

CALIFORNIA COASTAL COMMISSION

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

Filed: 2/29/2008
49th Day: 4/18/2008
180th Day: 8/27/2008
Staff: MC - SF
Staff Report: 4/16/2008
Hearing Date: May 9, 2008
Commission Action:



F8a

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 2-07-028

APPLICANT: City of Pacifica

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

PROJECT DESCRIPTION: Repair and maintenance of existing Beach Boulevard revetment, and after-the-fact approval to fill voids beneath the boardwalk at Beach Boulevard, Pacifica, San Mateo County.

1.0 EXECUTIVE SUMMARY

This permit application is for repair of an existing revetment and after-the-fact approval to fill voids in the reinforced earth wall behind the revetment. The proposed repair of the revetment includes recovering approximately 1,500 tons of dislodged stone and replacing it onto the revetment, and importing 3,000 tons of new ten-ton stones.

The city constructed the existing seawall and revetment in 1984 to protect Beach Boulevard, adjacent residences, and the Promenade, which is an important public access feature in the city. Additional access is provided by a staircase to the beach at San Jose Avenue, which is incorporated into the seawall structure.

In 2002, the city performed a repair of the revetment, which consisted of adding 6,000 tons of new, eight- to ten-ton stones. Many of the small to middle size stones have now rolled seaward of the revetment, and several sections of the revetment are lower than the design profile, due to settlement and dislodgement of the armor stone. In addition, several voids occurred behind the reinforced earth wall. In the past year, the city has filled eight voids under a waiver, two under two separate emergency permits and one without the benefit of a permit. These repairs will help ensure the structural integrity of the wall. No additional void repair is proposed at this time.

Staff recommends approval of this shoreline protection repair project because the revetment and seawall are existing shoreline protection devices, which protect Beach Boulevard, adjacent residences, and the Promenade, which is an important public access feature in the city. The proposed repair would not expand the existing footprint and would only add approximately 5% more rock relative to the total volume of the existing revetment. The project is conditioned to include authorization of future minor repair and maintenance, and to require a shoreline protection monitoring plan, which will ensure the structural integrity of the wall and prevent dislodged rocks or debris from impeding public access to the beach.

2.0 STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution to approve Coastal Development Permit No. 2-07-028 subject to the conditions in Sections 2.1 and 2.2 below.

Motion:

I move that the Commission approve the coastal development permit no. 2-07-028 subject to conditions pursuant to the staff recommendations.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

2.1. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent

manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

2.2 Special Conditions

1. Approved Development; Conformance to plans.

- A. The permittee shall undertake development in accordance with the approved final plans dated 9/20/2007 and revised 10/26/2007. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Repair and Maintenance.

- A. The permittees shall maintain the existing Beach Boulevard revetment for the life of the structure.
- B. This coastal development permit authorizes repair and maintenance activities for a period of 5 years from the date of this approval only if carried out in accordance with all of the following conditions:
 1. Maintenance and repairs shall be limited to removal, repositioning, or replacement of rock within the footprint of the existing approved structure. The permittees shall remove or redeposit any debris, rock or material that becomes dislodged from the revetment as soon as possible after such detection of displacement occurs.
 2. No expansion or enlargement of the existing Beach Boulevard revetment is permitted.
 3. Repair and maintenance shall conform to requirements of Special Condition 4.
- C. The Executive Director may extend the 5-year authorization specified in Subsection B for the approved repair and maintenance activities for a period not to exceed 5 years, or

10 total years from the date of this approval. The applicant shall make a request for such extension no later than 30 days before the end of the initial period.

- D. Repair and maintenance activities identified in Subsection B shall be completed as soon as possible but no later than 30 days after the discovery of the need for the repair and maintenance activity.
- E. Repair and maintenance activities other than those identified in Subsection B shall require an amendment to this permit or a new coastal development permit.

3. Shoreline Protection Monitoring Plan.

- A. Monitoring reports prepared by a licensed civil engineer with experience in coastal structures and processes shall be submitted to the Executive Director for review and approval at five year intervals by May 1st of each fifth year (with the first report due May 1, 2013, and subsequent reports due May 1, 2018, May 1, 2023, and so on) for as long as the revetment exists at this location. Each monitoring report shall contain the following:
 - 1. An evaluation of the condition and performance of the approved revetment, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device;
 - 2. Plans and/or photographs showing any weak or potential failure areas;
 - 3. An analysis of erosion trends, annual retreat, and rate of retreat of the beach fronting the revetment which is the subject of this permit, including identification of exactly where repeatable measurements had been taken, e.g. by reference to benchmarks, survey positions, or points shown on engineering plans;
 - 4. A description and documentation of any migration or movement of rock that has occurred on the site; and
 - 5. Recommendations for repair, maintenance, modifications or other work to the device needed to correct any rock migration or structural damage, failures or weaknesses, including methods and materials to be used.
- B. If a monitoring report contains recommendations for repair, maintenance or other work beyond that which is authorized by Condition 2, the permittee shall apply for a coastal development permit or coastal development permit amendment to complete such work, within 30 days of receiving the report.

4. Construction Responsibilities and Debris Removal.

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

- A. Any and all debris resulting from construction activities shall be removed from the beach immediately;
- B. To avoid impacts to water quality, construction activities shall be timed to avoid the rainy season and shall not occur between November 1 and March 15.
- C. Staging and storage of construction machinery and storage of debris on the beach is prohibited. No construction materials or debris shall be placed where they may be subject to wave erosion or dispersion.
- D. Construction staging shall be conducted as follows:
 - i. Staging shall occur only from Beach Boulevard or the Promenade;
 - ii. Equipment shall be staged adjacent to the area of work and removed by the end of each day;
 - iii. Beach Boulevard and the Promenade shall remain open for residential access for the duration of the construction;
 - iv. Barricades and traffic detour signs shall be placed and traffic shall be re-routed onto connector streets to minimize impacts to traffic.
- E. Any and all debris resulting from construction and maintenance activities may not be staged or stored on the beach or in any other area that may interfere with public access to or along the shoreline. All construction equipment, materials, and debris shall be removed from the project site immediately upon project completion. Any and all debris from construction and maintenance activities shall be disposed of appropriately in an authorized landfill or recycling facility.

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

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

6. State Lands Commission Approval.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, either (1) approval of the proposed placement of new riprap by the California State Lands Commission, or (2) a

written determination by the California State Lands Commission that no such approval is required for the project.

3.0 Findings and Declarations

The Commission hereby finds and declares:

3.1 Project Description

The Pacifica shoreline along Beach Boulevard from the municipal pier at Santa Rosa Avenue to Bella Vista Avenue is protected by an existing quarry stone revetment and reinforced earth wall, which were originally constructed in 1984. The city constructed the revetment and seawall to protect Beach Boulevard, adjacent residences, and the Promenade, which is an important public access feature in the city. Failure of the shoreline protection in this area threatens Beach Boulevard, public access to the beach, and adjacent residences.

In 2002, the city performed a major repair to the revetment, which consisted of adding 6,000 tons of new, eight- to ten-ton stones. Many of the small to middle size stones have now rolled seaward of the revetment, and several sections of the revetment are lower than the design profile, due to settlement and dislodgement of the armor stone. The proposed repair of the revetment includes recovering approximately 1,500 tons of dislodged stone and replacing it onto the revetment, and importing 3,000 tons of new 10-ton stones. The riprap recovery and replacement areas are shown on **Exhibit 3**.

The proposed repair and staging would be conducted from Beach Boulevard and the Promenade. Vehicular traffic would be temporarily blocked from Beach Boulevard during periods of construction. Beach Boulevard would only be closed at the specific location of construction, and would remain open for residential access. Barricades and traffic detour signs would be placed, and traffic would be re-routed onto connector streets based on the location of the construction.

The applicant is also seeking after-the-fact approval for filling two voids beneath the boardwalk under emergency permits that have now expired, and for filling one void north of Paloma Avenue, without the benefit of a permit. Permit 2-07-003-G authorized the repair of one void at the intersection of Santa Rosa Avenue and Beach Boulevard and 2-07-008-G authorized the repair of one void at the intersection of Santa Maria Avenue and Beach Boulevard. Eight additional voids were recently repaired under 2-07-044-W.

The rock revetment originally constructed in 1984 had a footprint of 80,600 square feet, with an average width measured seaward from the seawall of 62 feet. When the revetment was repaired in 2002 under CDP 2-01-026, the footprint was reduced to 65,000 square feet and the average width was reduced to 50 feet. The repair, which is currently being proposed, would not increase the footprint beyond what was allowed under 2-01-026. It would add an additional 3,000 tons of rock or approximately 5% of the total volume of the existing revetment.

There is vertical public beach access within the project site via steps at San Jose Avenue, which is near the southern edge of the site. A second set of steps to the beach lies approximately 650 feet south of the municipal pier, which is at the southern end of the site.

3.2 Other Agency Approvals

California State Lands Commission

The portion of the revetment that is seaward of the Mean High Tide Line is located on state tidelands. The City has a lease with the California State Lands Commission (SLC), for this development (SLC Lease # PRC 6065.9).

The SLC has stated that the recovery and replacement of dislodged riprap is authorized by the existing lease, but that the addition of new riprap may require a lease amendment. Therefore, **Special Condition 6** requires the applicant to provide the Executive Director with written verification of SLC approval of the additional riprap, prior to issuance of the permit.

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

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

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

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

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

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

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

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

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

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

...

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

...

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

[Emphasis added.]

The proposed project would not involve replacement of 50% or more of a seawall and thus, may be considered a repair and maintenance project under Section 13252(b) of the Commission's regulations. Section 13252 of the Commission's regulations requires a coastal development permit for extraordinary methods of repair and maintenance enumerated in the regulation. The proposed development involves repair to an existing seawall and revetment that includes the addition of concrete to fill the voids in the reinforced earth seawall and placement of riprap on the revetment. The proposed repair and maintenance therefore requires a coastal development permit under Section 13252(a)(1) of the Commission's regulations.

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

3.4 Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The existing seawall and revetment protect the public Promenade, which as an important public access feature in Pacifica. Repair of the revetment and seawall would ensure protection of this access. There is also vertical public beach access within the project site via steps at San Jose Avenue, which is near the southern edge of the site. A second set of steps to the beach lies approximately 650 feet south of the municipal pier, which is at the southern end of the site.

The public Promenade and the steps at San Jose Avenue would only be affected while construction is occurring on that portion of the revetment. Construction equipment would only be staged adjacent to the area of work and would be removed by the end of the day. The steps that are south of the municipal pier would not be affected because they are outside of the project site and construction staging area.

The rock revetment originally constructed in 1984 had a footprint of 80,600 square feet, with an average width measured seaward from the seawall of 62 feet. When the revetment was repaired in 2002, under CDP 2-01-026, the footprint was reduced to 65,000 square feet and the average width was reduced to 50 feet. Some of the rocks have now become dislodged and lie seaward of the 2002 footprint, impeding lateral public access along the beach. Under the proposed repair, these rocks would be removed from the beach, restoring the area of lateral access. (See **Exhibit 3**).

Special Condition 3 provides for a Shoreline Protection Monitoring Plan, which requires the city to survey the rock revetment and report the conditions to the Executive Director every five years, including a description of any migration or movement of rock that has occurred on the site and recommendations for repair and maintenance to the revetment, thereby preventing future debris from impeding public access on the beach. In addition, **Special Condition 2** requires the city to remove or replace any debris, rock or material that becomes dislodged during construction or after completion of the revetment as soon as possible, but no later than 30 days after the discovery of the need for the maintenance, thereby limiting the amount of time future potential debris on the beach would impede lateral access. Together, these conditions ensure that the beach fronting the revetment will remain free from debris and any rock dislodged from the revetment, and that lateral access along the beach will not be impeded.

As conditioned, the Commission finds that the project is consistent with Sections 30210 and 30211 of the Coastal Act because the project would protect an existing blufftop Promenade and vertical accessway, and would restore existing lateral beach access to its permitted width.

3.5 Geologic Hazards and Shoreline Erosion

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

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

In order to assure stability and structural integrity of the revetment and seawall, **Special Condition 3** provides for a Shoreline Protection Monitoring Plan, designed to assess movement of the revetment and prevent future failure. The Shoreline Protection Monitoring Plan requires that revetment and beach profile measurements be taken every five years by a licensed professional engineer or surveyor along range lines perpendicular to the seawall at each benchmark, and that results of the survey be reported to the Executive Director, together with recommendations for any necessary maintenance work. Pursuant to **Special Condition 2**, the City is responsible for removing or replacing any rock or material that becomes dislodged from the revetment as soon as possible, consistent with Coastal Act permit requirements.

The proposed development is located on the Pacifica shoreline, in an area subject to inundation and extreme wave forces, as well as shoreline retreat and erosion. Although the project has been designed by a licensed engineer, the location of the revetment and seawall expose these structures to powerful shoreline processes. The construction of shoreline protection structures involving the use of heavy construction equipment and the placement of large boulders is inherently hazardous. Because the City voluntarily proposes to undertake an inherently hazardous activity, the Commission imposes **Special Condition 5**, requiring the applicant to assume the risks of any injury or damage from such hazards, waive any claim of liability against the Commission for such injury or damage, and indemnify the Commission against any resulting third party claims or liability.

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

3.6 Unpermitted Development

The applicant received emergency permits to fill two voids beneath Beach Boulevard, but did not obtain follow-up coastal development permits within the timeframe required by the emergency permits, and the emergency permits expired. Also, the city filled one additional void without the benefit of a permit. Therefore, development has taken place without benefit of a coastal development permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

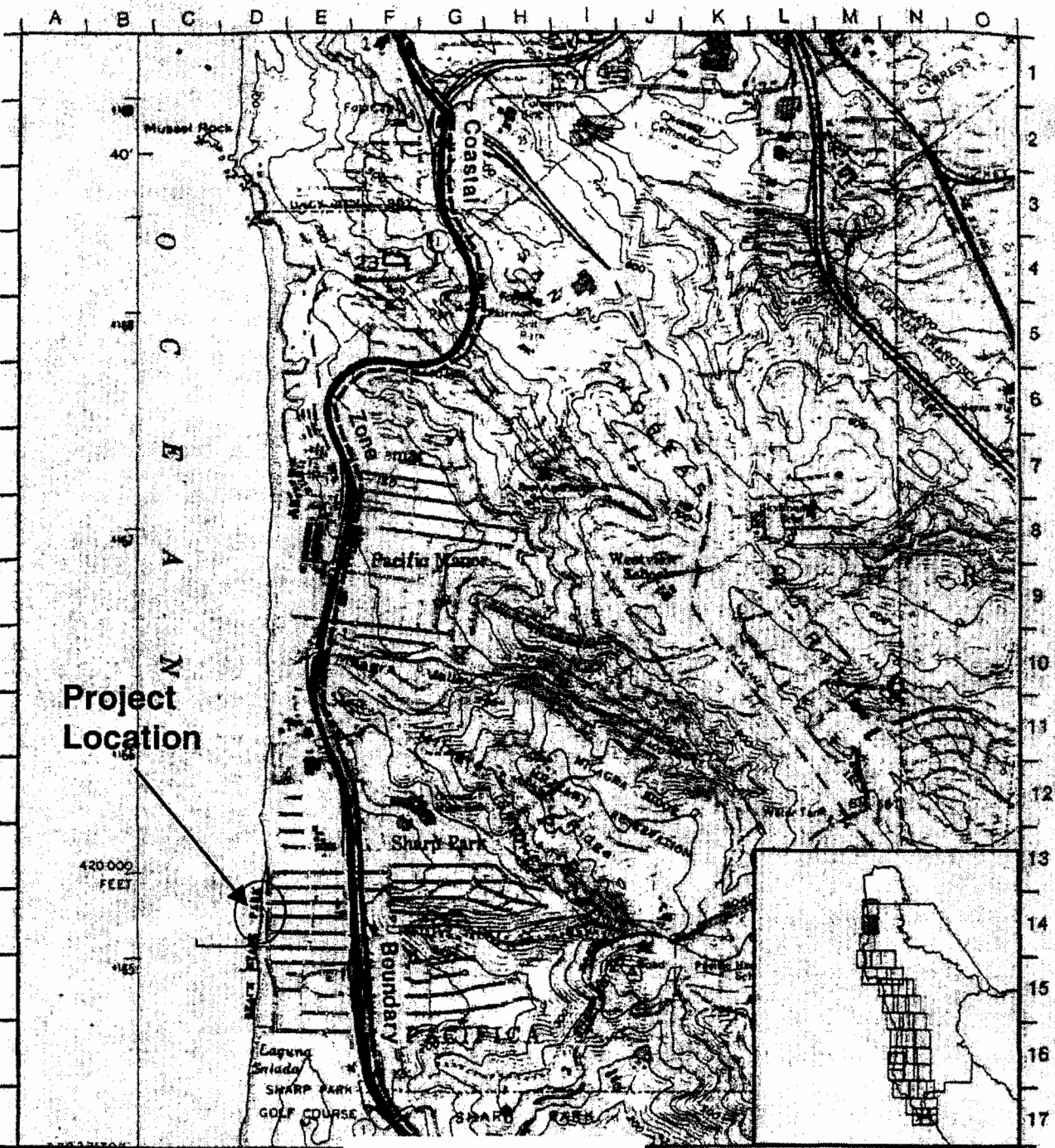
3.7 California Environmental Quality Act (CEQA)

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

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

EXHIBITS:

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



Project Location

420,000 FEET


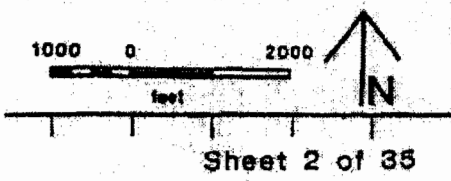
 California Coastal Commission
County of San Mateo

EXHIBIT NO. 1
APPLICATION NO.
2-07-028
CITY OF PACIFICA



Sheet 2 of 35

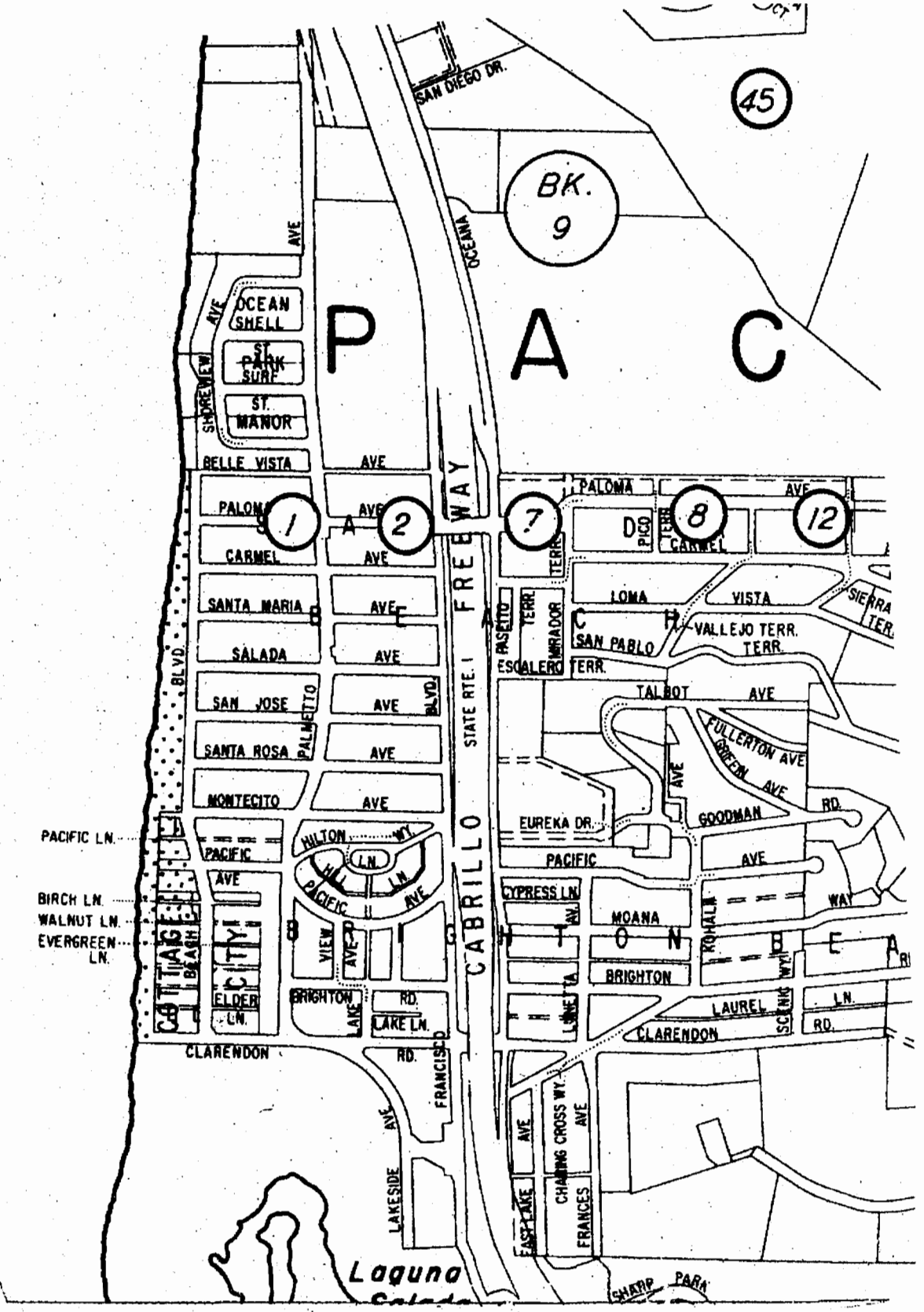
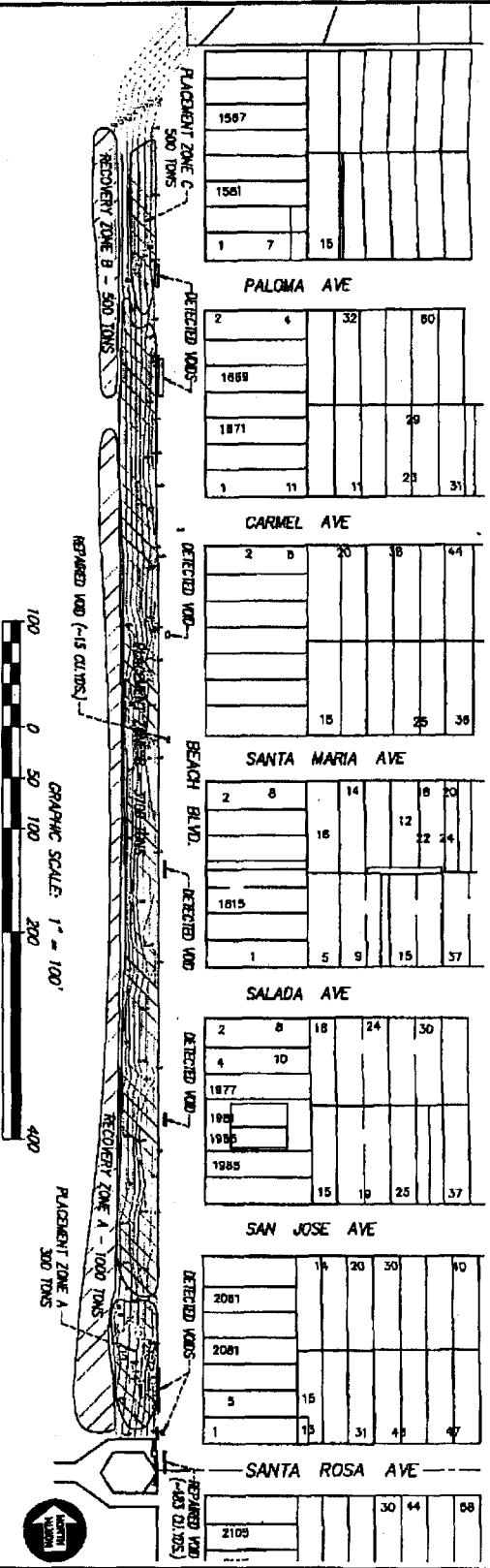


EXHIBIT NO. 2
APPLICATION NO.
2-07-028
City of Pacific

City of Pacifica 2006 FEMA Repairs Beach Boulevard



ENGINEER OF WORK'S CERTIFICATE

I, Donald W. Staley, hereby declare that I am the Engineer of Work for this project. I have exercised responsible charge over the design of the project as defined in Section 9700 of the Business and Professions Code, and the design is consistent with current standards and the City of Imperial Beach.

I understand that the sheet of project drawings and specifications by the City of Imperial Beach is an essential part of the project and that I am not to be held responsible for project design.

Signed: _____ Date: _____
 E.C.E. No. 47857 Exp. _____
 Firm: GeoSola, Inc.
 Address: 5741 Palmer Hwy
 Carlsbad, CA 92008
 Telephone: (760) 438-3155

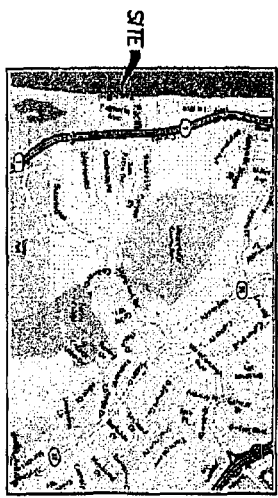
DESCRIPTION OF WORK

Removal of existing curb, storm drains and placement of approximately 2000 lineal feet of new 18 inch storm sewer. Repair/replace existing 24 inch storm sewer. Replace/repair existing 36 inch storm sewer.

ENGINEER OF WORK'S CERTIFICATE

I, _____ hereby declare that the preparation of these as-built drawings and that the information shown is based on actual site observations and the design of the project as shown on the drawings and specifications. To the best of my knowledge and experience the information shown on these plans provides an accurate and correct representation of the as-built conditions.

Signed: _____ Date: _____
 E.C.E. No. _____ Exp. _____



VICINITY MAP
NO SCALE

EXHIBIT NO. 3
 APPLICATION NO. 2-07-028
 City of Pacifica

**2006 FEMA REPAIRS
BEACH BOULEVARD**

City of Pacifica
170 Santa Maria Ave.
Pacifica, CA 94044

GeoSola
 Geotechnical • Geology • Civil • Environmental

5741 Palmer Hwy, Carlsbad, CA 92010
760-438-3155

DRAFTING BY:
 SCHMAHL DRAFTING
 No. 1-087
 Exp. 12/31/07

DAVE SCHMAHL
 (760) 414-3878

10/28/07	