern property line.
43. The applicant shall install concrete pavement for the proposed road along the property frontage.

Modify the following Condition of Approval:

1. Development shall be substantially in accord with the Plans titled "NEW CONSTRUCTION OF 9 UNIT CONDOMINIUM BUILDING, 1567 BEACH BLVD., PACIFICA, CA," consisting of fifteen (15) sheets received April 11, 2007.

20. Applicant shall install stainless steel railing to match the existing railing on the seawall along the proposed elevated road as deemed necessary by the Director of Public Works or the City Engineer.
27. Applicant shall dedicate a Public Utility Easement for all existing utilities, including sanitary sewer and storm drain. This easement shall be a minimum 15 ft wide when feasible as determined by the City Engineer.
18. Increased storm water runoff shall be minimized by the applicant through the use of on-site detention facilities to the maximum extent feasible as determined by the Planning Director and City Engineer.

Delete the following Condition of Approval:

4. ~~The final design of the seawall shall be reviewed by and subject to the approval of the Planning Director and Public Works Director.~~

FISCAL IMPACT:

None

ATTACHMENTS:

a. January 22, 2007 Council Agenda Summary Report (with October 16, 2006 Planning Commission Staff Report only)
b. City Council Minutes, January 22, 2007
c. April 23, 2007 Council Agenda Summary Report (Letter from City Attorney, dated March 12, 2007 only attachment)
d. City Council Minutes, April 23, 2007
e. Mitigated Negative Declaration
f. Resolution (Adoption of Mitigated Negative Declaration) and Mitigation, Monitoring and Reporting Plan

COUNCIL ACTION REQUESTED:

Motion to Adopt Resolution Adopting Mitigated Negative Declaration

1. **Move** that the City Council **ADOPT** the attached resolution next in order entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR A NINE (9) UNIT CONDOMINIUM DEVELOPMENT AT 1567 BEACH BOULEVARD (APN 016-011-190)."

Motion to Deny Appeal

2. **Move** that the City Council **DENY** the October 24, 2006 appeal by Patrick Rentsch, and approve the Coastal Development Permit, CDP-275-06, Site Development Permit, PSD-757-06, Use Permit, UP-965-06, and Tentative (Condominium) Subdivision Map, SUB-211-06, to construct a three-story building consisting of nine (9) condominium units at 1567 Beach Boulevard, subject to conditions one (1) through thirty-nine (39) and additional conditions of approval and modification and deletion of conditions of approval and based upon findings contained in the October 16, 2006 Planning Commission staff report and based on the January 22, 2007 and May 14, 2007 City Council Agenda Summary Reports, and incorporate all maps and testimony into the record by reference.

CITY OF PACIFICA
CITY COUNCIL
AGENDA SUMMARY REPORT
January 22, 2007

Agenda Item No.12

SUBJECT:

Appeal of Planning Commission Approval of Coastal Development Permit, CDP-275-06, Site Development Permit, PSD-757-06, Use Permit, UP-965-06, and Tentative (Condominium) Subdivision Map, SUB-211-06, to develop property located at 1567 Beach Boulevard (APN 016-011-190) with nine (9) condominium units.

PROPOSED ACTION:

(1) Adopt the Mitigated Negative Declaration for the project; and (2) Deny the Appeal and Approve the Planning Permits for the project.

ORIGINATED BY:

Planning and Economic Development Department

BACKGROUND:

On October 16, 2006 the Planning Commission voted (6-1) to adopt a Mitigated Negative Declaration and to conditionally approve a Coastal Development Permit, Site Development Permit, Use Permit, and Tentative (Condominium) Subdivision Map, for the construction of a three story residential condominium development consisting of approximately 10,575 square feet of subterranean garage area and nine (9) residential units with three levels of living area totaling approximately 18,768 square feet at 1567 Beach Boulevard in the West Sharp Park neighborhood ("the Project"). Details of the Project and the Planning Commission's approval are contained in the attached documents.

It should also be noted that there is a boundary dispute between the City and the Project Owner concerning the location of the public right-of-way (Bella Vista) area located directly north of the Project. A portion of the Project's driveway is proposed to be built on this disputed area. As a condition of approval, staff is recommending that the

applicant submit documentary proof of title for the entire parcel prior to final map approval.

DISCUSSION:

On October 24, 2006, Patrick Rentsch ("Appellant") submitted an appeal of the October 16, 2006 Planning Commission decision to conditionally approve the Project. (See Attachment c).

Below are the Appellant's four grounds for appeal of the Planning Commission's conditional approval of the Project, and City staff responses:

1. **"Proposed below grade parking – Building a parking area that will flood several times per year (this is the developers estimate) is a stunningly bad idea. I'm surprised they considered it, let alone approved it. It is inconsistent with Municipal Code 9-4.4406 (c) (2), which states that projects that require seawalls for mitigation are prohibited."**

The Appellant states that the Project would flood several times per year and is a "bad idea." The Appellant's statements are contradicted by facts in the record. As explained below, the Project as approved is not expected to flood several times per year. Any small amount of water that enters the Project's garage would be removed by a pump system. The City's consultant peer-reviewed the flood control plans and determined that the proposed modifications to the Project are sufficient to protect the Project from flooding.

As described in the Staff Report, a coastal hazard study for the subject site was performed by the Project Owner's consultant, Skelly Engineering, in May 2004, and peer reviewed by the City's Consultant, Cotton, Shires and Associates, in April 2006, in order to analyze and mitigate any potential for flooding of the Project.

The existing revetment/seawall system on the west side of Beach Boulevard directly across from the Project is +23.7 feet Mean Sea Level (MSL). The coastal hazard study indicated that the revetment/seawall system needs to be at least to +25 feet MSL in height to provide full protection to the Project's below-grade garage and the remainder of the Project site. As conditionally-approved by the Planning Commission, the Project will increase the existing revetment/seawall system from +23.7 MSL to +27 MSL.

The Project's additional flood prevention features and measures incorporated into the Project and approved by the Commission include: (1) the entrance to the garage was

shifted from Beach Boulevard to the north side of the building; (2) the portion of Beach Boulevard fronting the Project will be raised and aligned with the proposed seawall height extension; and (3) a pump in the garage will evacuate any water that enters the garage. In addition, as designed, the Project meets the current standards for coastal engineering and the current standards and guidelines for mitigation of coastal hazards. The Project also conforms to FEMA standards and guidelines for coastal development. The Project Owner's consultant, the City's consultant, City staff, and the Planning Commission were satisfied that these measures incorporated into the Project approval would adequately reduce any potential flood hazard. In addition, the California Coastal Commission staff stated that they have little concern over the revetment/seawall system increase.

The Appellant also states that the project is inconsistent with Municipal Code 9-4.4406 (c) (2). The proposed extension of the height of the *existing* seawall is not inconsistent with the intent of this provision of the City Code to prevent erosion and destabilization of the shoreline.

Municipal Code Section 9-4406(c)(2) states: "Consistent with the City's Seismic Safety and Safety Element, new development which requires seawalls as a mitigation measure or project which would eventually require seawalls for the safety of the structures shall be prohibited, unless without such seawall the property will be rendered undevelopable for any economically viable use."

The intent of this provision is not to prohibit new residential development, however, but, rather, to prohibit construction of new sea walls. Thus, Section 9-4406(a) explains that the intent of the provision that Appellant cites is "*to minimize erosion and to stabilize the shoreline* in areas along the coastal bluff where ocean wave and tidal action create potentially hazardous or damaging conditions." The Project will not require construction of a new seawall which could cause increased erosion and destabilization of the shoreline. The Project will merely add a 3.3-foot extension to the existing seawall. Thus, the Project will not contribute to erosion or destabilization of the shoreline and the Project is not inconsistent with the intent of Municipal Code Section 9-4406(c)(2).

2. **"Construction is too close to the street – The building proposed will be built less than 5 feet from the sidewalk, and will have staircases running directly to the sidewalk. No other new construction, to my knowledge, is allowed this little setback. In fact, at the Study Session, all the commissioners, Commissioner Ranken in particular, seemed to agree that the building should not exceed the plane of the existing, adjacent buildings on Beach Blvd. At the**

last Planning meeting, the Commissioners wanted to meet this goal. However, the architect stated this would require a complete redesign, which I doubt. The discussion then bogged down considering a variance, and the idea was simply dropped. That any construction should conform to the plane of existing buildings is consistent with Pacificas LCP, Coastal Act Policy 24, which states in part: 'Permitted Development shall be sited and designed to protect view to and along the ocean and scenic coastal areas.'"

The Appellant states that the Project would have a 5-foot set back. Appellant does not specify which setback he is challenging, but staff presumes it is the front (west) setback. Regardless, Appellant is incorrect as a factual matter.

Municipal Code section 9-4.254 explains that the front lot line in the case of an interior lot (as opposed to a corner lot) is the line separating the lot from the street. For this Project, the front lot line is the west lot line which fronts Beach Boulevard. In an R-3 Zoning District where the Project is located, Municipal Code sections 9-4.602(d) and 9-4.402(d) require a minimum 15-foot front setback. As stated in the Staff Report, the Project is observing a 20-foot front (west) setback, a 20-foot garage setback, a 5-foot side (north) setback, a 5-foot side (south) setback, and a 20-foot rear (east) setback. Thus, the Project is consistent with the minimum front setback requirement and, in fact, exceeds the minimum requirement by 5 feet.

Municipal Code section 9-4.269 explains that a front setback shall mean a clear distance from the front lot line within which, with certain limited exceptions, no building or structures may be built. The cul-de-sac at the end of Beach Boulevard is not 66-feet in diameter. Thus, as a condition of approval for safety purposes, the Fire Department required the Project to include a portion of a fire truck turnaround on the west side of the Project.

Appellant suggests that the Project should not exceed the visual plane of existing, neighbouring buildings. Immediately adjacent to the south of the Project is a two-story apartment complex. One- and two-story single-family residences are to north. A large three-story 71-unit apartment building is to the east of the Project. As noted in the staff report and the Mitigated Negative Declaration (MND) for the Project, the project may impair or eliminate private coastal views from nearby existing residential structures.

As described in the Staff Report and MND, private views are not protected by any City ordinances or other laws, and obstruction of private views is not a significant aesthetic impact. The MND concludes that the Project will result in a less than significant

aesthetic impact because the general public view is not appreciably affected by the Project, and the project is consistent in scale compared to surrounding uses. The alteration of private views is consistent with the effect of development in urban Pacifica. Thus, there is no requirement that the Project avoid the visual plane of any existing structures, or otherwise mitigate any impacts to private views. The Project does not violate any law or regulation relating to such private views.

Appellant claims that the Planning Commissioners at the Study Session seemed to agree that the Project should not exceed the visual plane of existing buildings. As stated in the Staff Report, on July 18, 2005 the Planning Commission held a Study Session to review and earlier version of the Project. The Commission did not take any formal action on the Project, or reach any formal agreement as to any particular design or other elements of the Project. Thus, Appellant's claim that the Planning Commission seemed to agree that the Project should not exceed the visual plane of surrounding buildings is not supported by any formal action of the Commission. With respect to any comments made at the Study Session by individual Commissioners, it should be noted that the purpose of a study session is to offer an opportunity for informal discussion with the Planning Commission. Any statements made by a Commissioner or staff member at a study session are informal only and are not to be considered commitments or guarantees of any kind.

Appellant notes that the Commissioners discussed a variance for the Project. As noted in the Planning Commission meeting minutes, the Commissioners discussed the feasibility of the Project observing the visual plane of the existing buildings, and discussed a potential setback variance. After some discussion, the Commission approved the Project without a variance. Municipal Code section 9-4.3401 explains that a variance is appropriate when "practical difficulties, unnecessary hardship, or results inconsistent with the general purpose of [the Planning and Zoning chapter of the Code] may result from the strict application" of the Code. Thus, it is intended to provide relief to project developers from strict application of the Code. For the reasons described in this report, the Planning Commission determined that the Project did not require a variance because it complied with the requirements of the Code. In particular, there is no City requirement that the Project avoid the neighbor's visual plane; thus, there is no requirement from which the Project needed relief.

Moreover, Appellant's concern about the visual impact of the Project would not be remedied if the Planning Commission had required a variance; a variance would not preserve any private views.

Appellant suggests that the Project would not conform to the Local Coastal Plan, Coastal Act Policy 24. Appellant is incorrect. Policy 24 states:

> the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to, and along, the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality of visually degraded areas.

This policy does not state that new construction should conform to the plane of existing buildings. As described above, the project may impair or eliminate private coastal views from nearby existing residential structures, but such private views are not protected by this Policy or any other law or regulation. As the MND determined, the Project will not result in a significant aesthetic impact and is consistent with applicable policies in the Local Coastal Plan.

3. **"Insufficient parking – There is no street frontage for visitor parking; except for 2 visitor spots, all will overflow onto Paloma Ave. This area is already stressed."**

Appellant states that the Project would provide two visitor parking spaces and that such parking is inadequate. Appellant is incorrect as a factual matter, and his claim is not supported by the evidence.

As described in the Staff Report and MND, the Project includes a twenty-one car garage. The garage will accommodate two parking spaces for each of the nine units, and *three* visitor parking spaces. Municipal Code section 9-4.2818 requires two parking spaces for each two-bedroom condominium unit, and one guest parking space for every 4 units in a development. Thus, the Project meets the City's off-street parking standards. Moreover, as described in the traffic section of the MND, the Project will not result in any significant traffic impacts relating to parking.

4. **"Drainage problems – It's not clear to me that they have properly considered drainage. Apparently the design calls for an elevated driveway, which will then spill south and west. I already have a problem with sand buildup and water retention during storms; this would only exacerbate the problem. I would like to see detailed plans of the driveway and street construction."**

Appellant claims that the Project would drain to the south and west. Appellant is incorrect as a factual matter. As staff determined, the Project's elevated driveway would drain to the west. There would be no impact to the south.

The Project has not yet advanced to the building permit stage. It is the City's practice, however, to carefully review a project's detailed drainage plans during the building permit stage to ensure that drainage does not impact adjacent properties. In addition, the Planning Commission adopted a mitigation measure as part of its adoption of the Project MND which requires the Project Owner's geotechnical consultant to "inspect, test (as needed), and approve all geotechnical aspects of the project construction." Such review includes, but is not limited to, site preparation and grading and site surface and subsurface drainage improvements. The Project Owner's consultant also must submit the results of its inspections to the City Building Official for peer review prior to final project approval.

Appellant requested the opportunity to review driveway and street construction plans. As noted above, such plans are not yet available. Appellant may review the drainage plans for the driveway and street construction, however, during the building permit review process.

CONCLUSION:

For the reasons described above, Staff believes that there is no merit to any of Appellant's factual or legal claims. Moreover, staff believes that the proposal preserves and enhances the mix of uses in the area, and provides additional housing opportunities in the area. The proposal will not disturb the existing neighborhood character. The subject property is surrounded by existing single family residential structures to the north, four-plex, single-family, duplex, and triplex residential structures to the south, and a large three-story apartment complex containing 71 units directed to the rear of the property. The proposal does not appear to be out of character with the existing mix of land uses. A multi-residential development appears to be consistent with the types of future uses anticipated in the area and with the residential nature of the neighborhood.

RECOMMENDATION:

Staff recommends that the City Council: (1) adopt the Mitigated Negative Declaration for the Project; and (2) deny the October 24, 2006 appeal by Patrick Rentsch, and approve the Coastal Development Permit, Site Development Permit, Use Permit, and Tentative (Condominium) Subdivision Map for the Project., subject to the original conditions #1

through #39 adopted by the Planning Commission, and with the addition of new condition #40 prior to the approval of the Subdivision Improvement Agreement, or, if no Subdivision Improvement Agreement is required, prior to final map, the applicant shall submit documentary proof of title for any property on which the project is located, subject to review by the City Attorney and the City Engineer.

FISCAL IMPACTS:

None

DOCUMENTS ATTACHED: (City Council Only)

a. Planning Commission staff report, October 16, 2006
b. Planning Commission minutes, October 16, 2006
c. Planning Commission Appeal, October 24, 2006
d. Mitigated Negative Declaration
e. Resolution (Adoption of Mitigated Negative Declaration) and Mitigation, Monitoring and Reporting Plan
f. Conceptual Plans

COUNCIL ACTION REQUESTED:

Motion to Adopt Resolution Adopting Mitigated Negative Declaration

1. **Move** that the City Council **ADOPT** the attached resolution next in order entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR A NINE (9) UNIT CONDOMINIUM DEVELOPMENT AT 1567 BEACH BOULEVARD (APN 016-011-190)."

Motion to Deny Appeal

2. **Move** that the City Council **DENY** the October 24, 2006 appeal by Patrick Rentsch, and approve the Coastal Development Permit, CDP-275-06, Site Development Permit, PSD-757-06, Use Permit, UP-965-06, and Tentative (Condominium) Subdivision Map, SUB-211-06, to construct a three-story building consisting of nine (9) condominium units at 1567 Beach Boulevard, subject to conditions one (1) through thirty-nineteen (39) and based upon findings contained in the October 16, 2006 Planning

Commission staff report and based on the January 22, 2007 City Council Agenda Summary Report, and incorporate all maps and testimony into the record by reference, and subject to the following additional condition of approval:

40. Prior to the approval of the Subdivision Improvement Agreement, or, if no Subdivision Improvement Agreement is required, prior to final map, the applicant shall submit documentary proof of title for any property on which the project is located, subject to review by City Attorney and the City Engineer.

STAFF REPORT

PLANNING COMMISSION - CITY OF PACIFICA

DATE: October 16, 2006

ITEM: 2

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of public hearing was published in the Pacifica Tribune on October 4, 2006 and 46 surrounding property owners and 54 residents were notified by mail.

FILE: CDP-275-06
PSD-757-06
UP-965-06
SUB-211-06

APPLICANT: William L. Riddle
Best Design & Construction
100 Old County Road, Ste 100 C
Brisbane, CA 94005

OWNER: Pacifica Beach LLC
428 Broadway
Millbrae, CA 94030

LOCATION: 1567 Beach Boulevard (APN: 016-011-190)

PROJECT DESCRIPTION: Construction of 9 Condominium Residential Units.

General plan: High Density Residential
Zoning: R-3/CZ, Multi-Family Residential/Coastal Zone

CEQA STATUS: Negative Declaration prepared and recommended for adoption .

ADDITIONAL REQUIRED APPROVALS: None

RECOMMENDED ACTION: Approval, as conditioned

ATTACHMENT A

R-3 STANDARDS CONFORMANCE AND ARTICLE 24 CLUSTER HOME REQUIRMENTS:

Standards	**Required**	**Existing**	**Proposed**
Lot Area	5,000 s.f.	17,962 s.f.	No Change
Lot Width	50'	102.5'	No Change
Bldg. Height	35' (max.)	N/A	34'-10"
Lot Coverage	60%	N/A	58.9%
Landscaping	20%	N/A	22%
Useable Open Space:			
-single family	450 s.f. per unit	N/A	467 s.f. per unit
Private Open Space	150 s.f. per unit	N/A	150 s.f. – 1,735 s.f.
Bldg. Setbacks:			
-Front (west):	15'	N/A	20'
-garage	20'	N/A	20'
-side (north)	5'	N/A	5'
-Side (south)	5'	N/A	5'
-rear (east)	20'	N/A	20'
Parking:			
-multi-family	18	N/A	18
-guest Parking	2	N/A	3

PROJECT SUMMARY

DISCUSSION

1. **Project Description/Background:** The applicant proposes to develop the subject property with a three-story building consisting of approximately 10,575 square feet of subterranean garage area and nine (9) condominium residential units with three levels of living area totaling approximately 18,768 square feet. Each condominium would contain 3 bedrooms with 2-1/2 baths. Building height would be approximately 34 feet 10 inches. The total living area of the residential units would range between 2,011 to 2,269 square feet. There will be 4,211 square feet of common and private open space. The subterranean garage would provide twenty-one (21) garage parking spaces; two for each unit and three guest spaces. Storage area for each residential unit will also be provided within the garage area. Access to parking area would be provided via a 20-foot wide driveway off Beach Boulevard. The entrance to the garage would be located on the north side of the building. Retaining walls are also being proposed along the west and east sides of the driveway. The retaining wall west of the driveway would be 0.5 to 1.2 feet high above grade. The plans also show the height of the retaining wall east of the driveway to be 3.8 to 6.5 feet in height. They would all comply with the City's height regulations pertaining to retaining walls. The proposal also includes 3,915 square feet of on-site landscaping which meets the minimum requirement of the Zoning Ordinance. The applicant is also proposing to landscape 603 square feet of public right-of-way located along the north side of the subject site.

An encroachment permit would be required to allow landscaping on City right-of-way. Space for a fire truck turnaround would also be provided as required by the Fire Department in the front area of the proposed building. A portion of the turnaround would be located within the front property boundaries of the subject site. No on-street parking would be allowed within the turnaround area. Currently, there is no existing on-street parking within this area. Therefore, no on-street parking would be affected by the turnaround. In addition, the Fire Department will not allow vehicles to pick up and drop off passengers within the turnaround area.

The proposed plans call for an increase of the local seawall directly in front of the subject site from 23.7 feet to 27 feet to protect Beach Boulevard and the proposed below-grade garage from wave overtopping. The road (Beach Boulevard) in front of the proposed development is required to be improved to accommodate the fire turn around and access to the garage. This portion of the road would be elevated and aligned with the seawall improvements. Thus, there would be virtually no visible changes to the existing seawall due to the road alignment.

Each unit would be owned separately, with maintenance of the building and common areas regulated by a property homeowners association.

The site originally consisted of seven lots. The lots were merged into one 17,962 square foot lot in 1985 under the City's Merger Ordinance. The subject property is relatively flat and is located on the north end of Beach Boulevard in the West Sharp Park neighborhood. The site directly fronts the Pacific Ocean and is partially covered with ice plant, small shrubs and non-heritage trees. The vacant site was originally developed with a two-story single family residence, and a two-car detached garage. The residence was demolished approximately two years ago. The detached garage remains on the site.

On July 18, 2005, the Planning Commission held a study session and reviewed an earlier version of the currently proposed 9 unit condominium residential project.

2. <u>Zoning, General Plan, Local Coastal Land Use Plan, and Surrounding Land Uses</u>: The property is zoned R-3, Multi-Family Residential and is located within the Coastal Zone Combining District. The General Plan and Local Coastal Land Use Plan designation for the subject property is High Density Residential. The General Plan and Local Coastal Land Use Plan establish a maximum density of 16 to 21 dwelling units per acre. The size of the lot is 17,962 square feet which would permit a total of 8.6 dwelling units. The R-3 zoning also requires a minimum lot area of 2,075 square feet per unit. Section 9-4.2312 of the Municipal Code allows rounding when calculating density. Therefore, a total of 9 units would be permitted.

The subject property fronts the Pacific Ocean on the west side. Other surrounding uses include single-family residences to the north, four-plex, single-family, duplex, and triplex residential structures to the south, and a large 3-story 71 unit apartment complex to the east. Further west is the City's Wastewater Treatment Plan, which is the subject of an ongoing reuse study. The construction of nine (9) condominium residential units would be consistent with the General

Plan, Local Coastal Land Use Plan, zoning designation, Design Guidelines, and surrounding land use.

3. Design Guidelines: Based on the existing plans, the project is consistent with the applicable provisions of the City's Design Guidelines regarding infill development. Current compliance with the Design Guidelines includes sufficient architectural detail for cohesiveness, visual relief and variety. The three-story building would incorporate variety in the type of materials and rooflines while maintaining a cohesive style that would be compatible with the existing mixed development in the West Sharp Park neighborhood. In addition, every residential unit will have private courtyards and/or balconies and sufficient common and private open space. Proposed exterior features include steeped pitch roofs with dormers, slate tile roofing, stucco exterior walls and river stone facing on the first level. The front area also seems to employs some interesting architectural elements that give it visual interest. The project will be sufficiently landscaped along Beach Boulevard and north of the proposed building, meeting City standards and adding interest to the streetscape.

4. Municipal Code and Regulatory Standards: The nine (9) condominium residential unit development meets the applicable zoning ordinance regulations for multi-family residential and clustered development including minimum lot area per dwelling unit, site coverage, front setbacks, sideyard setbacks, rear setbacks, parking, landscaping, open space, private open space, storage space, and structure height.

In terms of parking, a total of 20 parking spaces would be required by the Zoning Code for the proposed residential use and a total of 21 parking spaces would be provided. Multi-family residential projects with two or more bedrooms require two parking spaces. Nine of these parking spaces must be in a garage or carport. In addition, one space to accommodate guest parking must be provided for every four (4) units.

As shown on the site plan, the applicant is proposing a total of 16 full size parking spaces including a handicapped space and 5 compact spaces (18 residential spaces and, 3 guest parking spaces). Therefore, the project complies with the required on-site parking requirements. Further, the City's Design Guidelines state that "the visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear or side of the property, rather than along the frontages." The proposed off-street parking would all be located inside a garage and would have minimal visual impacts. In addition, the garage entrance will be located on the north side of the building further enhancing the front area.

5. Use Permit: Pursuant to the provisions of the Zoning Code, the Commission may grant a Use Permit only upon making all of the following findings:

1. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the

general welfare of the City.

2. That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan.

3. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

Staff believes that the proposed building containing a total of nine (9) condominium residential units will not, under the circumstances of the particular case, be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the general welfare of the City; and that the use is consistent with the City's adopted Design Guidelines, applicable provisions of the General Plan, Local Coastal Use Plan, and other applicable laws of the City. Staff also believes that the project, as conditioned, will be compatible with the character of the surrounding land use, and will not affect traffic circulation in the area or obstruct light normally enjoyed by the adjacent properties.

6. **Site Development Permit:** Pursuant to Section 9-4.3204 of the Zoning Code, a Site Development Permit shall not be issued if the Commission makes any of the findings regarding potential traffic hazards, parking accessibility problems, insufficiently landscaped areas, the restriction of light and air on the property or other properties in the area, the creation of a substantial detriment to an adjacent residential district, damage to the natural environment, and insufficient site and structural design variety. In addition, the proposed development must be consistent with the City's Design Guidelines, General Plan, Zoning Code and other applicable laws of the City. Staff believes that the design is consistent with the character of the surrounding mixed neighborhood; that it will not create inconvenient traffic patterns, and the proposal will not restrict light or air to surrounding buildings or discourage additional development in the area. Additionally, the proposal would enhance the design variety of the area and will not affect the surrounding natural environment.

7. **Coastal Development Permit:** Section 9-4304 (k), of the Municipal Code allows the Planning Commission to issue a Coastal Development Permit based on the findings specified below:

1. The proposed development is in conformity with the City's certified Local Coastal Program; and

2. Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

Staff believes that the proposed building containing nine (9) condominium residential units is in conformity with the City's Local Coastal Program, and public recreation policies of Chapter 3 of the California Coastal Act. The project is located on an infill site, surrounded predominately by residential development. The project is consistent in scale compared to surrounding areas and will have limited, if any, visual consequences. Additionally, staff believes that the project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use.

8. Environmental Review (CEQA): A Mitigated Draft Negative Declaration has been prepared and circulated. The Draft Mitigated Negative Declaration was available for public review and comment for 30 days, beginning August 9, 2006, and ending September 8, 2006. No comments were received. Based on the findings of the Initial Study including the attached mitigation monitoring program, as prepared for the project, it has been determined that the project could have a significant impact upon the environment regarding Geology and Soils, Hydrology and Water Quality, and Aesthetics (visual), but with implementation of the proposed and agreed-upon mitigation measures the potential impacts will be avoided or reduced to insignificant levels. It has also been determined that the project will not have a significant adverse affect upon wildlife resources or the habitat upon which wildlife depends, either individually or cumulatively. Therefore, a Mitigated Negative Declaration has been prepared and attached for adoption (see attachment b & c). Below is a discussion of the three major issues addressed in the Negative Declaration: geology and soils, hydrology and water quality, and aesthetics.

Geology and Soils - The applicant submitted a supplemental geotechnical report and coastal hazard studies for the project site. The supplemental geotechnical report augments a previous geotechnical investigation prepared for the subject site. These reports were also peer reviewed by the City's geotechnical consultant. According to the supplemental geotechnical report, there have been no reported occurrences of permanent ground deformation in the site area during major, historic earthquakes. Based on the studies performed for the site, it was determined that liquefaction at the site to be low. Given a low liquefaction potential, the supplemental geotechnical report concludes that the risk is also low for lateral spreading or earthquake-induced landsliding of the bluff affecting the site.

Moreover, all proposed development on the site would be constructed according to Uniform Building Code requirements and based upon the observed geologic conditions of the site. The project is an infill site, surrounded by existing roads and other development.

As such, the Project is feasible from a geotechnical standpoint. Any significant impact to Geology and Soils would be reduced below the level of significance with implementation of the recommended mitigation measures listed in the Mitigation Monitoring Program:

Hydrology and Water Quality - The project involves construction of housing within the 100-year flood zone. The site is also adjacent to areas of 100-year coastal flood with velocity (wave

action); base flood elevations and flood hazard areas. A Tsunami hazard evaluation was performed by Skelly Engineering for the subject site on October 31, 2005. According to the plans, the site is fronted by a quarry stone revetment and is about 30 feet above Mean Sea Level. In light of recent events, Skelly Engineering examined tsunami damage in southern Thailand. Areas behind even low height seawalls experienced far less damage than unprotected areas. Structures built to a reasonable building code (UBC) did not experience damage as significant as poorly constructed structures. Skelly Engineering concluded that since the proposed development is designed to code (UBC), is protected by a quarry stone revetment, and is over 25 feet above sea level it is reasonably safe from tsunami hazards. A peer review of the Skelly Engineering Tsunami hazard evaluation was performed by the City's Geotechnical consultant, Cotton Shires and Associates on November 18, 2005. Cotton, Shires and Associates were satisfied with the tsunami analysis performed by Skelly Engineering.

Seawall

A coastal hazard study for the subject site was also performed by Skelly Engineering in May 2004. According to Skelly Engineering, the Beach Boulevard revetment and wall system is severely overtopped at elevations of about +23 feet MSL. The overtopping occurs on average a few times per year. The wave driven water coming over the top of the wall is observed to be between 1 to +2 feet in height. This would dictate that the revetment/seawall system needs to be at least to +25 feet MSL in height to provide full protection to below-grade garage and the site.

As a result, the applicant modified the proposed plans to increase the existing seawall directly in front of the subject site from 23.7 feet to 27 feet such that the proposed below-grade garage will be more protected from wave overtopping. The entrance to the garage was also shifted from Beach Boulevard to the north side of the building. As mentioned earlier, the road (Beach Boulevard) in front of the proposed development is required to be improved to accommodate the fire turn around and access to the garage. This portion of the road will be raised and aligned with the proposed seawall height extension. Both the road and seawall would be at the same elevation. As a result, the modified seawall would look visually the same as the existing seawall. As such, no aesthetic impacts would result by raising the existing seawall. However, staff is recommending a condition of approval that the final design of the seawall be reviewed and approved by the Planning Director and Public Works Director.

On April 13, 2006, the City's geotechnical consultant reviewed the revised plans. They were still concerned that although the potential for overtopping of the seawall will be reduced, the potential for temporary flooding of the garage remains as indicated on the project plans. Additional discussion of potential for flooding at the subject site was provided by the applicant's engineer. As currently designed, the proposed project meets the current standards for coastal engineering and the current standards and guidelines for mitigation of coastal hazards. The project also conforms to FEMA standards and guidelines for coastal development. Under rare (extreme design) conditions the garage area of the proposed development may be subject to some flooding. However, due to the elevation of the shore protection fronting the site, the setback of

the development from the shoreline, the orientation of the garage entrance, the drainage within the garage, and the flood management plan, the likelihood that water will enter the garage is relatively small. Any water that does enter the garage will be evacuated by a pumping system. This analysis from Skelly Engineering was reviewed by the City's geotechnical consultant, Cotton, Shires and Associates and the City's Engineering Division of Public Works. All parties accepted the discussion from Skelly Engineering regarding flooding hazards.

The proposed project is located well above the beach level. The finished floor of the garage is at elevation +21.5 MSL. In addition, the wave runup will have to travel over the top of the new shore protection at elevation +27 feet MSL. With respect to drainage of the proposed garage, the proposed sump pump would remove standing water and drain it to the City sanitary sewer. The garage floor would be sloped toward the center to help confine standing water in that area. If the sum pump is unable to keep up with the water for any period, the sloped garage floor would help lift the parked automobiles out of any temporary standing water. Additionally, the concrete of the garage floor is proposed to have a textured no-slip finish to avoid slip and fall hazards from standing water. The CC&R's will also require that all other storage be off the ground.

Additionally, Coastal Act Policy 26 (a) states that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. In this case, the proposed seawall height extension would minimize risks to life and property that is located in a flood zone by protecting the existing road (Beach Boulevard) and the proposed below-grade garage from wave overtopping.

Further, Coastal Act Policy 26 (b) states that new development shall assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The project involves an increase in height to an existing seawall by 3.3 feet. No natural landforms would be altered along the bluff area. The increase in height of the seawall is necessary to protect the road (Beach Boulevard) and the new structure from wave action.

California Coastal Commission staff was contacted on August 1, 2006 regarding the proposed increase in height of the seawall. Staff stated that they have little concern over the proposed height extension of an existing seawall, especially because the subject property opposite the seawall is an infill site.

Once the final design for the project has been determined, Cotton, Shires and Associates recommends that the design be reviewed by Skelly Engineering for compliance with their May 2004 report and for suggestion of possible design features to minimize or eliminate adverse impact due to waver overtopping. As a mitigation measure, the applicant would be required to submit final plans to Skelly Engineering for review to the satisfaction of the City Engineer and will also be required to be peer reviewed by the City's geotechnical consultant.

Aesthetics - There are specific scenic vistas designated in the Pacifica General Plan along Highway 1, but none are located within the project site. The project is not located near a designated state scenic highway nor is it visible from Highway 1.

Additionally, Coastal Act Policy No. 24 requires that "the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to, and along, the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality of visually degraded areas." The project may impair or eliminate private coastal views from nearby existing residential structures, in much the same way that the view of others further inland is altered by the presence of those homes. The project aesthetic impacts are considered less than significant because the general public view is not appreciably affected and because the alteration of private views is consistent with the effect of development in urban Pacifica.

Immediately adjacent is a two-story apartment complex south of the site and two and one story single-family residential structures north of the site. A large three story 71 unit apartment building exists to the rear (east) of the subject site. While the City's Design Guidelines encourage avoidance of negative impacts to such views, private views are not protected by any City ordinances.

The future construction of nine (9) residential units would include indoor lighting, and outdoor lighting for safety purposes, that would be visible from a distance. As a mitigation measure, outdoor lighting would need to be designed to minimize glare and spillover to surrounding properties. Regarding daytime glare, the future construction of nine (9) condominium units will be required to use non-mirrored glass to minimize daytime glare as a mitigation measure.

5. Staff Analysis: Based upon the above discussion, staff believes the findings necessary to grant the Coastal Development Permit, Site Development Permit, Use Permit, and Tentative (Condominium) Subdivision Map for the proposed project can be made, and has determined that the proposal is consistent with the General Plan, Local Coastal Plan and other applicable policy documents. For example, the goals of the Housing Element of the General Plan state in part:

- Strive to provide a decent home and satisfying environment for each resident; and,
- Protect the social mix, variety, and fundamental character of each neighborhood by providing for the safety and welfare of all residents equally.

Staff believes that the proposal preserves and enhances the mix of uses in the area, and provides additional housing opportunities in the area. The proposal will not disturb the existing neighborhood character. The subject property is surrounded by existing single family residential structures to the north, four-plex, single-family, duplex, and triplex residential structures to the south, and a large three-story apartment complex containing 71 units directed to the rear of the

property. The proposal does not appear to be out of character with the existing mix of land uses. A multi-residential development appears to be consistent with the types of future uses anticipated in the area and with the residential nature of the neighborhood.

Additionally, the West Sharp Park district policy in the Land Use Element further states that the City should "protect and continue the low and moderate income housing which provides the unique character and social mix of the neighborhood."

The project contains nine (9) condominium residential units that are designed in an attached configuration that is considered to be more affordable than single-family homes on single-family lots. The proposed 9 units would be developed at a high density, which is higher than the low-density developments throughout West Sharp Park. These higher density homes would add to the median priced housing stock of the city in conformance with this Coastal Act Policy and would not threaten the low and moderate income housing which provides the unique character and social mix of the neighborhood.

RECOMMENDATIONS AND FINDINGS

B. Recommendation:

Staff recommends that the Planning Commission APPROVE Coastal Development Permit (CDP-275-06), Site Development Permit (PSD-757-06), Use Permit, (UP-965-06) and Tentative (Condominium) Map (SUB-211-06), to allow the construction of nine (9) condominium residential units at 1567 Beach Boulevard (APN 016-011-190), subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the Plans titled "NEW CONSTRUCTION OF 9 UNIT CONDOMINIUM BUILDING, 1567 BEACH BLVD., PACIFICA, CA," consisting of fifteen (15) sheets revised on 01/2006.

2. As a condition of the Tentative (Condominium) Map, the subdivider shall defend, indemnify, and hold harmless the City of Pacifica and its agents, officers, and employees from any claim, action, or proceeding against the City of Pacifica and its agents, officers, or employees to attack, set aside, void, or annul approval of subdivision, SUB-211-06. Pursuant to this condition, the City of Pacifica shall promptly notify the subdivider of any claim, action, or proceeding regarding the subdivision, and the City of Pacifica shall cooperate fully in the defense of such claim, action, or proceeding.

3. As a condition of the Coastal Development Permit, Site Development Permit and Use Permit, the applicant shall hereby agree to indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from

any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

4. The final design of the seawall shall be reviewed by and subject to the approval of the Planning Director and Public Works Director.

5. Prior to the issuance of a building permit, the applicant shall submit information on exterior finishing, including colors and materials, subject to approval by the Planning Director.

6. All project-related easements shall be to the satisfaction of the City Engineer, Planning Director and City Attorney, and shall be recorded prior to or concurrent with the Final Map.

7. Trash enclosures and dumpster areas must be covered and protected from roof and surface drainage. If water cannot be diverted from the areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner/homeowner's association shall inspect and clean the filters as need.

8. The applicant shall submit a final landscape plan for approval by the City Planner prior to the issuance of a building permit. All landscaping shall be maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides. The landscape plan shall show each type, size and location of plant materials. The landscaping shall be installed prior to occupancy. Landscaping materials included on the plan shall be appropriate to site specific characteristics such as soil type, topography, climate, amount of timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment. All landscaping on the site shall be adequately maintained and replaced when necessary as determined by the Planning Director.

9. All transformers, HVAC units, and backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of concrete or masonry walls, berming, painting and landscaping, to the satisfaction of the Planning Director.

10. Wastewater from vehicle and equipment washing operations shall not be discharged to the

storm drain system.

11. Roof drains shall discharge and drain way from the building foundation to an unpaved area wherever practicable.

12. Declaration of Covenants, Conditions & Restrictions (CC&Rs). Prior to issuance of a building permit, the developer/owner shall prepare and record with the San Mateo County Recorder's Office a Declaration of Covenants, Conditions & Restrictions and Equitable Servitude's which shall run with the land and be binding on all future owners and occupants of each of the residential units within the subject property and their successors, heirs and assigns, and shall be approved as to form and content by the City Attorney and Planning Director, which accomplishes the following:

    a) The Declaration shall be binding upon each of the owners of each of the residential units on the subject property and their heirs, successors and assigns.
    b) There shall be a Homeowners Association to manage the project. The Declaration shall specify that the Homeowners Association shall be responsible for the repair, maintenance and replacement of the building exteriors, exterior lighting, common areas, utility areas within common areas, parking, landscaping and building signage, sanitary sewer, and private storm drain, and other features. Maintenance of the private storm drain shall be the responsibility of the applicant and property owners.
    c) The Declaration shall establish standards and guidelines for the maintenance, repair and replacement, where applicable, of all building exteriors, exterior lighting, parking, landscaping, signage, sanitary sewer, private storm drain and other features and utility facilities within common areas, to the satisfaction of the City of Pacifica. Maintenance of the private storm drain shall be the responsibility of the applicant and property owners.
    d) The Declaration shall establish a mechanism for placing assessments against the owners of all residential units within the subject property for the purpose of financing the maintenance, repair and replacement of the building exteriors, common areas, parking, landscaping and building signage. The assessments shall be apportioned in an equitable manner.
    e) The assessments shall be made, work shall be contracted for, and funds shall be disbursed by such person ("Agent") as may be delegated from time to time, by the Homeowners Association. The project owner shall act as the Agent as long as the project owner owns at least two of the units on the subject property.
    f) Any assessment not paid when due shall become a lien against the unit of the nonpaying owner, which lien may be foreclosed by the Agent.
    g) Communications. Each owner is responsible for, and shall agree to, furnish to each new tenant a copy of the CC&Rs prior to execution of a lease or purchase agreement for each unit.
    h) The Declaration shall establish procedures for designating a project "Manager," if different than the "Agent," who shall at all times be responsible for security and/or

maintenance of the overall project. At all times the Manager shall provide his/her name and current phone number to the Planning Director, including any changes thereto.

i) The Declaration shall include a provision that the provisions relating to this condition 11 shall not be amended without prior approval in writing from the City of Pacifica.

j) The Declaration shall specify that the owners of each of the residential units on the subject property shall comply with all other applicable conditions of approval for the project.

k) The Declaration shall name the City of Pacifica as a third party beneficiary with the right (but not the obligation) to enforce the provisions required to be included in the CC&Rs.

13. The property owner(s) shall keep the property in a clean and sanitary condition at all times.

14. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.

15. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to issuance of building permits. Said plan shall indicate fixture design, illumination (photometric plan), location, height, and method of shielding. Lighting shall be directed away from adjacent properties to avoid adverse affects thereto. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Fixture locations, where applicable, shall be shown on all building elevations.

16. The applicant shall comply with all Mitigation Measures and implement the Mitigation, Monitoring and Reporting Program adopted as part of the Mitigated Negative Declaration (MDR) and attached to the Resolution Certifying the MDR. Prior to the Final Map approval, the project must demonstrate compliance with all mitigation measures or provide evidence ensuring that any future requirements of the mitigation measures will be met in accordance with the Mitigation, Monitoring and Reporting Program.

17. No building permit shall be issued until a Growth Management Ordinance allocation for each of the new residential units has been granted.

18. Increase storm water runoff shall minimize through the use of on-site detention facilities to the maximum extent feasible as determined by the Planning Director and City Engineer.

Public Works Department/Engineering Division:

19. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or

destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to completion of the building permit.

20. Applicant shall install stainless steel railing to match existing along the proposed wall addition to the existing seawall.

21. Applicant must submit a revised Tentative Map that has the signature and stamp of a qualified licensed surveyor or engineer.

22. Applicant shall submit a final map for the proposed condominium residential project. All required monumentation shall be shown on the map and set prior to recordation of the map.

23. Applicant shall enter into a Subdivision Improvement Agreement with the City of Pacifica to construct all on-site and off-site improvements, as depicted on the approved Tentative (Condominium) Map and any conditions imposed on this project, prior to approval of the final map.

24. Applicant shall submit design plans and necessary reports and engineering calculations for the construction of all on-site and off-site improvements, and they must be approved by the Director of Public Works or the City Engineer prior to the execution of the Subdivision Improvement Agreement. All plans, reports and calculations shall be signed and stamped by a qualified professional. The improvement plans shall include a topographic survey performed by a licensed surveyor. Construction of these improvements shall be to the satisfaction of the Director of Public Works or the City Engineer.

25. Should the applicant desire to record the final map prior to completion and acceptance of improvements, a bond in an amount determined by the Director of Public Works or the City Engineer shall be provided. The bond maybe in the form of cash, instrument of credit or surety bond.

26. Applicant shall maintain all on-site and off-site improvements constructed and modified for this project and shall enter into a Maintenance Agreement with the City prior to Final Map approval.

27. Applicant shall dedicate a Public Utility Easement for all utilities, including sanitary sewer, that lie outside the public right-of-way.

28. Applicant shall dedicate a Private Storm Drainage Easement for the proposed storm drain system. This system shall be privately maintained and must be designed for a 100-year storm and to the satisfaction of the Director of Public Works or the City Engineer.

29. Applicant shall dedicate a Public Access Easement and Emergency Vehicle Access Easement for the sidewalk and cul-de-sac that lie outside the public right-of-way.

30. Existing curb, sidewalk or street adjacent to property frontage that is damaged or displaced shall be repaired or replaced even if damage or displacement occurred prior to any work performed for this project.

31. Applicant shall grind a minimum of 2 inches of the existing Asphalt Concrete along Beach Blvd from Paloma Avenue to Bella Vista and replace in kind.

32. Applicant shall construct a standard curb ramp at each corner of Paloma Avenue and Beach Boulevard.

33. An Encroachment Permit shall be obtained for all work within City right-of-way. All proposed improvements within City right-of-way shall be constructed per City Standards.

Fire Department

34. The City's geotechnical consultant must evaluate design plans for the road leading into the building to ensure cliff side stability..

35. Since the cul-de-sac is not a full 66' in diameter, the entire cul-de-sac shall be red curbed and signs shall be installed stating "No Parking or Stopping – Fire Lane," to the satisfaction of the Fire Department.

36. A fire hydrant is shown on the south side of the building, half way into the building. This fire hydrant shall be relocated to the corner of Beach Boulevard and Paloma Avenue. The fire hydrant at the north side of the building shall remain as proposed.

Building Department

37. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. The applicant shall implement Best Management Practices during all phases of construction for the project.

Wastewater Division of Public Works

38. The applicant shall provide a video of the sewer lateral line. Depending upon the condition of the existing sewer line, if there are any visible signs of leakage, the applicant shall replace parts or the whole sewer to current specifications and codes to satisfaction of the City Engineer.

39. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged into the storm drain system.

C. FINDINGS:

1. **Adoption of Mitigated Negative Declaration:** The Planning Commission finds that on the basis of the Mitigated Negative Declaration and the whole record before it, that there is no substantial evidence that the proposed project, as conditioned, will have any significant adverse impacts on the environment. The Commission also finds that the Mitigated Negative Declaration reflects the Commission's independent judgment and analysis.

2. **Findings for Tentative (Condominium) Map:** The Planning Commission finds that the proposed Tentative (Condominium) Map and design and improvements of the proposed condominium subdivision, as conditioned, are consistent with the applicable portions of the General Plan, Local Coastal Program Land Use Plan, and Zoning Ordinance. In addition, the Commission finds that the site is physically suitable for the type and density of development, no substantial environmental damage will be caused by the project, and no public health problems will result from development of the subject parcel. The property is an infill site surrounded by existing residential development.

3. **Findings of Approval for Site Development Permit:** The Planning Commission determines that the proposed nine (9) unit condominium residential development, as conditioned, is consistent with the General Plan, Local Coastal Program Land Use Plan, Zoning Ordinance and applicable City laws. Specifically, the location, size and intensity of the proposed condominium project, including design, is consistent with the character of the surrounding neighborhood; and the proposal will not restrict light or air to surrounding buildings or discourage additional residential development in the area. Adequate landscaping would be provided on the site. The proposal enhances the design variety of the area and would not impact traffic patterns in the vicinity. The Commission also finds that, as conditioned, the proposal is consistent with the applicable provisions of the City's Design Guidelines.

4. **Findings for Approval of a Use Permit:** The Planning Commission finds that the proposed nine (9) unit condominium development will not, under the circumstances of the particular case, be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the general welfare of the City; and that the use is consistent with the City's adopted Design Guidelines, applicable provisions of the General Plan, Design Guidelines, and other applicable laws of the City. In particular, the Commission finds that the project, as conditioned, will be compatible with the character of the surrounding land use, and will not affect traffic circulation in the area. The Commission further finds that the proposal will not obstruct light normally enjoyed by the adjacent properties, and the quality of building design and materials is equal to or greater than that of the surrounding development.

5. Findings for Approval of Coastal Development Permit: The Planning Commission finds that the proposed nine (9) unit condominium residential development is, as conditioned, in conformity with the City's Local Coastal Program, and Public recreation policies of Chapter 3 of the California Coastal Act. In particular, the proposal is located on an infill site, surrounded predominately by residential development. The project is consistent in scale compared to surrounding areas and will have limited, if any, visual consequences. The project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. The proposal will not have significant adverse effects, either individually or cumulative, on coastal resources. Additionally, the proposed condominium development would provide necessary housing opportunities in the area.

COMMISSION ACTION

D. MOTION FOR APPROVAL:

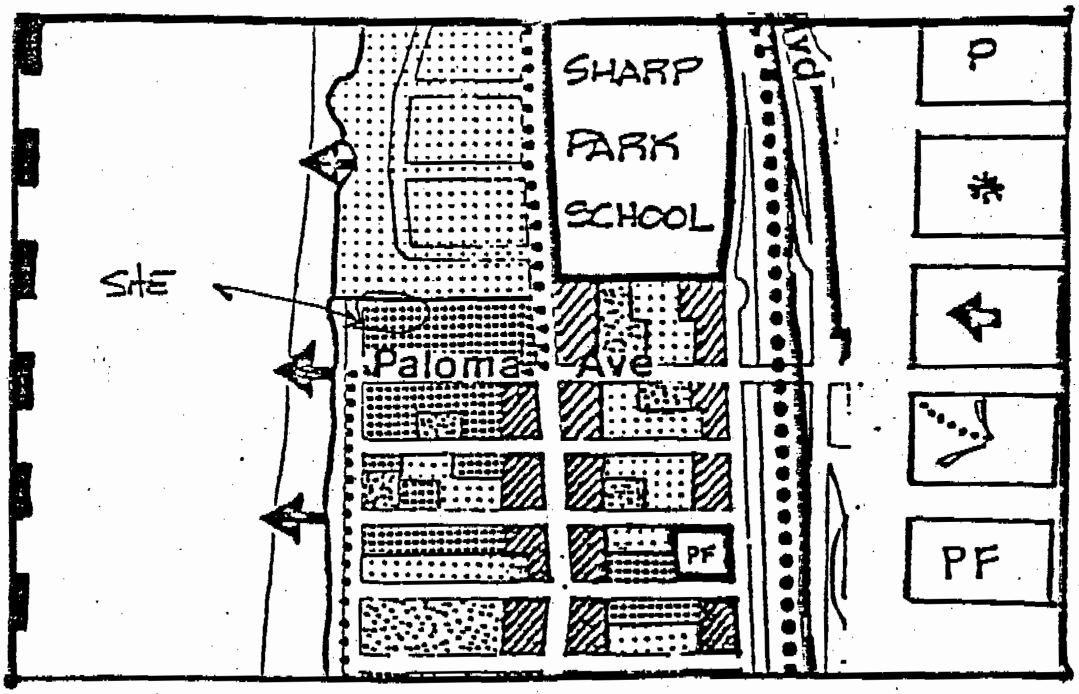
Move that the Planning Commission **ADOPT** the attached resolutions next in order entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR A NINE (9) UNIT CONDOMINIUM DEVELOPMENT AT 1567 BEACH BOULEVARD (APN 016-011-190)," and **APPROVE**, CDP-275-06, PSD-757-06, UP-965-06, and SUB-211-06, subject to conditions one (1) through thirty-nine (39), and adopt the findings contained in the October 16, 2006 staff report and incorporate all maps and testimony into the record by reference.

Attachments:

a. Land Use and Zoning Exhibit
b. Mitigated Negative Declaration
c. Resolution (Adoption of Mitigated Negative Declaration) and Mitigation, Monitoring and Reporting Plan
d. Conceptual Plans (Planning Commission only)

General Plan Diagram

Existing Designation: High Density Residential



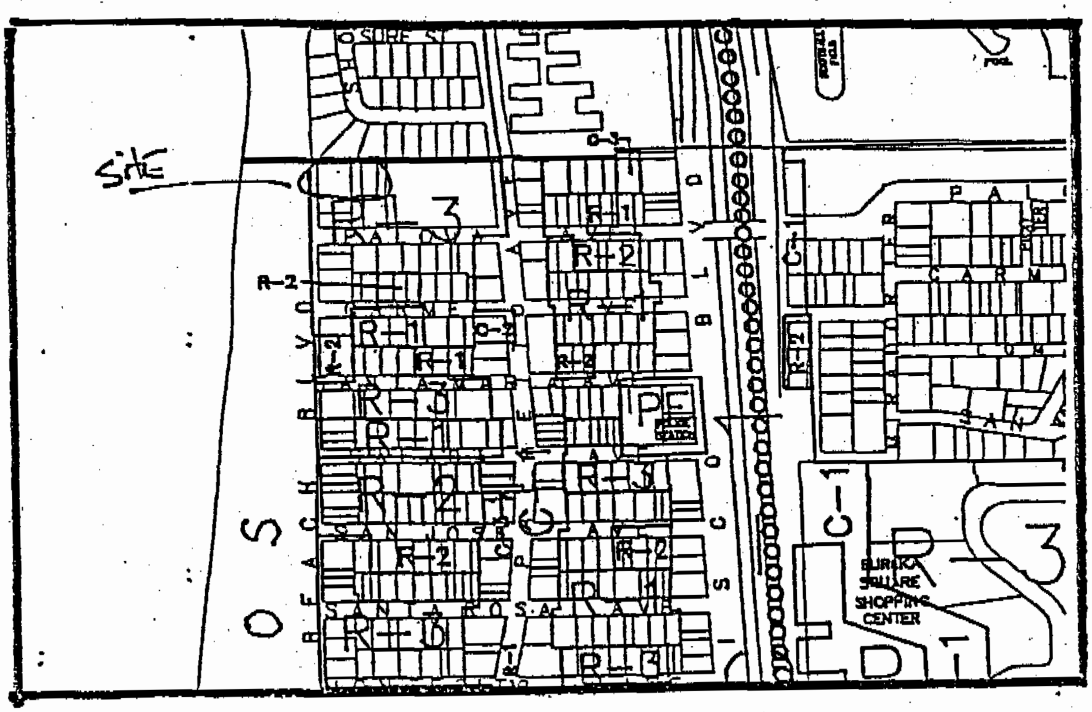
Legend

- VERY LOW DENSITY RESIDENTIAL
- LOW DENSITY/ RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- MIXED USE: HIGH DENSITY/COMM.
- COMMERCIAL
- GENERAL COMMERCIAL
- OPEN SPACE RESIDENTIAL
- GREENBELT
- PROMINENT RIDGELINE
- SPECIAL AREA
- MARSH
- OPEN SPACE / PUBLIC FACILITY
- P PROPOSED PARKING
- NEIGHBORHOOD PARK
- DEVELOPED / PROPOSED BEACH ACCESS
- NORTH-SOUTH CITY TRAIL
- PF PUBLIC FACILITY
- U UTILITIES
- Ag AGRICULTURE
- CHURCH
- FIRE STATION

Neighborhood: West Sharp Park

Zoning Map Diagram

Existing Classification: R-3, Multiple-Family Residential



Legend

ZONING DISTRICTS

R-1	Single-Family Residential
R-2	Two-Family Residential
R-3	Multiple-Family Residential
R-3.1	Multiple-Family Residential
R-3-G	Multiple-Family Residential Gard
R-5	High Rise Apartment
C-1	Neighborhood Commercial
C-1-A	Commercial Apartment
C-2	Community Commercial
C-3	Service Commercial
O	Professional Office
C-R	Commercial Recreation
M-1	Controlled Manufacturing
M-2	Industrial
P	Parking
A	Agricultural
B-	Lot Size Overlay
P-F	Public Facilities
P-D	Planned Development
R-M	Resource Management
O-S	Open Space
R-3/L.D.	Multiple-Family/Low Density Residential
R-1-H	Single-Family Residential Hillside
CZ	Coastal Zone Combining District
SA	Special Area Combining District
HPD	Hillside Preservation District

+ Requires Vote to Rezone
X Vote Required for Residential Develop

ATTACHMENT C

LAND USE & ZONING EXHIB

City of Pacifica

Planning & Economic Development Department

Exhibit No. 4 (Page 36 of 36)
Application No. A-2-PAC-07-022
Pacific Beach LLC
Notice of Final Local Action, including 5/14/07 City Council Resolution, Agenda Summary Rpt. And 10/16/06 Plng. Comm. Staff Rpt.

SKELLY ENGINEERING

GeoSoils, Inc.

COASTAL HAZARD STUDY

Legacy Quest Condominiums
1567 BEACH BOULEVARD
PACIFICA, CA

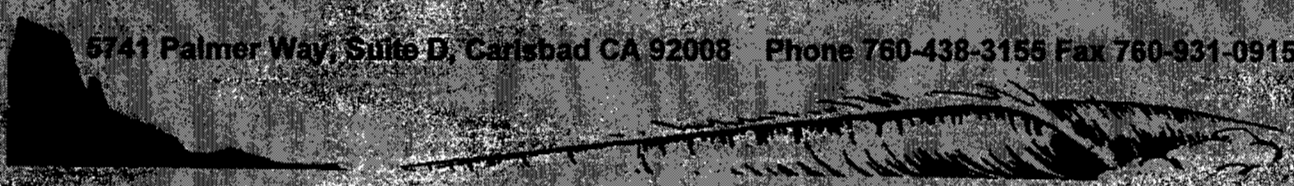
MAY 2004

Prepared For

Earth Investigation Consultants

Exhibit No. 5 (Page 1 of 11)
Application No. A-2-PAC-07-022
Pacific Beach LLC
Coastal Hazards Study, Skelly Engineering 5/04

5741 Palmer Way, Suite D, Carlsbad CA 92008 Phone 760-438-3155 Fax 760-931-0915



SKELLY ENGINEERING
GeoSoils Inc.

May 5, 2004

Mr. Joel Baldwin
Earth Investigation Consultants
P.O. Box 795
Pacifica, CA 94044

SUBJECT: Coastal Hazard Study Proposed Legacy Quest Condominiums, 1567 Beach Boulevard, Pacifica.

Reference: "Geotechnical Review Legacy Quest Condominiums, 1567 Beach Boulevard," dated December 3, 2003, by Cotton Shires & Associates, Inc.

Dear Mr. Baldwin:

At your request we are pleased to provide the following letter report discussing coastal hazards for the proposed Legacy Quest Condominium project. In particular, this letter will respond to Item 2 and Item 3, of the above referenced geotechnical review. For ease of review the item number and subject will be provided in bold lettering followed by the response.

2. Seawall Evaluation

The proposed development is located along the shoreline of Pacifica. The site is fronted by Beach Boulevard, a reinforced earth (RE) wall, and a quarry stone revetment. In addition to the revetment and RE wall, the City of Pacifica has placed traffic barriers on top of the RE wall to act as flood shields during times when waves overtop the RE wall. Figure 1, downloaded from the California Coastal Records Project web site (http://www.californiacoastline.org/), shows the site, the adjacent shoreline and shore protection structures. The quarry stone revetment was subject to major maintenance and reconstruction in the Fall of 2002. The maintenance was performed under the supervision of this office. The slope of the face of the revetment is about 2:1 (horizontal:vertical). The top of the revetment is at about +15 feet MSL. The top of the RE wall is about +24 feet MSL. The proposed development is a two-story condominium building over a subgrade parking garage. Plans for the proposed development were not available at the time of this letter report. However, the approximate elevation of the finished garage floor will be about +21 feet MSL with the finished first floor at about +31 feet MSL. In order to evaluate the existing shore protection a discussion of the local coastal processes and the

Exhibit No. 5 (Page 2 of 11)
Application No. A-2-PAC-07-022
Pacific Beach LLC
Coastal Hazards Study, Skelly Engineering 5/04

oceanographic design conditions is necessary. This information is then used in the wave runup and overtopping analysis, which is the basis for a discussion of the impact of waves on the proposed condominium development.

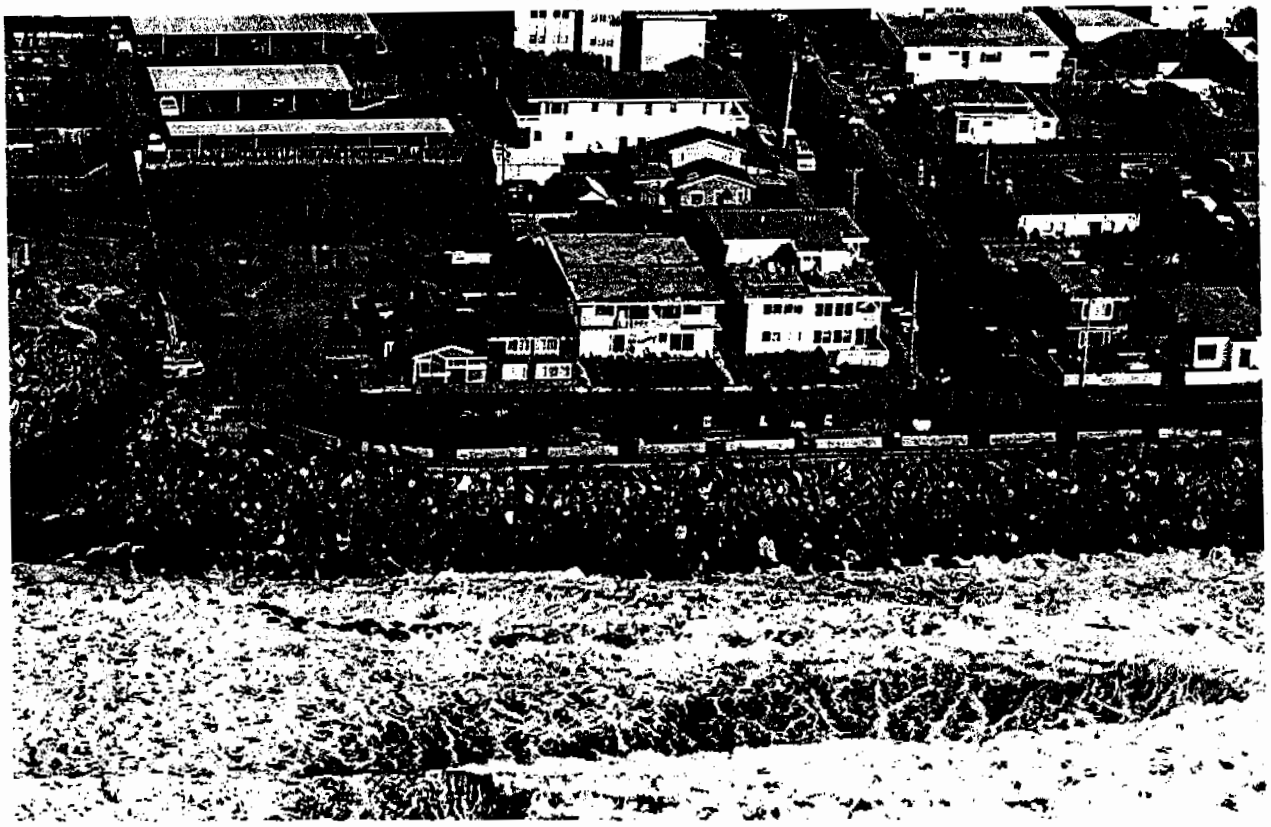


Figure 1. Subject site and adjacent shoreline in Fall 2002.

COASTAL PROCESSES

The City of Pacifica is in the northern part of San Mateo County about 4 miles south of San Francisco. The city lies within what the US Army Corps of Engineers (1972) has termed the San Francisco littoral cell. A littoral cell is a coastal compartment that contains a complete cycle of littoral sedimentation including sources, transport pathways and sediment sinks. This overall cell extends from San Francisco Bay to Point San Pedro just south of Pacifica a total distance of about 16 miles. The San Andreas Fault essentially bisects this littoral cell at the area known as Mussel Rock. There is some indication from analysis of beach sand mineralogy that there is little transport of sand from the northern half of the cell, Ocean Beach, to the southern half of the cell, Pacifica.

The source of for the littoral cell includes sands transported south from the San Francisco tidal bar and Ocean Beach, sediments delivered by the local streams (San Pedro Creek, alluvium from Laguna Salada, Big Inch Creek, Milagra Creek, and others), and erosion of the bluffs. The shoreline from Mussel Rock to Mori Point is characterized by bluffs that range in height from 40 to 150 feet. The beaches are characteristically narrow along this section of shoreline. Beach Blvd is located along this stretch of coastline. The actual quantities of sand, that are derived from each source, have not been determined, and the contribution of each source will vary with rainfall and wave activity.

The energy that moves the beach sands on and offshore, and along the shore is derived from waves. Waves reach the Pacifica shoreline from the southwest through the northwest deepwater wave directions. The US Army Corps of Engineers produced a draft report in 1972 that used wave refraction diagrams to determine the predominate direction of littoral transport. The final report and data are not available from the Corps' San Francisco District Office. However, the report concluded that "sand transport in both directions between Mussel Rock and Mori Point is known to occur, depending upon the time of year and direction of wave attack, the net longshore movement is negligible." Using Battalio (1996) one can assume that annual longshore sediment transport rates are on the order of 100,000 cubic yards. A wave measurement array was located at Montara just to the south of Pacifica and review of the data from January to December 1988 shows a peak wave of 5.7 meters in height and 15 second period. This could be used as an offshore design wave height. It is important to point out that the Corps report was produced in 1972 prior to the El Niño winters of the last two decades. In addition, the waves of interest are not the deepwater waves but rather the nearshore waves at the subject site. These wave conditions can be determined from refraction-diffraction wave models, but the deepwater wave information for the area is incomplete.

The sinks for sediment in the Pacifica area have not been clearly identified. Most likely some beach sediment is transported north past Mussel Rock, and some sediment is lost offshore trying to move south around San Pedro Point. There is also some potential loss of beach sands offshore along the entire cell. However, the US Army Corps of Engineers (1972) determined that "beach profiles show that during winter months sand is removed from the beach and during summer months is returned with very little net loss." The report does not quantify this net loss other than to say it is very little or in others words not significant. The Corps report gives an estimated average annual erosion rate of about 2 feet along this area. Again, it is important to point out that the Corps study does not include the last few decades of El Niño storms.

SE SKELLY ENGINEERING
GeoSoils Inc.

OCEANOGRAPHIC DESIGN CONDITIONS

The design criteria for a coastal structure is based upon several oceanographic and geologic site conditions . These include nearshore bathymetry, water level, wave height, maximum scour depth, beach slope, and bed rock soil properties. The design methods for this analysis are taken directly from Chapter 7 of the U.S. Army Corps of Engineers Shore Protection Manual. Design criteria for a shoreline structure is usually developed for a set of recurrence interval oceanographic conditions. For the purpose of this analysis 50-year and 100-year recurrence interval oceanographic conditions are used. The offshore bathymetry is characterized by ridges and valleys aligned perpendicular to the shoreline. For the purpose of this analysis an approximate nearshore slope of 0.002 will be used. The beach slope varies across the proposed revetment site from as steep 0.3 to less than 0.18.

The design water level is the maximum possible still water elevation. During storm conditions the sea surface rises along the shoreline (super-elevation) and allows waves to break just before or at the structure. Super-elevation of the sea surface can be accounted for by: wave set-up (1 to 2.5 feet), wind set-up and inverse barometer (0.5 to 1.5 feet), wave group effects (1 to 2.5 feet) and El Niño effects (0.5 to 1.0 feet). The 50 years recurrence interval maximum tide elevation is +5.1 feet MSL (Mean Sea Level) which, when combined with the effects of super-elevation, yields a 50 year recurrence interval water level of +7.0 feet MSL. This still water elevation uses EPA (Titus & Narayanan 1995)estimates of 8 inches of sea level rise in the next 50 years. The 100 year recurrence interval maximum tide elevation is +5.3 feet MSL which will result in a maximum water level of +7.5 feet MSL. This still water elevation uses EPA (Titus & Narayanan 1995) estimates of 12 inches of sea level rise in the next 100 years. The maximum scour depth is often determined by the presence of bedrock. In this case the depth to bedrock is uncertain so the scour depths will be determined by observation and experience. The design elevation of the toe of the lowest segment of the revetment is at about -3.0 feet MSL. This would account for a maximum scour depth as low as -2.0 feet MSL. Using the maximum still water levels, the design water depth at the toe of the structure for the 50-year recurrence interval conditions is about 10 feet and the design water depth for the 100-year recurrence interval is about 12 feet.

This section of coastline is subject to seasonal high waves. High waves in combination with high water levels result in erosion of the beach and wave attack on the RE wall and Beach Boulevard. Offshore wave heights of 20 feet and greater are common during winter storms. However, the design wave conditions for a shoreline structure are quite often not the largest waves in the nearshore area. The largest waves break offshore, in water depths approximately equal to the wave height, and by the time it reaches the

Exhibit No. 5 (Page 5 of 11)
Application No. A-2-PAC-07-022
Pacific Beach LLC
Coastal Hazards Study, Skelly Engineering 5/04

shoreline much of its energy is gone. The largest wave force (design wave force) will occur when a wave is breaking directly on the shoreline structure. The largest wave that can break on the structure is determined by the depth of water at the toe of the structure. Using the maximum design water depths determined in the previous paragraph the resulting design wave heights are about 9.0 feet for the 50-year recurrence and about 10.0 feet for the 100-year recurrence interval. The incoming wave periods vary from 9 to 20 seconds. A design wave period of 18 seconds was chosen in that this period wave would produce the highest runup.

WAVE RUNUP AND OVERTOPPING

As waves encounter the quarry stone revetement in front of the RE wall they break and water rushes up the face of the revetment, and up and over the RE wall onto Beach Blvd and to the site. Often, wave runup and overtopping strongly influence the design, cost, and maintenance costs of coastal projects. Wave runup is defined as the vertical height above the still water level to which a wave will rise on a structure of infinite height. Overtopping is the flow rate of water over the top of a finite height structure (the top of the RE wall) as a result of wave runup. The wave runup analysis for a combination revetment and seawall is very complex. The USACOE Shore Protection manual does not contain any methods for the analysis. Because the RE wall only sees the wave runup above +15 feet MSL it is reasonable to model this combination shore protection system as a single revetment.

Wave runup and overtopping for the revetment is calculated using the US Army Corps of Engineers Automated Coastal Engineering System, ACES. ACES is an interactive computer based design and analysis system in the field of coastal engineering. The methods to calculate runup and overtopping implemented within this ACES application are discussed in detail in Chapter 7 of the Shore Protection Manual (1984). The runup estimates calculated herein are corrected for the effect of onshore winds.

The empirical expression for the monochromatic-wave overtopping rate is:

$$Q = C_w \sqrt{g Q_0^* H_0^3} \left(\frac{R+F}{R-F} \right)^{\frac{-0.1085}{a}}$$

where

Q = overtopping rate/unit length of structure
C_w = wind correction factor

g = gravitational acceleration
Q_0^*,α = empirical coefficients (see SPM Figure* = 7-27)
H_0 = unrefracted deepwater wave height
R = runup
F = h_s - d_s = freeboard
h_s = height of structure
d_s = water depth at structure

The correction for offshore winds is:

$$C_w = 1 + W_f\left(\frac{F}{R}+0.1\right)\sin\theta$$

where

$$W_f = \frac{U^2}{1800}$$

U = onshore wind speed (mph)

The wave, wind, water level and coastal processes data used as input to the ACES runup and overtopping application is discussed in the previous section. The shoreline along this section of the California coast has experienced many storms over the years. These events have impacted coastal property and beaches depending upon the severity of the storm, the direction of wave approach and the local shoreline orientation. The ACES analysis was performed on two sets of oceanographic conditions that represent typical 50, and 100 year storm events. The onshore wind speed was chosen to be 40 knots for each case. The oceanographic conditions are as follows:

1. Nearshore slope 1/500.
2. Revetment slope 1/2.
3. Maximum scour depth -2.0 feet MSL (50-year), -3.0 feet MSL (100-year).
4. Wave period 18 seconds.
5. Wave heights 9.0 feet (50-year), 10.0 feet (100-year) .
6. Still water elevation +7 feet MSL (50-year), +7.5 feet MSL (100-year).
7. Maximum water depth at structure 11.0 feet (50-year), 13.0 feet (100-year).

Table I below is the output from the ACES analysis. The maximum wave runup for the 50 year recurrence interval oceanographic conditions is about +23.0 feet MSL and for

the 100 year recurrence conditions it is about +24.5 feet MSL. Based upon our experience and direct observation the Beach Blvd revetment and wall system is severely overtopped at elevations of about +23 feet MSL. The overtopping occurs on average a few times per year. The wave driven water coming over the top of the wall is observed to be between 1 to +2 feet in height. This would dictate that the revetment/seawall system needs to be at least to +25 feet MSL in height to provide full protection to Beach Boulevard and the site.

TABLE I

AUTOMATED COASTAL ENGINEERING SYSTEM ... Version 1.02 5/ 4/2004 12:25
Project: PACIFCIA LEGACY QUEST CONDO WAVE AHZARD ANALYSIS

WAVE RUNUP AND OVERTOPPING ON IMPERMEABLE STRUCTURES

Item		Unit	Value	
Wave Height at Toe	Hi:	ft	9.000	Rough Slope
Wave Period	T:	sec	18.000	Runup and
COTAN of Nearshore Slope			500.000	Overtopping
Water Depth at Toe	ds:	ft	11.500	
COTAN of Structure Slope			2.000	
Structure Height Above Toe	hs:	ft	20.000	
Rough Slope Coefficient	a:		0.956	
Rough Slope Coefficient	b:		0.398	
Deepwater Wave Height	H0:	ft	5.752	
Relative Height	(ds/H0):		1.999	
Wave Steepness	(H0/gT^2):		0.552E-03	
Wave Runup	R:	ft	15.778	
Onshore Wind Velocity	U:	ft/sec	67.512	
Overtopping Coefficient	Alpha:		0.500E-01	
Overtopping Coefficient	Qstar0:		0.150	
Overtopping Rate	Q:	ft^3/s-ft	2.965	

WAVE RUNUP AND OVERTOPPING ON IMPERMEABLE STRUCTURES

Item		Unit	Value	
Wave Height at Toe	Hi:	ft	10.000	Rough Slope
Wave Period	T:	sec	18.000	Runup and
COTAN of Nearshore Slope			500.000	Overtopping
Water Depth at Toe	ds:	ft	13.000	
COTAN of Structure Slope			2.000	
Structure Height Above Toe	hs:	ft	20.000	
Rough Slope Coefficient	a:		0.956	
Rough Slope Coefficient	b:		0.398	
Deepwater Wave Height	H0:	ft	6.580	
Relative Height	(ds/H0):		1.976	
Wave Steepness	(H0/gT^2):		0.631E-03	
Wave Runup	R:	ft	17.279	
Onshore Wind Velocity	U:	ft/sec	67.512	
Overtopping Coefficient	Alpha:		0.500E-01	
Overtopping Coefficient	Qstar0:		0.150	
Overtopping Rate	Q:	ft^3/s-ft	7.269	

In an effort to reduce the amount of wave overtopping and resulting flooding of Beach Boulevard, the City of Pacifica has placed concrete traffic barriers (K-rails) along the

top of the RE wall to act as flood shields. These shields are only partially effective and wave runup waters can still reach the site. Increasing the height of the seawall is not an option for the developer because the wall and revetment is on public property and belongs to the City of Pacifica and the State of California. However, wave overtopping can be managed on site after it crosses Beach Boulevard In order to reduce or eliminate the adverse impacts of wave runup and flooding at the site we offer the following suggestions;

- No habitable finished floor should be below elevation +27 feet MSL.
- The placement of a minimum 30-inch high block wall (or equivalent) along Beach Boulevard fronting the development will provide significant protection from wave runup.
- The entrance to the proposed below grade parking should be designed to eliminate or significantly reduce wave runup from flooding the parking area. This can be accomplished by; 1) not siting the parking entrance on Beach Boulevard, 2) berming the entrance, 3) flood shields (sand bags, plywood, etc.), 4) area drains at the driveway entrance, or 5) sump for water collection in the parking garage. It may well be that a combination of these and other methods may be the best management strategy for wave overtopping and flooding.

3. Tsunami Risk Evaluation

Tsunami are waves generated by submarine earthquakes, landslides, or volcanic action. Lander et. al. 1993 discusses the frequency and magnitude of recorded or observed tsunami in the Pacifica area. In 1960 a 1.6 meter high tsunami was recorded in Santa Cruz with 1.0 meter high tsunami in Stinson Beach. In 1964 a 1.4 meter tsunami was recorded in Pacifica. A tsunami in the Pacifica area can reasonably be expected to be 2 or more meters in height. Any wave including tsunami that approaches the Beach Boulevard seawall will be depth limited, that is to say it will break in water depth that is about 1.3 times the wave height. The wave runup and overtopping analysis herein considers the maximum possible unbroken wave at the toe of the revetment. This wave is about 3 meters high. The runup and overtopping analysis can also serve to estimate the amount of wave overtopping as a result of a tsunami occurring at the peak high tide. A 3-meter tsunami, during a very high tide, will impact the site much like the 100-year recurrence interval wave height overtopping. The tsunami, much like the design extreme wave, will break on or before the revetment and RE wall, losing much of its energy. Due to the presence of the shore protection fronting Beach Boulevard, the site is reasonably safe from tsunami hazards.

CONCLUSIONS AND RECOMMENDATIONS

- The site will be subject to wave runup and flooding, possibly several times in a given year. However, the site is substantially protected from direct wave attack by the quarry stone revetment, the RE wall, and Beach Boulevard.

- The adverse consequences of wave runup reaching the site can be mitigated by a management plan that includes elevating improvements, shielding improvements, and site drainage.

- A tsunami with a height on the order of 2 meters arriving in the Pacifica area is a very infrequent event (over 100 year recurrence interval). If a large tsunami were to occur during the life of the proposed development the level of risk to the site can be consider very low due to the site's elevation and its location behind the shore protection and Beach Boulevard.

- Once the final design for the project has been determined, it is strongly recommended that the design be reviewed by this office for compliance with this report and for suggestion of possible additional design features to minimize or eliminate adverse impacts due to wave overtopping.

LIMITATIONS

Coastal engineering is characterized by uncertainty. Professional judgements presented herein are based partly on our evaluation of the technical information gathered, partly on our understanding of the proposed construction, and partly on our general experience. Our engineering work and judgements have been prepared in accordance with current accepted standards of engineering practice; we do not guarantee the performance of the project in any respect. This warranty is in lieu of all other warranties expressed or implied.

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copyright laws of the United States. Reproduction of this report, in whole or in part, is permitted only if title, date, and author is cited in full. Any secondary use of this report is made entirely at the risk of the user. It is strongly recommended that a competent coastal engineer be consulted when interpreting any of this information.

If you have any questions please contact us at the number below.

Sincerely,

David W. Skelly MS, PE
RCE# 47857

12/31/05

ADDITIONAL REFERENCES

Battalio, R.T. and Dilip Trivedi, 1996, "Sediment Transport Processes at Ocean Beach, San Francisco," California, ASCE Coastal Engineering Proceedings Vol 3 Chapter 208.

Lander, James F., P. Lockridge, and M. Kozuch, 1993, "Tsunamis Affecting the West Coast of the US, 1806-1992." NOAA National Geophysical Data Center publication.

Shore Protection Manual, 1984, 4th ed. 2 Vols, US Army Engineer Waterways Experiment Station, Coastal Engineering Research Center, US Government Printing Office, Washington, DC.

Titus and Narayanan, 1995. "The Probability of Sea Level Rise" (EPA 230-R-95-008).

USACOE, 1972, "(Draft) Beach Erosion Control Report on the Shores of the City of Pacifica, California"

USACOE, 1990, Automated Coastal Engineering System, ACES

ELEVATIONS
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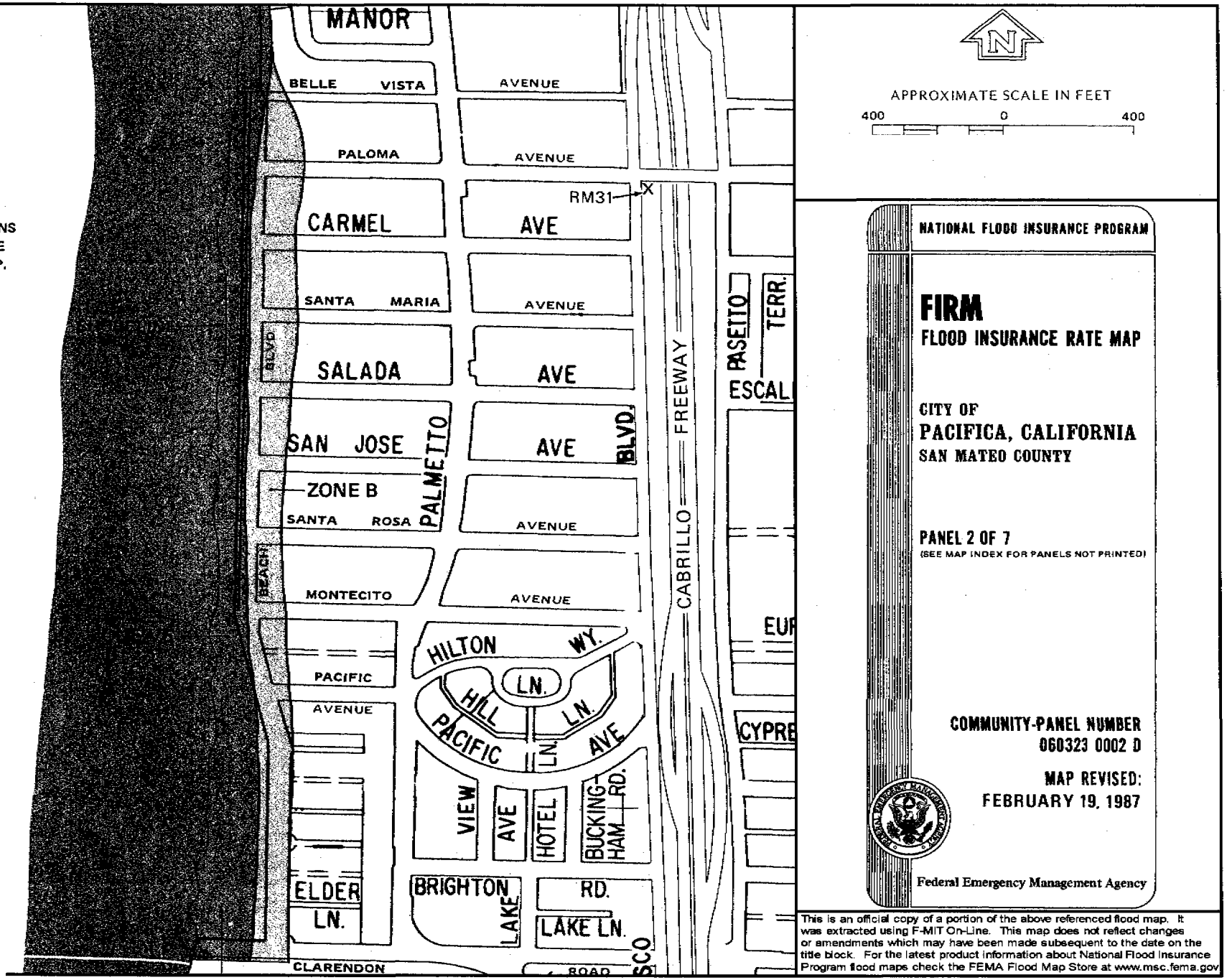


Exhibit No. 6
Application No. A-2-PAC-07-022
Pacific Beach LLC
FEMA Flood Inundation Map

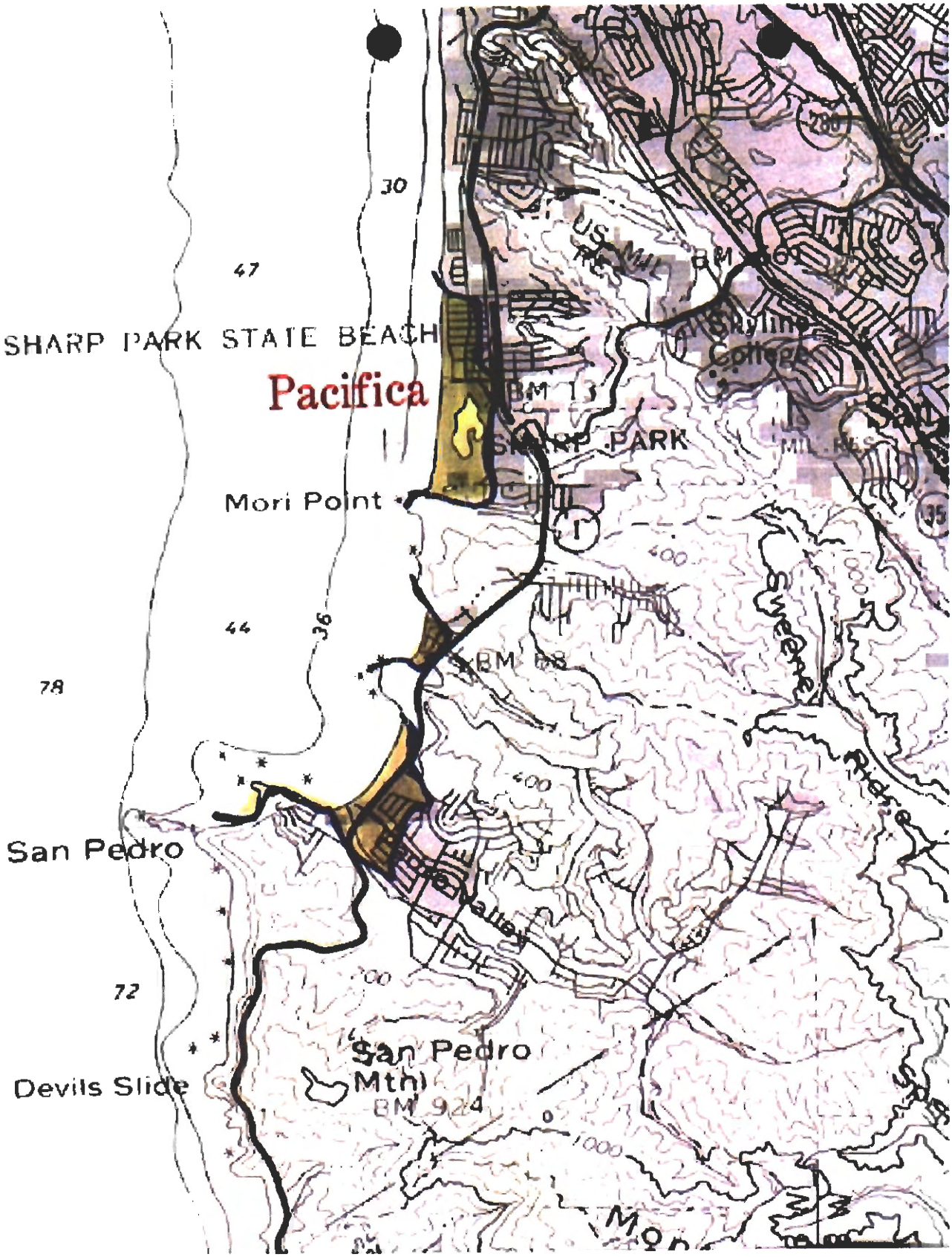


Exhibit No. 7
Application No. A-2-PAC-07-022
Pacific Beach LLC
City of Pacifica Tsunami Inundation Mapping

Nadia V. Holober

Attorney at Law

Ten Almaden Boulevard • Suite 1460 • San Jose, California 95113-2233
Telephone: (408) 293-3911 • Fax: (408) 293-1999 • email: nvh@nadiaholober.com

RECEIVED

JAN 0 3 2008

CALIFORNIA
COASTAL COMMISSION

January 2, 2008

Via Email and U.S. Mail

Michael Endicott
Manager, North Central Coast District
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Nine-Unit In-fill Condominium Project, 1567 Beach Boulevard, Pacifica
Applicant: Pacifica Beach, LLC
California Coastal Commission Appeal No. A-2-PAC-07-022

Dear Mr. Endicott:

At Michelle Jesperson's request, we have analyzed a Code-compliant building design that does not include the raising of a portion of Beach Boulevard and places the garage at street level. We note that we recently proposed as the Applicant's currently proposed "Project" an alternative that does not include the raising of any portion of Beach Boulevard and maintains wave run-up mitigations by design as approved by the City of Pacifica. We do not believe that a street level parking alternative furthers any of the objectives of the Coastal Act better than does the design approved by the City of Pacifica after design and review by the Project's architects, the Project's civil engineer, the Project's coastal hazard engineer, the City's engineers and planners, the City's peer review engineers and the City's appointed and elected officials after at least four public hearings. We believe that the street level parking design is less preferable than the proposed Project design that includes below-grade parking primarily for the three following reasons: (1) The garage entrance for the street level parking design would be at a lower elevation (entrance ~+25.5 feet MSL) than the City-approved design (entrance ~+27 feet MSL) and would be oriented toward the ocean such that very extreme wave runup would flow directly into the garage opening, resulting in a greater likelihood of water entering the garage during very extreme wave runup events; (2) The below-grade parking design elevates the first floor above ~+30 feet MSL, thereby better protecting the first-floor residences and residents during very extreme wave runup events than does the street level parking design (residences ~+25.5 feet MSL); (3) The below-grade parking design results in a structure that is more aesthetically pleasing.

This analysis compares the Project as with a street level parking alternative notwithstanding the Coastal Commission's routine approval, often on the Commission's

Consent Calendar, of subterranean parking. The building would be a 35-foot tall rectangular building, and the footprint would be 10,777 square feet as permitted by the Pacifica Municipal Code and certified Local Coastal Program ("LCP"). This footprint is some 200 square feet larger than the current footprint. The garage would be entered from the front of the building and two residential units would face the ocean on the first floor. We anticipate that the garage entrance would be approximately 25 feet wide (the required width of the driving aisle) and located at or near the approximate midpoint of the Fire Department's mandated turn-around. The additional seven units would be situated on the second and third floors.

We begin our analysis by noting that 20 parking spaces are required: two accessible spaces and 18 standard spaces, of which four spaces may be compact. Assuming that none of the spaces would be compact and use of the City's "parallel" parking alternative as shown in Pacifica Municipal Code sec. 9-4.2817, the dimensions of the parking area (including driving aisle) would be 85 feet deep and 73 feet across, or 6,205 square feet. Because the permissible lot coverage is 10,777 square feet (60% of 17,962 square foot lot), over 4,500 square feet would be available on the first floor for two residences and storage space. The two stories above likewise would be 10,777 square feet each, allowing for the additional seven residences, to a height limit of 35 feet. Balconies and decks are not included in lot coverage calculations or setback requirements; therefore, the 400 square feet usable open space required per unit can be accommodated by construction of balconies on the second and third floors, and decks on the first floor, none of which would be subject to setback limitations. Also, usable open space may be constructed on the roof and protected by a parapet wall at a height required by the California Building Code, and the rooftop open space and parapet wall would not be subject to the 35 foot height limit.

Comparison of Alternatives:

(A) Both designs meet all applicable policies and code requirements of the certified LCP.

(B) Both designs meet all applicable geotechnical, seismic and coastal hazard standards.

(C) Both designs provide for no building construction within the 100-year flood zone.

(D) Both designs meet the Applicant's objectives of constructing nine condominium units on the subject infill parcel.

(E) The street level parking alternative would place the garage entrance facing Beach Boulevard at a lower elevation than would the mitigated design of the below-grade parking proposal, resulting in a greater likelihood of water entering the garage during very extreme wave runup events.

(F) The partially-subterranean alternative would place the lowest habitable level at a higher elevation than would the street level garage alternative, better protecting the residences and residents from extreme wave run-up.

(G) The partially-subterranean design does not include rooftop open space and recreation and instead provides for rooftop solar panels for the production of photovoltaic energy for environmental protection and sustainability.

(H) The partially-subterranean design as currently proposed can be constructed without any alteration to the elevation of any part of Beach Boulevard.

(I) The partially-subterranean design is a stepped back design adopted to reduce bulkiness, and would result in approximately 18,768 square feet above-grade combined first-, second- and third-story floor construction.
(J) The street level garage alternative would result in a project that is rectangular and consists of over 32,000 square feet above-grade combined first story with garage and second- and third-story construction, which although in keeping with the predominant rectangular building shape in the area, might concern some residents and Pacifica city planners who supported the architectural style of the below-grade parking alternative.
(K) The surface parking alternative would be cheaper to construct.
(L) The below-grade parking alternative provides one additional parking space for guests (21 spaces, whereas the street level parking alternative would provide 20 spaces as required by Pacifica Municipal Code).
(M) The surface parking alternative could result in a project that is taller than the below-grade parking alternative, which although code compliant, might concern some residents.
(N) In order to accommodate surface parking and maximize ocean views from the units, the surface parking alternative could result in a project that is wider than the below-grade parking alternative, which wider structure although code compliant, might concern some residents, particular the neighbors to the north who enjoy the added setback created by the side driveway in the partially-subterranean design.

Thank you for this opportunity to address the feasibility of an at-grade parking option. As we have discussed and as noted above, the Coastal Commission routinely approves projects with subterranean parking, often at elevations lower than Beach Boulevard, and the Commission is again set to do so at the January 2008 hearing. Per your request, we will provide replacement plan sheets to you soon that reflect the Applicant's currently proposed "Project" that does not include the raising of any part of Beach Boulevard. We look forward to answering any further questions Coastal Commission staff may have regarding the Project or this letter, and respectfully ask that Coastal Commission staff recommend approval of the Project as currently designed.

Respectfully Submitted,

Nadia V. Holober

Nadia V. Holober
Attorney for Applicant

Enclosure

GeoSoils Inc.

January 2, 2008

Ms. Nadia Holober
10 Almaden Blvd., Suite 1460
San Jose, CA 95113

SUBJECT: Coastal Hazards for Proposed Pacific Beach Condominiums and "At Grade" Parking Project Alternative, 1567 Beach Boulevard, Pacifica, California

References:
1. "Nine-Unit In-Fill Condominium Project at 1567 Beach Boulevard, Pacifica, California Coastal Commission Appeal No. A-2-PAC-07-022," dated January 2, 2008 by Nadia V. Holober.

2. "Discussion of Sea Level Rise Impacts on Pacific Beach Condominiums, 1567 Beach Boulevard, Pacifica, California," W.O. S4327, dated October 22, 2007, by GeoSoils, Inc.

Dear Ms. Holober:

At your request GeoSoils Inc. (GSI) is pleased to provide this review of your referenced letter with respect to coastal hazards for the "at grade" parking project alternative. Our referenced letter and previous letters have performed an exhaustive analysis with regards to the impact of waves overtopping the Beach Boulevard revetement/seawall and traveling across Beach Boulevard to the site. The recurring conclusion is that due to the project's design, elevation, and distance from the shore protection device, wave runup will not significantly impact the proposed development. This conclusion is not changed with the recently proposed modification to raise the driveway and not raise Beach Boulevard. As you point out in your letter, the "at grade" parking alternative has the garage entrance at a lower elevation and more open to the very rare occasion when waves runup across Beach Boulevard and reach the site. We fully agree with your assessment and conclusion that the "at grade" parking alternative is more vulnerable to coastal hazards than the currently proposed and City approved project.

In closing, GSI would like to reiterate that based upon our direct observations, review of the available oceanographic and climate information, review of the drawings for the proposed development, and our analysis, we would like to certify* the following:

1. Wave runup and overtopping will not significantly impact this site over the life (100 years) of the proposed improvements.

2. The proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area.

Exhibit No. 9 **(Page 1 of 2)**
Application No. A-2-PAC-07-022
Pacific Beach LLC
Letter from GeoSoils Inc. re: Coastal Hazards & Modified design (Jan. 2, 2008)

3. There are no additional recommendations necessary for wave runup protection.

4. The proposed project by design minimizes risks from flooding.

If you have any questions please contact us at the number below.

Respectfully Submitted,

GeoSoils Inc
David W. Skelly, MS

* The term "certify" is used herein as defined in **Division 3, Chapter 7, Article 3, § 6735.5.** of the California Business and Professions Code (2007).

GeoSoils Inc.

October 22, 2007

Ms. Nadia Holober
10 Almaden Blvd., Suite 1460
San Jose, CA 95113

SUBJECT: Discussion of Sea Level Rise Impacts on Pacific Beach Condominiums, 1567 Beach Boulevard, Pacifica, California

References: Coastal Engineering Manual 2004, US Army Engineer Waterways Experiment Station, Coastal Engineering Research Center, US Government Printing Office, Washington, DC.

"Projecting Future Sea Level," A Report From: California Climate Change Center, White Paper, CEG-500-2005-202-SF, dated March 2006.

The Real 'Inconvenient Truth' http://www.junkscience.com/Greenhouse/

http://epa.gov/climatechange/science/futureslc

Dear Ms. Holober:

At your request GeoSoils Inc. (GSI) is pleased to provide this discussion of the impact of future sea level rise on the subject site development and comments on the existing Beach Boulevard shore protection. In particular, the discussion herein is in response to the letter and email from Michelle Jesperson, California Coastal Commission (CCC), dated September 28, and October 5, 2007, respectively . The email requests some qualitative discussion on the impact of sea level rise on the proposed project. Our response will first make some general comments on sea level rise predictions, and then make some specific comments with regards to sea level rise impacts on the subject project.

Sea Level Rise

The current standard of practice, with regards to sea level rise for coastal engineers, is the US Army Corps of Engineers Coastal Engineering Manual (CEM). Chapter 5 of the CEM provides an extensive discussion of water levels used for design. A summary of the CEM conclusions with regards to sea level rise and climate change are reproduced below:

> *the primary conclusion is that, with some regional exceptions, sea level is not rising at a rate to cause undue concern. Results of the report indicate an average sea level rise over the past century of approximately 30 cm/century on the east coast, and 11 cm/century on the west coast, and a range along the Gulf of Mexico coast of less than 20 cm/century along the west coast of Florida to more than*

Exhibit No. 10 **(Page 1 of 8)**
Application No. A-2-PAC-07-022
Pacific Beach LLC
Letter from GeoSoils Inc.
re: Sea Level Rise (Oct. 22, 2007)

100 cm/century in parts of the Mississippi delta plain. The above summary remarks lead to the conclusion that normal design criteria should be followed in which the design life of a project should consider the possible local relative sea level rise rates shown above.

The California Climate Change Center has produced a "white paper" entitled Projecting Future Sea Level. We believe this is what the CCC Coastal Engineer is referring to in Ms. Jesperson's email. The purpose of this report was not to set a development standard but rather to play out a range of scenarios of sea level rise and discuss potential impacts. The front page of the report clearly states that the California Energy Commission and the California Environmental Protection Agency have not approved (or disapproved) this report and have not "passed upon the accuracy or adequacy of the information in this report." The paper reports that sea level in the San Francisco Bay has been rising at a rate of about 0.08 inches/year in the last century. The paper also states that, "So far, there is little evidence that the rate of rise has accelerated, and indeed the rate of rise has actually flattened since about 1980."

Even though there is little evidence that the rate of sea level rise is increasing, modeling of future climates drives a change in rate of sea level rise. The predicted large rise in sea level comes not from measurements or trends but from computer climate models. Computer climate models make an enormous range of assumptions and have not been able to accurately predict short term observed climate changes. These models use assumptions that are tweaked, and parameters that are adjusted to drive them to produce a range of scenarios. Whether all this tweaking and adjusting really collectively adds up to a realistic representation of the atmosphere is open to conjecture (current climate models do not model "natural" climatic variation very well). "There is no evidence yet that they can predict the future with any greater certainty than a pack of Tarot cards (The Real Inconvenient Truth)."

One could estimate a sea level base upon short term (El Nino) rises of 1 foot in addition to a "suggested rise" of between 1.3 to 3.7 feet in the next 100 years due to anthropogenic sea level rise. This would result in an estimated sea level rise of 2.3 to 4.7 feet. As pointed out by Jim Titus, the Environmental Protection Agency's (EPA) project manager on sea level rise, this type of calculation (summation) makes no sense because it amounts to adding a guestimate of future rise to a range of historic rise, adding in an additional rise due to a severe El Nino, wave and wind set up, and storm surge. The most current EPA sea level rise predictions is shown in Figure 1 below. The approximate mid range for sea level elevation in 2100 is 300 mm (~ 1 foot) above present sea level. If you add another 1 foot for short term sea level rise then sea level in 100 years could be about 2 feet above the present level.

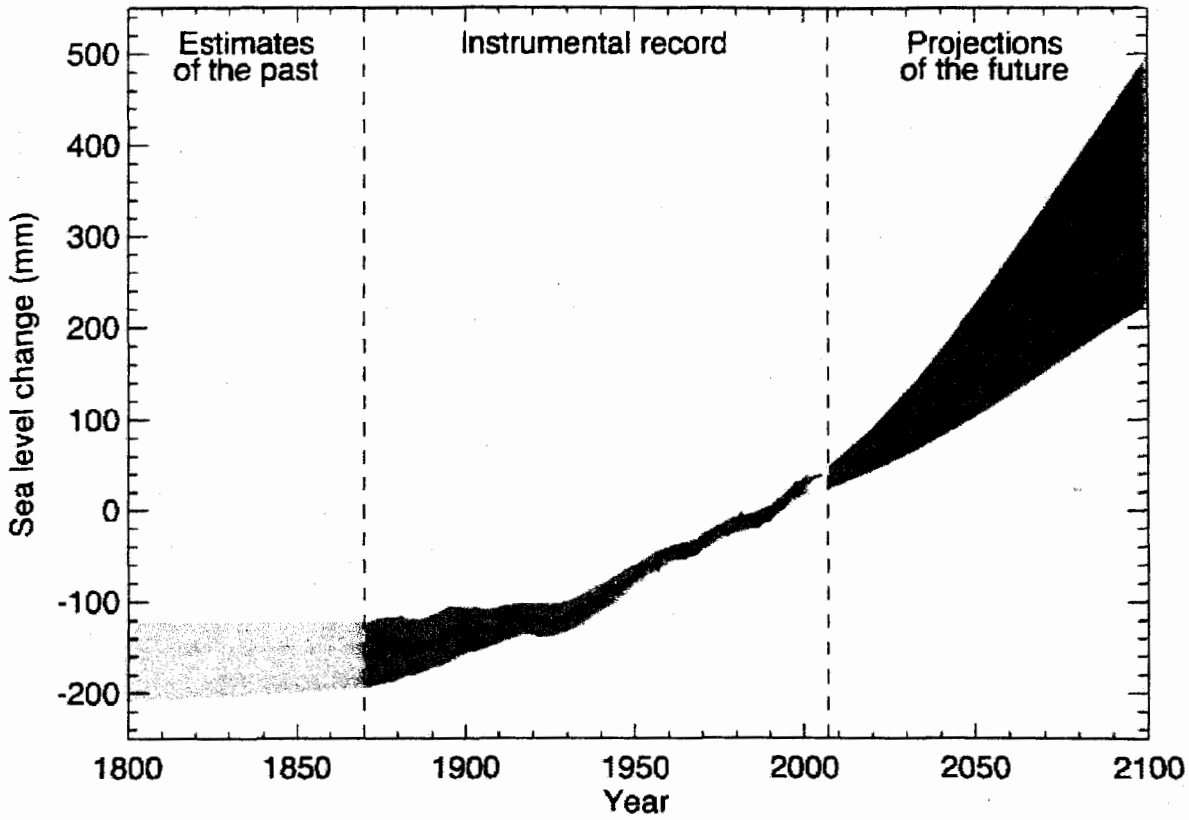


Figure 1. Future sea level change prediction from EPA website

Despite the unreliability of sea level rise predictions as explained above, we nonetheless have analyzed the project under the scenario of a "sea level rise off the coast of California [of] between 1 and 3 feet over the coming 100 years," as requested by Ms. Jesperson. That analysis follows. Although we agree with CCC staff that coastal analysis generally have assumed a one-foot rise in sea level over the next 100 years, we note as explained more fully below that our particular analysis submitted to the City of Pacifica actually assumed a two-foot rise over the same period.

Sea Level Rise at 1567 Beach Blvd

As background information, we note that the proposed development is over 55 feet from an existing shoreline protection as described herein, and behind existing development (Beach Boulevard, the boardwalk and associated utilities). GSI has analyzed the shoreline protection along Beach Boulevard for the City of Pacifica and various property owners, including the Applicant. GSI's Coastal Hazard Study prepared for this site, dated May

2004 (copy attached), provides an analysis with the maximum water elevation at +7.5 feet MSL. The highest recorded water level in the area is +5.54 feet MSL recorded on January 27, 1983, which includes short term rise effects (El Nino, wave setup, etc.) . Therefore, our analysis allows for a sea level rise of about 2 feet over the next century. It should also be noted that our analysis, being conservative, sets the top of the shore protection at elevation +20 feet MSL, not the actual elevation of about +24 feet MSL. The analysis of a compound structure, revetment and RE wall, is complex as stated in the study. GSI uses a lower total shore protection height to account for this and as a conservative factor of safety. The result of this analysis is that the Beach Blvd shore protection is overtopped at a rate of 7.3 ft^3/s-ft or about 1.5 feet of water per wave. Each wave that can overtop, only overtops for about 1 second with typically about 1 minute between waves that overtop. It is also important to point out that when a wave runs up the revetment and strikes the RE wall the majority of the wave runup is directed vertically, not horizontally. The water that is directed horizontally towards Beach Boulevard is not a continuous flow but rather a pulse of water. This pulse of water spreads out and slows down (dissipates) as it flows across Beach Boulevard. By the time it reaches the east side of Beach Boulevard the height of the pulse of water is inches, not feet. While the 100 year event has not been observed, this overtopping water elevation is in general agreement with what has been observed at the site during lesser recurrence interval overtopping events. Figures 1 and 2 below shows an overtopping event and resulting overtopping flow pattern.

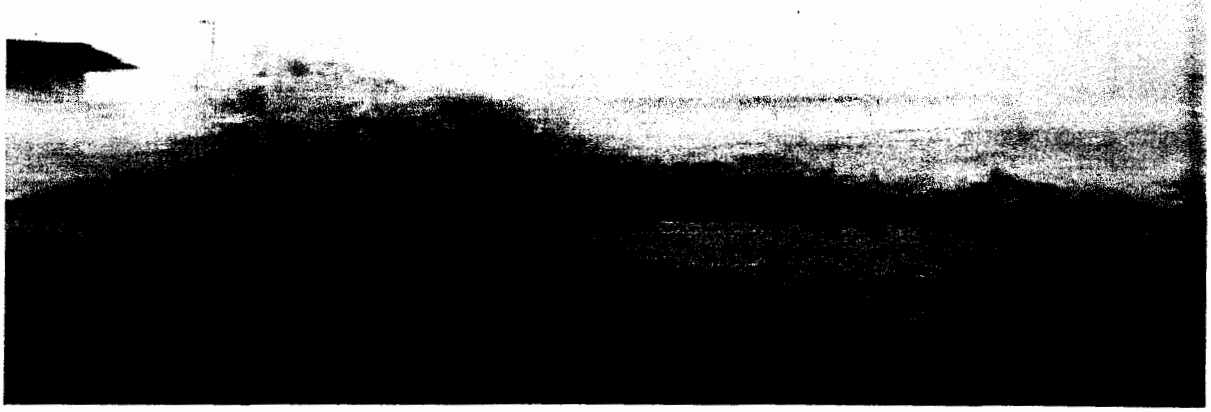


Figure 1. Overtopping of the Pacifica shore protection during an El Nino winter. Note the very dramatic splash. However, the water flowing on Beach Boulevard is only a few inches deep.

Figure 2. Wave overtopping traveling across Beach Boulevard. Note the water is only a few inches deep and flows down slope along the street drainage path.

The overtopping rate for a future sea level rise of 3 feet is determined using the US Army Corps of Engineers Automated Coastal Engineering System, ACES. ACES is an interactive computer based design and analysis system in the field of coastal engineering. The table below is the ACES out put for a still water level at +8.5 feet MSL or three feet above the maximum recorded water level. It should be noted that it is GSI's opinion that these are onerously conservative oceanographic conditions.

AUTOMATED COASTAL ENGINEERING SYSTEM ... Version 1.02 10/ 8/2007 12:31
Project: 1567 BEACH BLVED WAVE RUNUP 3 FEET OVER MAX STILL WATER

WAVE RUNUP AND OVERTOPPING ON IMPERMEABLE STRUCTURES

Item		Unit	Value	
Wave Height at Toe	Hi:	ft	10.000	Rough Slope
Wave Period	T:	sec	18.000	Runup and
COTAN of Nearshore Slope			500.000	Overtopping
Water Depth at Toe	ds:	ft	14.000	
COTAN of Structure Slope			2.000	
Structure Height Above Toe	hs:	ft	20.000	
Rough Slope Coefficient	a:		0.956	
Rough Slope Coefficient	b:		0.398	
Deepwater Wave Height	H0:	ft	6.697	
Relative Height	(ds/H0):		2.091	
Wave Steepness	(H0/gT^2):		0.642E-03	
Wave Runup	R:	ft	17.279	
Onshore Wind Velocity	U:	ft/sec	67.512	
Overtopping Coefficient	Alpha:		0.500E-01	
Overtopping Coefficient	Qstar0:		0.150	
Overtopping Rate	Q:	ft^3/s-ft	9.761	

The overtopping rate is 9.7 ft^3/s-ft. This is still less than 2 feet of water flowing over the top of the structure per each overtopping wave (not all waves will overtop). The important point is that a one foot increase in the still water elevation does not result in a 1 foot increase in the overtopping water elevation. The recommendations provided in the Coastal Hazard Study are consistent with this overtopping water height (~2 feet) and volume of water flowing across Beach Blvd. The design consideration provided in the study are applicable to this greater elevation of sea level.

The increase in the water level may likely increase the frequency of overtopping, although overtopping will remain a rare event. The increase in event frequency does not change the analysis or conclusions. Our analysis and conclusions are not frequency dependent. As it is presently designed, the project is capable of withstanding a sea level rise of about 3 feet and the associated increase in frequency of overtopping of the shore protection. Even under a sea level rise scenario of about 3 feet the subject property is reasonably safe from coastal hazards. The finished first habitable floor is well above any overtopping water height and sustained flood elevation. The velocity of the overtopping water is not sufficient to damage the exterior flat work, stairs, and other improvements. The driveway has been designed with a large area drain and the Applicant has agreed to install a garage door which will result in an effective flood shield for the garage level.

It should be noted that future sea level rise will have the most effect on low lying shorelines with small tidal ranges. That is, shorelines near mean sea level (MSL) with a tide range of 1 to 2 feet. The subject site habitable improvements are at above elevation +25 feet MSL and the maximum tidal range is about 10 feet. A sea level rise of 2.5 feet over the next century, based upon the rise relative to the tidal range and the site elevation, should not significantly impact the proposed development over the next 100 years.

Beach Blvd Shore Protection

It is GSI's suspicion that the Beach Blvd revetment, when first built, did not conform to the approved design, and therefore maintenance and repair were subsequently required. The structure when originally constructed, based upon the permitted design profile, should have had about 50,000 tons of rock. There were no as built plans or records of the tonnage of rock placed in 1984. However, we believe that the structure was not built to the design depth due to constructability issues and a smaller volume structure was built. The maintenance in 2002 was approved for the addition of 10,000 tons. This brings the total permitted stone volume to 60,000 tons. This is a reasonable tonnage for the over 1300 feet long structure (measured from the pier to the north). However, only about 6,000 tons were imported in 2002 due to financial constraints. The City of Pacifica is currently requesting 3,000 tons of stone to be imported and placed for maintenance. The proposed work also

allows for recovery of about 1,500 tons of rock that has rolled off of the structure. With the proposed importation of 3,000 stone, the stone placed during 2002 maintenance, and the original permitted volume of stone, the structure stone quantity will be about 59,000 tons which is less than the total permitted volume of stone. The RE wall has also required maintenance in the form of filling voids behind the wall and repairing a section that was damaged by waves reflecting off of the pier terminus. The fortification work performed ,and underway, to bring the structure to the initial design profile, will result in a structure that requires less frequent repair and maintenance than required over the recent years.

All coastal structures require maintenance to ensure their proper performance. The frequency of the maintenance depends upon the construction material or composition, material (rock) size, and the energy/environment that the materials are subject to. At this time, Beach Boulevard shore protection needs maintenance of the revetment and filling void areas beneath the boardwalk (no voids are near the site). The RE wall does not need any maintenance. The revetment needs maintenance in the form of repositioning of the rolled out stones and replacement of rock that has been lost due to degradation and downward movement. Additional maintenance to the revetment will likely not be required until a significant number of stones have moved during the next extreme wave event (~ 10 year recurrence interval). This may be next year or not for 10 years depending upon when the next extreme wave event occurs. With continued maintenance of both the revetment and the RE wall the shore protection may last indefinitely. Maintained seawalls have lasted over 100 years, as have coastal structures composed of quarry stone. A rise in sea level over the life of the project will not significantly increase the oceanographic forces that the structure experiences and these forces are likely within the range of acceptable forces on the structure. However, a rise in sea level may increase the frequency of required maintenance.

The City of Pacifica has maintained the Beach Blvd shore protection since it was built. It is our understanding that they are committed to maintaining the shore protection for the future. The proposed condominium project will not have any effect on shore protection maintenance. The Beach Blvd road, boardwalk, and pier are coastal dependent public assets that will be protected, rendering the shore protection to be a vital component of the City's infrastructure. The City of Pacifica is currently relocating many of its services to a Beach Blvd complex just south of the pier.

Closing

Based upon our direct observations, review of the available oceanographic and climate information, review of the drawings for the proposed development, and our analysis, we would like to certify* the following:

1. Wave runup and overtopping will not significantly impact this site over the life (100 years) of the proposed improvements.

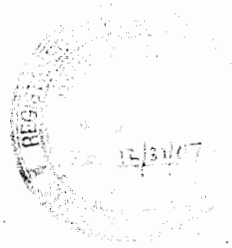
2. The proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area.

3. There are no additional recommendations necessary for wave runup protection.

4. The proposed project by design minimizes risks from flooding.

If you have any questions please contact us at the number below.

Respectfully Submitted,



GeoSoils Inc
David W. Skelly, MS

* The term "certify" is used herein as defined in **Division 3, Chapter 7, Article 3, § 6735.5.** of the California Business and Professions Code (2007).

COTTON, SHIRES & ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

February 9, 2007
U0073I

TO: Lee Diaz
Planner
CITY OF PACIFICA
170 Santa Maria Avenue
Pacifica, California 94044-2506

SUBJECT: **Supplemental Geotechnical Peer Review**
RE: Legacy Quest Condominiums
1567 Beach Boulevard

We have completed a supplemental geotechnical peer review of the feasibility of proposed site construction using:

- Review Draft Tentative (9-Unit Condominium) Subdivision Map, Sections, Grading and Drainage, and Utility Plans (4 sheets), preparer not indicated, revised February 6, 2007;
- Architectural Plans – 9 Unit Condominium Building (8 sheets), preparer not indicated, latest listed revision January 2006;
- Additional Discussion of Potential for Wave Flooding (letter) prepared by Skelly Engineering, dated April 25, 2005(6);
- Plan Review for Conformance with Coastal Hazard Study (letter), prepared by Skelly Engineering, dated March 12, 2006;
- Geotechnical Plan Review Letter prepared by Earth Investigations Consultants, dated November 11, 2005; and
- Coastal Hazard Study-Legacy Quest Condominiums (report) prepared by Skelly Engineering GeoSoils Inc., dated May 5, 2004.

In addition, we have reviewed pertinent technical maps from our office files.

DISCUSSION

We understand that the applicant is seeking geotechnical approval of a site development plan for the subject parcel that includes construction of 9 condominium units. In our previous review report (dated May 24, 2006), we summarized the project design findings of the Project Coastal Engineer (Skelly Engineering), which indicated that the project design with proposed new shore protection to an elevation of +27 feet MSL is consistent with FEMA standards and guidelines for coastal development. The consultant also indicated that any water that enters the garage will be evacuated by the proposed pumping (sump) system. We also noted that the Project Geotechnical Consultant (EIC) should evaluate shoring plans prior to issuance of permits for project construction.

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We understand that a modified design approach is currently being advanced by the project applicant that will increase the effective wave protection from 23.7 feet MSL (current) to 27.0 feet MSL, with a new separate retaining wall located immediately east and adjacent to the existing seawall. In addition, an extension and improvement to Beach Boulevard with concrete pavement is to be constructed with a final surface elevation between 25.0 to 27.0 feet MSL. Other recent modifications to the design include providing gravity drainage for the parking garage area with in 18-inch diameter pipe discharging through an existing, nearby storm drain discharge headwall at the beach. The western terminus of the 18-inch pipe would be equipped with a flap valve to prevent/reduce backflow.

CONCLUSIONS AND RECOMMENDED ACTION

We do not have geotechnical objections to the proposed gravity drainage from the parking garage area. We recommend that this proposed design change and possible elimination of the previously recommended sump pump system be evaluated by the Project Coastal Engineer prior to construction permit approval. We understand that the proposed gravity drainage does have adequate fall and capacity from a civil engineering perspective.

With respect to the proposed separate seawall intended to provide wave protection up to an elevation of 27 feet MSL, we understand that this concept is combined with the intent of raising the elevation of the northernmost portion of Beach Boulevard. This concept is constrained by the apparent need to avoid adding new loads that could adversely surcharge the existing seawall. Any new concrete pavement, supplemental fill placement, or wall construction close to the existing seawall could result in surcharge loading and overstressing. We suggest consideration of steeping the second wall back to the east a sufficient distance to avoid a surcharge condition. A lateral separation distance approximating the height of the existing seawall may be appropriate. The area situated between the two walls could be protected with concrete surfacing and possibly be utilized like a sidewalk. Like other portions of Beach Boulevard, pedestrian use should be controlled during adverse wave conditions. If the two wave protection structures are stepped and separated, this may reduce reflective wave energy and consequently reduce the potential for any adverse impacts to adjacent property or improvements. However, the potential for reflective wave energy impacts should be addressed by the Project Coastal Engineer. If the above noted wall separation can be achieved, then we would not have geotechnical objections to the design concept.

In summary, to verify that final proposed changes to garage drainage are properly detailed and acceptable, we recommend that the Project Coastal Engineer evaluate and confirm the adequacy of indicated design changes or supply appropriate supplemental recommendations. To achieve wave protection to elevation 27 feet MSL, we recommend that a second wall be considered that is laterally separated from the existing wall so as to avoid surcharge loading to the existing sea wall. Based on preliminary discussions with City staff, we understand that achieving necessary wall separation appears to be viable. Final proposed new wall configurations should be evaluated and accepted both by the Project Geotechnical Consultant and Coastal Engineer prior to final wall design and issuance of building permits. The Project Geotechnical Consultant should carefully consider the potential for overstressing of the existing seawall, and consult with the Project Structural Engineer to ensure that there is

sufficient wall separation. The potential for any significant offsite impacts (related to new coastal protective structures/two separated walls) should also be evaluated by the Project Coastal Engineer. The Project Civil Engineer should design all aspects of the storm drain system, including garage drainage to confirm adequate fall and capacity.

LIMITATIONS

This peer review has been performed to provide technical advice to assist the City with discretionary permit decisions. Our services have been limited to review of the documents previously identified, and a visual review of the property. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

Respectfully submitted,

COTTON, SHIRES AND ASSOCIATES, INC.
CITY GEOTECHNICAL CONSULTANT

Ted Sayre
Associate Engineering Geologist
CEG 1795

David T. Schrier
Associate Geotechnical Engineer
GE 2334

TS:DTS:kd

Cc: Scott Holmes

GeoSoils Inc.

March 2, 2007

Lee Diaz, Assistant Planner
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

SUBJECT: Additional Discussion of Coastal Hazards and Potential Impacts, Pacific Beach Condominiums, 1567 Beach Boulevard, Pacifica, California

REFERENCE: Griggs G., Patsch, K., Savoy, L. 2005, Living with the Changing California Coast.

Dear Mr. Diaz:

We are pleased to provide this additional discussion regarding the coastal hazards and potential impacts of the proposed development at the subject site. During the course of public input on the project concerns have been raised with regards to wave reflection, flooding of the site from wave overtopping, subsurface geotechnical conditions, coastal erosion in Pacifica area, and the effect of the development on the neighboring properties, the seawall and Beach Blvd. In order to address these concerns herein a brief history of the site and adjacent properties will be provided first, followed by a point by point discussion of the concerns raised. We conclude that the project and the driveway can be designed and constructed so as not to adversely affect the neighboring properties or revetment, Beach Boulevard or the Beach Boulevard seawall, or the hydrological and geological conditions of the area.

BRIEF SITE HISTORY

The referenced book by Griggs et. al. provides a condensed history of the Pacifica shoreline. Another source of information regarding shoreline change in Pacifica is from the California Coastal Records Project web site (http://www.californiacoastline.org/). Oblique aerial photographs of the shoreline from 1972 to 2005 provide snapshots of the changes along this section of shoreline. The El Nino of 1983 was a pivotal event in Pacifica and resulted in armoring much of the shoreline. Figure 1 shows the project site, labeled C, and the two properties to the north, labeled A and B in 1972 prior to the El Nino of 1983. The picture shows a relatively straight shoreline with a small amount of rock or concrete debris fronting the north end of Beach Blvd and the west end of Belle Vista (declined paper street). There does not appear to be a drain pipe at the end of Belle Vista. It is also interesting to note the fence lines of the properties at that time. Figure 2 shows

5741 Palmer Way, Suite D, Carlsbad, CA 92008 W.O. S4327 760-438-3155

the site and adjacent labeled properties in 1987 a few years after the devastating El Nino of 1983. The photograph shows that the shoreline has been armored except in front of the two properties to the north of the development site. For some reason the property owners at that time did not participate in the armoring effort. You can clearly see the end of the outfall and the combination revetment seawall at the end of Beach Blvd. The patio of property A can be seen hanging over the beach. These properties were armored in the next few years but it is clear the reason that the small cove formed was that the previous property owners allowed the erosion to occur and did not participate in the armoring afterthe El Nino of 1983. It is also interesting to note the fence line on property B, several feet to the north of where the City eventually installed a drainage pipe and constructed a safety fence

Figure 1. Subject section of shoreline in 1972.

GeoSoils Inc.

Figure 2. Subject section of shoreline in 1987.

Figure 3 shows the section of shoreline in 2005. The labeled properties are essentially as they are at this date. The fence line has been continued by a black line which terminates to the north of the storm drain. The armoring at the proposed project site, labeled C, has remained essentially the same since 1987. The City of Pacifica did rehabilitate the Beach Blvd revetment in 2003 and the Shoreview homeowners also did some maintenance of their revetment within the last few years. What is very clear in the 2005 photograph is that properties labeled A and B had armored their bluff with quarry stone and concrete since 1987.

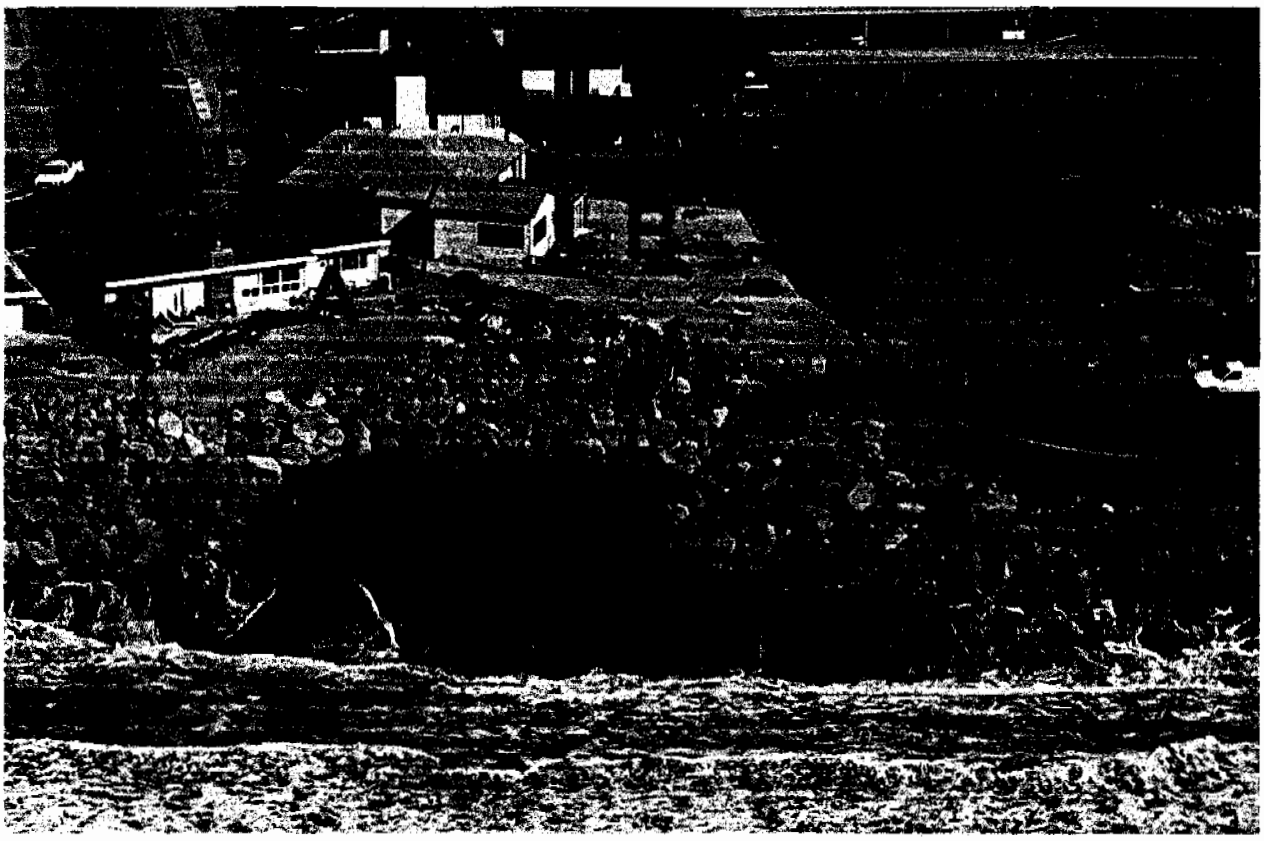

Figure 3. Subject section of shoreline in 2005.

WAVE REFLECTION

Concerns have been raised with regards to wave reflection off of the proposed development. The proposed project will not change how wave reflection occurs within the small cove. The cove was created because the owners of the properties in the mid 1980's did not participate in the shore protection effort. The top of the shore protection on properties A and B is about elevation +30 feet MSL. The top of the proposed road improvement at site C is + 27 feet MSL. As waves runup the shore protection along the shoreline the energy becomes less and less with elevation. By the time the wave reaches elevation +25 MSL it has lost 90% of it energy. The water motion is primarily up and down and not lateral. In addition, because properties A and B are higher than site C any lateral movement of water will likely be directed from A and B towards C. It is important to point out that the type of event that can lead to wave runup to elevation +27 MSL is relatively rare (approximately once per year) and will only occur over a short period of time (approximately over an hour). The proposed project will not change how wave runup

interacts with the Beach Blvd shore protection or Shoreview revetment primarily because there is no proposed change to the shore protection at site C.

WAVE OVERTOPPING

Waves have in the past and will in the future overtop the Beach Blvd shore protection. Our previous investigation determined that on the order of 1 foot of water can come over the top of the wall and travel towards the site. This is not a continuous flow of water like a river but rather a pulse of water that arrives in 15 to 30 second intervals. It will also only occur for about one hour during the highest tide. It will not occur all day long. These short duration pulses of water will be managed at the site in several ways. The only portion of the proposed development that may be impacted is the garage. A garage is not habitable and under FEMA can be allowed to be temporarily flooded. There are many garage structures on the open California coast, at elevations considerably lower than the proposed garage elevation, that manage this type of short term flooding. We have provided examples of this type of development in our previous correspondence. Flooding in this case is about one foot of water coming on to the site. The impact of this pulse of water is mitigated in several ways. The first way is the orientation of the garage entrance. The garage entrance is not directly open to the dominant direction of wave runup. The wave overtopping water needs to make a turn to even approach the garage. The driveway is crowned so that wave overtopping wave has to run up hill. Finally, there is a trench drain at the entrance of the garage that is sized to intercept this water before it gets into the garage. This drain has the capacity to move a volume of water equal to the volume of the garage in two hours. High waves and high tides are easily predicated and usually there is a few days notice of an extreme event. With this kind of notice, the garage entrance can be blocked by sand bags for the 1 or 2 hour window to eliminate any water even reaching the trench drain. For these reasons wave overtopping waters will not significantly impact the proposed development.

GEOTECHNICAL CONCERNS

While outside our scope of work we would like to offer the following comments concerning geotechnical issues. In the past, prior to armoring, the shoreline experienced erosion at a high rate. Since the armoring of the shoreline, the erosion has been essentially stopped. The proposed project at site C is unlike properties A and B in that there is a public street between the site and the shore protection. The actual proposed condo building is further from the shoreline than properties A and B. There was also concern about "subterranean caving" on Shoreview Avenue properties. Site specific geotechnical information for the project site has been provided and this information has been reviewed by the City's third party peer reviewers to their satisfaction.

GeoSoils Inc.

IMPACT ON BEACH BOULEVARD AND SEAWALL

Concerns have been expressed with regards to the impact on the seawall of raising Beach Blvd about 2.25 feet. This increase in height would add a relatively small surcharge to the seawall. This type of condition is similar to the higher portion of Beach Blvd at the foot of Carmel Street where the seawall is already surcharged. If this small surcharge is of concern the impact of raising the road can be mitigated through design. The raised portion of the road could be founded on a deepened footing or even on piers, so as to not surcharge the seawall at all.

SUMMARY

Based upon the design of the project and its location relative to other nearby properties both in distance and elevation, the proposed project will not have any impacts on the neighboring properties. Wave runup and overtopping will not adversely impact this project over the life of the proposed improvement. The proposed development will not reflect waves so as to adversely effect the area, and will neither create nor contribute to erosion, geologic instability, or destruction of the site or adjacent area. There are no additional recommendations necessary for wave overtopping protection and it is very unlikely that any additional of shore protection will be needed to protect the site in the next 75 years.

LIMITATIONS

Coastal engineering is characterized by uncertainty. Professional judgments presented herein are based partly on our evaluation of the technical information gathered, partly on our understanding of the proposed construction, and partly on our general experience. Our engineering work and judgments have been prepared in accordance with current accepted standards of engineering practice.

Respectfully Submitted,

David W. Skelly, MS
RCE #47857

GeoSoils Inc.

March 22, 2007

Mr. Lee Diaz, Assistant Planner
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

SUBJECT: Additional Discussion of Raising Beach Boulevard, Wave Runup Reflection, and Garage Flooding, Pacific Beach Condominiums, 1567 Beach Boulevard, Pacifica, California

Dear Mr. Diaz:

We are pleased to provide this additional discussion regarding the potential impacts of the raising Beach Boulevard for the subject site development. To facilitate safe access and egress into the proposed garage Beach Boulevard needs to be raised about 2 feet near the northwest corner of the development site. The project design under consideration calls for the raising of Beach Boulevard to a height of 27+/- feet MSL at it highest point in front of the project site, with no addition to the seawall itself. The following is our analysis regardless of whether the raised Beach Boulevard is designed to include a retaining wall. It is our understanding that there are three issues with this aspect of the development for which the City of Pacifica requests additional clarification. The first issue is whether or not raising of the street will change how wave energy reflects off the existing shore protection. The second issue is will the raising of the street require a retaining wall and will it surcharge the existing vertical reinforced earth (RE) wall fronting the street. The third issue is the potential for flooding of the garage. For the reasons discussed below, we conclude that wave reflection will not be impacted by the raising of Beach Boulevard.

1. There has been much discussion of "waves" impacting the development. In reality it is wave runup, water moving in a bore after the wave breaks, that can travel up and over the shore protection. It is important to point out that this rare event extreme wave runup may look dramatic when it hits the seawall but in reality it is less than a foot of water actually flowing on the street. This is a very infrequent event. This is shown in Figures 1 and 2. Wave runup motion especially at this elevation is primarily up and down as it hits the structure. The crest elevation (highest) of the raised street is about +27 feet MSL. This is at the very upper limit of wave runup. The wave has lost almost all of its energy at this elevation. Any water that hits the raised portion of the road will either fall back into the ocean, straight down, or overtop the road as it has in the past. Once the water travels across the road, it loses energy and will flow to the south along the street drainage path, where Beach Boulevard is lower.

Exhibit No. 12 **(Page 7 of 10)**
Application No. A-2-PAC-07-022
Pacific Beach LLC
GeoSoils letters to the city of Pacifica, 3/2/07 & 3/22/07

Figure 1. Overtopping of the Pacifica shore protection during an El Nino winter. Note the very dramatic splash. However, the water flowing on Beach Boulevard is only a few inches deep.

Figure 2. Wave overtopping traveling across Beach Boulevard. Note the water is only a few inches deep and flows down slope along the street drainage path.

2. The properties to the north of the proposed raised street end are at a higher elevation, approximately +30 feet. Once water comes over the top of the shore protection it flows downslope. The raised street at its crest is at elevation +27. Overtopping water will not flow 3 feet up-hill or laterally uphill to the properties to the north. If wave reflection were an issue it would be wave reflection from these northern properties to the subject site.

3. The shore protection that currently fronts the site is the rocks and the RE wall. There are no proposed changes to this shore protection. Because there is no change proposed to the existing seawall, there would be no change in the wave runup motion, and existing patterns of coastal erosion, and the effectiveness of the existing seawall and revetment protecting the Shoreview Avenue homes will not be impacted by the Project.

Concerns have been expressed with regards to the impact on the seawall of raising Beach Blvd about 2.25 feet. This increase in height would add a relatively small and inconsequential surcharge to the seawall, which can be mitigated through engineering design. This type of condition is similar to the higher portion of Beach Blvd at the foot of Carmel Street where the seawall is already surcharged. Any small surcharge can be mitigated through design such as the raised portion of the road could be founded on a deepened footing or even on piers, so as to not surcharge the seawall at all.

The third and last issue is with regards to the vulnerability of the garage to flooding. As the City knows the location and orientation of the garage entrance has been modified during the course of planning in order to reduce the potential for wave runup to reach the garage. The actual entrance to the garage is the highest point of Beach Boulevard fronting the site. Waves have in the past and will in the future overtop the Beach Blvd shore protection. This is not a continuous flow of water like a river but rather a pulse of water that arrives in 15 to 30 second intervals. It will also only occur for about one hour during the highest tide. It will not occur all day long. These short duration pulses of water will be managed at the site in several ways. The water will primarily flow down the street drainage path. As a result of reviewer comments the garage opening is not directly open to the overtopping water but rather perpendicular to the ocean. The garage entrance is not directly open to the dominant direction of wave runup. These overtopping waters will have to travel up slope to get into the garage. As explained in the first part of this letter water does not travel uphill easily. Water wants to flow downhill.

The only portion of the proposed development that may be impacted by a small amount of water is the garage. This will occur very infrequently. A garage is not habitable and under FEMA can be allowed to be temporarily flooded. There are many garage structures on the open California coast, at elevations considerably lower than the proposed garage elevation, that manage this type of short term flooding. We have provided examples of this type of development in our previous correspondence. Flooding in this case is less than

one foot in height of water coming on to the site. With the current design pursuant to which Beach Boulevard ascends northward from the subject property line to the crown in the driveway area, the impact of this pulse of water is mitigated in several ways. The impact of this pulse of water is mitigated in several ways. The first way is the orientation of the garage entrance. The wave overtopping water needs to make a turn to even approach the garage. The driveway is crowned so that wave overtopping wave has to run up hill from any point of the seawall. Waves that overtop the seawall on the southern portion of site would need to ascend the driveway and then make the turn to descend into the garage. The project design calls for sidewalk and curb along Beach Boulevard fronting the building, which would route the water downhill and into the City's storm drain system. The garage entrance is located at the area behind which Beach Boulevard will be raised at its highest elevation. Finally, there is a trench drain at the entrance of the garage that is sized to intercept this water before it gets into the garage. This drain has the capacity to move a volume of water equal to the volume of the garage in two hours. High waves and high tides are easily predicated and usually there is a few days notice of an extreme event. With this kind of notice, the garage entrance can be blocked by sand bags for the 1 or 2 hour window to eliminate any water even reaching the trench drain. For these reasons wave overtopping waters will not significantly impact the proposed development as currently designed and mitigated by the raising of Beach Boulevard, without addition to the existing seawall.

To summarize, based upon the design of the project and its location relative to other nearby properties both in distance and elevation, the proposed project will not have any impacts on the neighboring properties. Wave runup and overtopping will not adversely impact this project over the life of the proposed improvement. The proposed development will not reflect waves so as to adversely affect the area, and will neither create nor contribute to erosion, geologic instability, or destruction of the site or adjacent area. There are no additional recommendations necessary for wave overtopping protection.

Respectfully Submitted,

David W. Skelly, MS
RCE #47857

URS

June 24, 2005
Job No. 28066894

Pacific Beach, LLC
423 Broadway #622
Millbrae, CA 94030

Attention: Mr. Chris Cook

Dear Mr. Cook:

Civil Engineering Services
Beach Boulevard Sea Wall – Pacifica

INTRODUCTION

URS is pleased to present this letter documenting the results of our evaluation of the existing seawall adjacent to your property at 1567 Beach Boulevard in Pacifica, California. Our work was conducted in general accordance with our proposal to you dated May 10, 2005. As indicated in the proposal our services were related to (1) an evaluation of existing conditions with respect to the seawall and adjacent area and (2) a review of the proposed improvements (condominiums and associated utilities) relative to potential impacts to the seawall.

Our scope of work included:

- Review of available relevant documents, reports, and maps (provided in the list of references); and
- A site reconnaissance performed on June 7, 2005 by a structural engineer and an engineering geologist.

The results of our evaluation can be summarized as follows.

EXISTING CONDITIONS

Our evaluation of the seawall, requested by the City of Pacifica, is based on a site visit by David Harder (structural engineer) and Ray Rice (engineering geologist) and review of Sheets 6, 7, 8

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and 21 from Project number DBW 84-42-12 dated August 31, 1984 with revisions through 2-22-85, as well as a copy of a Field Trip Guidebook (AEG, 1986) where attendees reviewed this section of wall.

The seawall details were prepared by the Reinforced Earth Company as shown on Sheet 21. The precast concrete wall panels are about 5 feet by 5 feet square and 7 inches thick. As shown on the referenced details, the panels are restrained by 12-foot-long galvanized steel strips set into compacted backfill. The backfill strips are bolted to bent strips of the same material cast into the facing panels, however the number and spacing of the strips is not shown on the drawings. The wall is capped with a cast in place concrete wave deflector that ranges in height from about 4 feet at the north (project) end of the wall, stepping down to about 18 inches high near the slope break at Carmel Avenue. The drawings show the wall height is about 9 feet from the north end to Paloma Avenue, increasing to about 15 feet at Carmel Avenue and remaining that height to the south end stairs. The drawings also show that the stone revetment extends about 2 feet above the top of the wall footing.

A handwritten note on the air photo strip map (Sheet 6 of Beach Boulevard Seawall Drawing) indicates that over the interval between Station 34+78 to Station 36+06 (the northern end of the wall adjacent to the 1567 Beach Boulevard property), the "wall footing in old fill area, see repair sketch, Sheet 8." The detail included on Sheet 8 entitled "Sta. 34+78 – 36+06 Repairs to RE Wall Footing Area" shows a modification to the normal wall footing construction that apparently was used over that wall interval during the initial construction period. The AEG, 1986 reference (p. 17) states that the Beach Boulevard seawall sustained major panel displacement during the winter of 1986, over a distance of about 80 feet, due to erosion of the supporting sediments by piping. This prompted a pressure grouting remedial program behind the full length of the wall.

We interpret these corrective actions to have brought the seawall back into conformance with its original design intent functionality and expected useful life.

The attached photographs were taken at two locations. The first sheet was taken at and near the 72-inch-diameter storm drain that forms the north end of the wall. Note that waves appear to have driven smaller stones and timber into the drain line. The second sheet was taken at and near the foot of Paloma Avenue. Both locations show distress as described below.

The drawings show each top panel has three reinforcing bar dowels to engage the cast in place cap. From our visual inspection, it appears that somewhat less than half of these dowels have rusted, staining the wall face and causing local concrete spalls. This condition was observed throughout the wall from the north to south end, and indicates the possibility that the dowels were cast with insufficient cover as they are protruding out of the concrete panels.

Several of the wall panels have cracked through as shown in the photographs and there are local areas where the corners have also cracked through. This damage was probably caused by wave-driven small rocks impacting the rather thin wall. Some joints have been damaged sufficiently that the filter fabric backing can be seen behind the concrete panels. Vertical steel dowels that pin the panels together are heavily rusted where visible. The condition of the galvanized metal strips is unknown, but galvanized material is corroded much more easily by sea water than fresh water.

Recent repairs include extensive rock slope strengthening along the entire wall in 2002. The two pages of photographs coincide with locations where the walls have been repaired by placing concrete into and over the stone revetment.

The exposed height of RE panels above the stone revetment and below the cast in place wave deflector is about 6 feet from Paloma Avenue north as shown on the attached photographs. The observed cracks plus damaged joints and partly exposed filter fabric suggests the wall has been weakened since construction. Concrete repairs suggest the seawall has already experienced local damage caused by high waves in past storms. Common sense suggests this type of damage will occur in future storms and the extent of damage will also increase as the wall continues to deteriorate over time.

Rock slope maintenance and local concrete placements similar to recent work will be required at increasing frequency in the future as panel damage accumulates. Replacement or strengthening of selected panels and joints may also be required.

We recommend the City contact Reinforced Earth and have them inspect the wall to determine what type of structural repairs, if any, are required. The City should also inspect the wall this

year to establish a baseline condition. The wall should be re-inspected at least every two years or after major storms to monitor panel damage.

PROPOSED CONDITIONS

It is our opinion that the proposed project will not adversely impact the seawall. We have reviewed the site permit application drawings prepared by Best Design & Construction Company dated May 2005 to evaluate whether the construction of the project could have adverse impacts on the seawall. The Plot Plan, on Sheet A-1, indicates that the connection of the new sanitary sewer to the existing sanitary sewer manhole to the northwest of the new building may encounter a portion of the 12-foot-long galvanized strips supporting the reinforced earth seawall. A similar length has apparently already been impacted by the presence of the existing sanitary sewer immediately south of the manhole. This observation, coupled with the likelihood that corrosion of the galvanized strips probably has already occurred (discussed above) suggests that the new construction will not compromise the existing seawall further than what may already have occurred. An evaluation of the condition of the galvanized steel strips, or other parts of the RE seawall would require invasive testing, which is beyond the scope of this evaluation.

We trust that this provides you with the information you need at this time. If you have any questions please contact us at (415) 896-5858.

Very truly yours,

URS CORPORATION

Raymond H. Rice for

Thomas M. Sweet, P.E.
Civil Engineering Group Manager

Raymond H. Rice for

David Harder, S.E.
Structural Engineer

Attachments: List of References
Site Photographs

URS

LIST OF REFERENCES

Association of Engineering Geologists, 1986, Field Trip Guidebook – Landslides and Coastal Processes, San Francisco Peninsula, Stop 2, Coastal Erosion, Sharp Park District of Pacifica, pp. 11-17, Oct. 5-10.

Best Design & Construction Company, 2005, New Construction of 9-Unit Condominium Building, 1567 Beach Blvd., Pacifica, CA, 8 sheets, May.

City of Pacifica, 1984, Beach Boulevard Seawall, Project Drawings, Project No. D.B.W. 84-42-12, Sheets 6, 7, 8 and 21.

Earth Investigations Consultants, 2004, Supplemental Technical Investigation, Proposed Legacy Quest Condominiums, 1567 Beach Boulevard, Pacifica, California, Job 1564.05.00, June 7.

Woodward-Clyde Consultants, 1984, Design Memorandum, Beach Boulevard Seawall, prepared for City of Pacifica, Job No. 16299A, 27 July.

Woodward-Clyde Consultants, 1984, Contract Documents for Beach Boulevard Seawall, City of Pacifica, State of California, Department of Boating and Waterways, Project No. DBW 84-42-12, September 5.

Photo 1 – Waves Overtopping Beach Blvd at the corner of Beach Blvd and Paloma Ave, November 1998. Source: Nancy Merchant

Photo 2 – Waves Overtopping Beach Blvd at the corner of Beach Blvd and Paloma Ave, November 1998. Source: Nancy Merchant

Exhibit No. 14 (Page 1 of 4)
Application No. A-2-PAC-07-022
Pacific Beach LLC
Photos of waves overtopping onto Beach Blvd.

Photo 3 – Waves Overtopping Beach Blvd at the corner of Beach Blvd and Paloma Ave, November 1998. Source: Nancy Merchant

Photo 4 – Waves Overtopping Beach Blvd at the corner of Beach Blvd and Paloma Ave, November 1998. Source: Nancy Merchant

Photo 5 – Waves overtopping Beach Blvd seawall onto sidewalk at 1581 Beach Blvd #1, the property next door to the subject site, 1567 Beach Blvd, October 2006. Source: Gary Virginia

Photo 6 – Wave run-up onto sidewalk and walkway at 1581 Beach Blvd #1, October 2006. Source: G. Virginia

Photo 7 – Waves overtopping Beach Blvd seawall in front of 1567 Beach Blvd, October 2006. Source: Gary Virginia

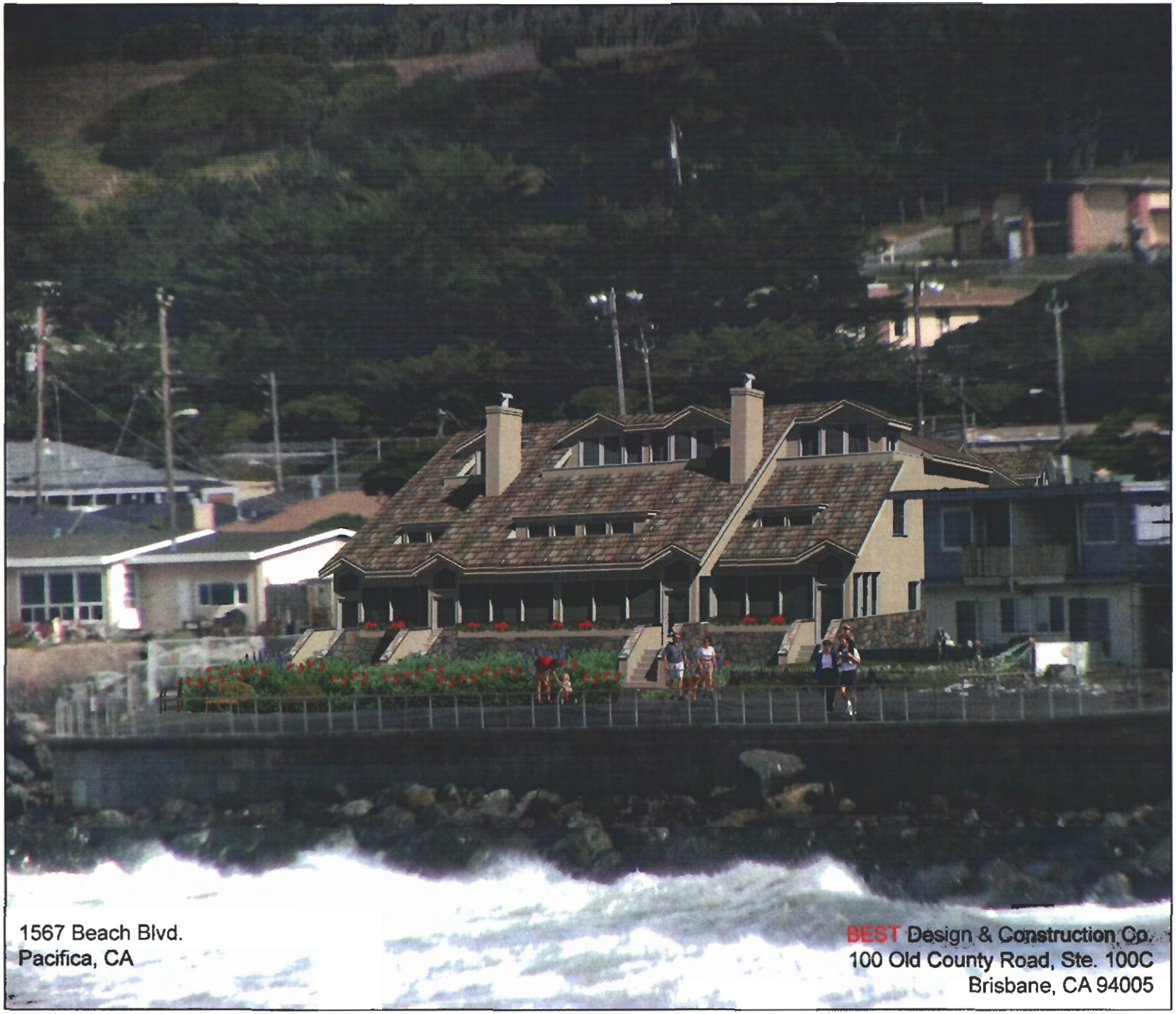

Exhibit No. 15 (Page 1 of 2)
Application No. A-2-PAC-07-022
Pacific Beach LLC
Visual Simulations provided by BEST Design & Construction Company

Exhibit No. 15 (Page 2 of 2)
Application No. A-2-PAC-07-022
Pacific Beach LLC
Visual Simulations provided by BEST Design & Construction Company