

CALIFORNIA COASTAL COMMISSION

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Th 7a

MEMORANDUM

Date: May 6, 2009

To: Commissioners and Interested Parties

From: Charles Lester, Deputy Director
Ruby Pap, North Central Coast District Supervisor
Tiffany S. Tauber, Coastal Program Analyst

Subject: **Addendum to Commission Meeting for Thursday, May 7, 2009, North Central District Item Th 7a, Application No. 3-83-172-A3 (Pacific Skies Estates)**

STAFF NOTE

This addendum makes certain changes, additions, and clarifications to the special conditions and findings contained in the staff recommendation dated April 24, 2009 in response to comments received from the applicant following publication of the staff report. The addendum also makes a correction to the permit amendment number, which was inadvertently numbered as 3-83-172-A3; the correct number should be 3-83-172-A7.

Specifically, the addendum makes changes to five of the thirteen special conditions, including Special Condition Nos. 2, 3, 4, 6 and 12 to: (1) allow repair and/or maintenance of existing roads and drainage facilities within the blufftop public access easement areas consistent with Section 30610 of the Coastal Act and Section 13252 of Title 14 of the California Code of Regulations; (2) clarify that the repair and maintenance provisions of Special Condition No. 4 apply to the existing revetment as modified by the subject amendment (3-83-172-A7); (3) clarify that all of the rock proposed to be removed within the area shown in yellow hatching on Exhibit No. 3 is required to be removed within 180 days of Commission approval and following issuance of the coastal development permit amendment; and (4) revise the requirements of the public access plan to (a) limit availability of public access to between 8:00 a.m. to sunset, rather than one hour

after sunset; (b) change the width of the portion of the wall required to be removed for installation of a pedestrian access gate from 8 feet to a minimum of 5 feet wide; and (c) clarify that removal of all visitor parking signs refers to only those located within the required easement area.

Text to be deleted is shown in ~~strike through~~ and text to be added appears in **bold double-underline**.

1. CHANGES TO SPECIAL CONDITIONS OF THE STAFF RECOMMENDATION

- *(Pg. 7) Revise the Note to reflect the correct amendment numbers as follows:*

III. SPECIAL CONDITIONS:

Note: Special Conditions 1, 2, 3, 4, 5 of the original permit (3-83-172-A2) are deleted. Special Condition No. 6 of the original permit 3-83-172-A2 is deleted and replaced by a new Special Condition 2. Special Condition Nos. 1 through 13 are added as new conditions of Permit Amendment No. 3-83-172-~~A37~~. **CDP Amendment Nos. 3-83-172-A1, -A3, -A4, -A5, and -A6 relate to different geographic areas. Thus, the special conditions of CDP Amendment Nos. 3-83-172-A1, -A3, -A4, -A5, and -A6 are unaffected by the subject amendment and remain in full force and effect.** The text of the original permit conditions is included in Exhibit No. 4.

- *Special Condition No. 2(B)&(C) shall be revised as follows:*

2. Blufftop Public Access OTD

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the landowner shall submit a current preliminary report for the subject property, and execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public entity or a private association acceptable to the Executive Director, an easement for blufftop public access and passive recreational use of the blufftop public access area generally depicted on Exhibit No. 3 consisting of: (1) an 8 ft. wide strip of land along the bluff edge from the northern boundary of the property and continuing along the bluff to the southern boundary of the property; and (2) an 8 ft. wide strip of land from Palmetto Avenue to the bluff edge along Sixth Avenue.
- B.** No development, as defined in section 30106 of the Coastal Act, shall occur within the blufftop public access easement area except for: (1) any development, including landscaping, authorized by the Public Access Improvement Plan required by Special Condition 12, **and (2) repair and maintenance of existing road and/or drainage facilities within the blufftop public access easement areas consistent with Section**

30610 of the Coastal Act and Section 13252 of Title 14 of the California Code of Regulations.

- C. The blufftop easement shall be open to the public daily between 8:00 AM and ~~one hour~~
~~after~~ sunset.
- D. The recorded document shall include a formal legal description of the entire property, and a metes and bounds legal description and corresponding graphic depiction drawn to scale, prepared by a licensed surveyor, of the public access easement area. The document shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.
- *Special Condition No. 3(B)&(C) shall be revised as follows:*

3. Fifth Avenue Public Access OTD

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the landowner shall submit a current preliminary report for the subject property, and execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public entity or a private association acceptable to the Executive Director, an easement for public access and passive recreational use of the public access area generally depicted on Exhibit No. 3 consisting of an 8 ft. wide strip of land from Palmetto Avenue to the bluff edge along Fifth Avenue.
- B. No development, as defined in section 30106 of the Coastal Act, shall occur within the public access easement area except for: (1) a pedestrian gate near the intersection of First and Fifth Avenues consistent with the Public Access Improvement Plan required by Special Condition No. 12; (2) any other development authorized by the Public Access Improvement Plan required by Special Condition No. 12; **and (2) repair and maintenance of existing road facilities within the blufftop public access easement area consistent with Section 30610 of the Coastal Act and Section 13252 of Title 14 of the California Code of Regulations.**
- C. The blufftop easement shall be open to the public daily between 8:00 AM and ~~one hour~~
~~after~~ sunset.
- D. The recorded document shall include a formal legal description of the entire property, and a metes and bounds legal description and corresponding graphic depiction drawn to scale, prepared by a licensed surveyor, of the public access easement area. The document shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.
- *Special Condition No. 4(B)&(C) shall be revised as follows:*

4. Repair and Maintenance

- A. The permittee shall maintain the existing revetment as modified by CDP No. 3-183-172-A7 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 undertaken using only necessary equipment and shall be limited to removal, repositioning, or replacement of rock within the footprint of the existing approved structure. The permittee 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 revetment as modified by CDP No. 3-183-172-A7 is permitted.
 3. Repair and maintenance shall occur consistent with requirements of Special Condition No. 5 below.
- 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 5-year period.
- D. Repair and maintenance activities identified in Subsection B(1) 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(1) shall require an amendment to this permit or a new coastal development permit.

- *Special Condition No. 6 shall be revised as follows:*

6. Removal of Existing Rocks and Debris

WITHIN 90 180 DAYS OF COMMISSION APPROVAL AND FOLLOWING ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, or within such additional time as the Executive Director may grant for good cause, the permittee shall remove all rocks, broken pilings, and other debris from the area of the beach seaward of the landward boundary of the approximately 10-foot-wide subsurface rock keyway area ~~toe of the above ground portion of the revetment~~ as approved by CDP Amendment No. 3-83-172-A37 and shown as the yellow hatched area on Exhibit No. 3 2.

- *Special Condition No. 12 shall be revised as follows:*

12. Public Access Improvement Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit, for the review and approval of the Executive Director, a Public Access Improvement Plan for the offers to dedicate required by Special Condition Nos. 2 and 3. The public access improvement plan shall provide for the implementation of the following access requirements upon acceptance of either of the offers to dedicate required by Special Condition Nos. 2 and 3: (1) the installation of Public Access signage (both free standing and signs installed on permitted fencing and gates); (2) other methods of identifying the location of the bluff top easement such as stenciling the Coastal Access logo on the existing asphalt; (3) the availability of public access, at a minimum, between 8:00 a.m. and ~~one hour after~~ sunset, 7 days a week; (4) removal of any existing “Private Property/No Beach Access” signs; (5) removal of a minimum 5-foot-wide ~~an 8-ft. wide~~ portion of the existing wall near the intersection of Fifth Avenue and Palmetto Avenue and installation of a pedestrian gate at this location, (6) limitations applicable to the use of the pedestrian gate to be installed near the intersection of Fifth Avenue and Palmetto Avenue; (7) the removal of all visitor parking signs within the public access easement areas required by Special Condition Nos. 2 and 3; and (8) provisions for landscaping the blufftop public access offer to dedicate area.

2. CHANGES TO THE FINDINGS OF THE STAFF RECOMMENDATION

- *Change all references to 3-83-172-A3 throughout the special conditions and findings to 3-83-172-A7.*
- *Change all references to “10-foot-wide subsurface keyway” throughout the findings to approximately 10-foot wide subsurface keyway.*
- *(Pg. 2) Add the following document to the list of Substantive File Documents:*

Emergency Permit No. 1-96-05G

- *(Pg. 2) Revise the last paragraph as follows:*

The original permit (CDP No. 3-83-172-A2, City of Pacifica/Pacific Skies Estates) was approved by the Commission in 1984 as part of a master plan to provide shoreline protection along a designated portion of the Pacifica coastline and to protect the Pacific Skies Estates mobile home park, which was developed in 1957. The revetment was approved and constructed in 1984 to protect the existing mobile home park after winter storms in 1983 caused the loss of up to 80 feet of bluff and damaged a former revetment that pre-dated the Coastal Act. In early 1996, extreme erosion at the site exposed the base of the vertical soldier piles that were acting to contain riprap backfill that supported the near vertical coastal bluff and caused the revetment to fail. Failure of the revetment undermined the access road along the blufftop and threatened the homes located directly behind the road. The Commission approved Emergency Permit No. 1-96-05G to repair the collapsed revetment by, in part, placing approximately 20,000 tons of 4 to 8-

ton riprap to buttress the base of the revetment. Condition No. 4 of Emergency Permit No. 1-96-05G required the permittee to submit a regular Coastal Development Permit application within 60 days of the date of the permit to have the emergency work permanently authorized. The applicant submitted CDP Application No. 1-97-020, but this required follow-up application was not received within 60 days, and the Commission has not otherwise permanently authorized the development performed under the emergency permit; as a result, since the Emergency Permit has expired, the riprap that was temporarily authorized now constitutes unpermitted development, and is the subject of a pending violation case. Therefore, this subject CDP amendment application (CDP No. 3-83-172-A3) includes, in part, after-the-fact authorization of the emergency repairs performed in 1996: and originally applied for pursuant to Coastal Development Permit application No. 1-97-020. Since CDP application No. 1-97-020 included development that would affect the public access easement area required by 3-83-172-A2, CDP application No. 1-97-020 is now being processed as CDP Amendment No. 3-83-172-A7. This CDP amendment application (3-83-172-A7) has been revised since it was originally submitted as 1-97-020 to include public access provisions.

- (Pg. 14) *Revise the 1st paragraph as follows:*

...proposed approximately 10-foot-wide subsurface rock keyway would be installed within a portion of the public access easement area in a manner that would not preclude the public from accessing the sandy beach on top of the proposed keyway. The proposed keyway is slightly wider than 10-feet along an area of the bluff that contours inland; however, the additional width of the keyway extends landward, rather than seaward. The applicant also proposes to remove rocks that have shifted seaward of the mean high tide line and broken piles that are currently littering the beach.

- (Pg. 17) *Revise the 3rd full paragraph as follows:*

Following discussions with Commission staff and the Commission's engineer regarding alternatives that would minimize impacts to shoreline processes and public access, the applicant's engineer proposed the "*Reduced Footprint Alternative*," which would avoid seaward encroachment of the revetment. The proposed design involves placing approximately 1,500 tons of 10-ton rock along the bluff at a slope varying from 1:1 to 1:1.5. To improve the structural integrity and stability of the revetment, an approximately 10-foot wide subsurface rock keyway is proposed to be installed at the base of the rock revetment. The proposed keyway is slightly wider than 10-feet along an area of the bluff that contours inland; however, the additional width of the keyway extends landward, rather than seaward. The proposed project also involves removing approximately 2,000 tons of rock that are less than 1 ton in size...

- (Pg. 21-22) *Revise the 2nd and 3rd paragraphs as follows:*

As noted previously, Special Condition No. 6 of the original permit that authorized construction of the existing shoreline revetment (CDP No. 3-83-172-A2), required recordation of a lateral access easement for public access and recreation to and along the shoreline to mitigate adverse impacts to public access resulting from the construction of the revetment. The easement was required to extend laterally from the toe of the revetment to the mean high tide along the width of the property (approximately 800 feet). According to the original findings for approval, the

Commission found that construction of seawalls, such as the subject shoreline revetment, ~~at the site would result~~ **have the potential to result in** adverse impacts to public access by: (1) altering the useable area of the beach under public ownership due to changes in the shoreline profile, (2) the progressive loss of sand, as shore material would no longer be available to nourish the offshore sandbar, (3) increasing erosion on adjacent public beaches, and (4) directly interfering with public access when materials erode from the revetment and litter the sandy beach, thus presenting physical obstacles to access. The lateral access easement intended to mitigate such adverse impacts to public access was never recorded as required by Special Condition No. 6 of CDP No. 3-83-172-A2 and has been the subject of an on-going violation case pending at the subject site.

Since construction of the shoreline revetment in 1984, ~~the public has lost~~ use of the beach area fronting the development **has been constrained** for the reasons described above. In addition, the **potential** public access losses that were identified in the 1984 permit and that provided the basis for the lateral access easement condition have been compounded by encroachment of additional rock temporarily placed in the 1996 emergency repair efforts. The placement of this additional rock ~~caused losses that have~~ further **constrained potential** ~~reduced~~ public access and recreational opportunities in the required easement area.

- (pg. 23) *Revise the last sentence of the first paragraph as follows:*

Currently, there is no public access to or along the blufftop at the subject site. The closest vertical access location providing public access to the beach is located approximately 375 feet subject site. Further north is Lands End, which includes a bluff top trail and a stairway to the beach (currently closed for repairs). In discussions between the applicant and Commission staff regarding the proposed improvements to the existing shoreline revetment and potential adverse impacts to public access, the applicant has proposed to provide blufftop access in the form of an offer to dedicate an 8-foot-wide public access loop through the mobile home park connecting to any future blufftop access on the property to the north (see Exhibit No. 3). Special Condition Nos. 2 and 3 require the applicant to record an offer to dedicate a blufftop access easement to ensure that these proposed public access provisions are properly executed and implemented. Although as proposed, the blufftop public access OTD easement would provide one continuous access loop through the mobile home park and along the blufftop, Special Condition Nos. 2 and 3 allow for the OTD along Sixth and Fourth Avenues and the OTD along Fifth Avenue to be recorded and accepted separately. This would allow the portion of the blufftop access OTD along Sixth and Fourth Avenues to be potentially accepted before, and separate from, the portion of the blufftop OTD along Fifth Avenue (shown as a dashed line on Exhibit No. 3.) Special Condition Nos. 2 and 3 also prohibit all development in the easement areas except for **(1) development authorized by the coastal development permit amendment; (2) and development authorized by the Public Access Management Plan required by Special Condition No. 12; and (3) repair and maintenance of existing road and/or drainage facilities within the blufftop public access easement areas required by Special Condition Nos. 2 and 3 consistent with Section 30610 of the Coastal Act and Section 13252 of Title 14 of the California Code of Regulations.**

- (pg. 23) *Revise the second paragraph as follows:*

To ensure that various improvements are implemented at the site to accommodate the proposed blufftop public access once the offers to dedicate are accepted, Special Condition No. 12 requires the applicant, prior to issuance of the coastal development permit amendment and for the review and approval of the Executive Director, a Public Access Improvement Plan. The required Public Access Improvement Plan would provide for the implementation of the following public access improvements upon acceptance of either of the offers to dedicate required by Special Condition Nos. 2 and 3: (1) the installation of Public Access signage (both free standing and signs installed on permitted fencing and gates); (2) other methods of identifying the location of the bluff top easement such as stenciling the Coastal Access logo on the existing asphalt; (3) the availability of public access, at a minimum, between 8:00 a.m. and ~~one hour after~~ sunset, 7 days a week; (4) removal of any existing "Private Property/No Beach Access" signs; (5) removal of a minimum 5-foot-wide ~~an 8 ft. wide~~ portion of the existing wall near the intersection of Fifth Avenue and Palmetto Avenue and installation of a pedestrian gate at this location, (6) limitations applicable to the use of the pedestrian gate to be installed near the intersection of Fifth Avenue and Palmetto Avenue; (7) the removal of all visitor parking signs within the public access easement areas required by Special Condition Nos. 2 and 3; and (8) provisions for landscaping the blufftop public access offer to dedicate area.

- (pg. 24) *Revise Finding #6 as follows:*

6. State Lands Commission Approval

The project site is located in and/or adjacent to an area subject to the public trust. Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 11, which requires that the project be reviewed, and where necessary approved, by the State Lands Commission prior to the commencement of construction.

- (pg. 24) *Revise Finding #7 as follows:*

7. Alleged Violations

The ~~applicant~~ original owner did not comply with all the terms and conditions of the original permit for a shoreline revetment at the site; the required offer to dedicate (OTD) a public access easement was not recorded, ~~and a portion of the revetment was constructed in such a way that it encroaches into the designated easement area.~~ Further, the applicant received an emergency permit to conduct repairs to the existing shoreline revetment; which involved placing rock within the designated public access easement area. The applicant subsequently applied for, but did not obtain a follow-up coastal development permit within the timeframe required by the emergency permit, and the emergency permit expired. Therefore, development temporarily authorized under the emergency permit has remained in ~~taken~~ place without benefit of a coastal development permit to permanently authorize the development. Although development has taken place prior to submission of this permit amendment application, consideration of the application by the Commission has been based solely upon the policies of the Coastal Act. Commission review and action on this permit amendment does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied

statement of the Commission's position regarding the legality of any development undertaken on the subject site without a coastal development permit, or that all aspects of the violation have been fully resolved. In fact, approval of this permit is possible only because of the conditions included herein, and failure to comply with these conditions would also constitute a violation of this permit and of the Coastal Act. Accordingly, the applicant remains subject to enforcement action for the continuing violation just as it would have been in the absence of this permit amendment approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit amendment are satisfied and implemented.

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Staff: Tiffany S. Tauber
Staff Report: April 24, 2009
Hearing Date: May 7, 2009

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **3-83-172-A3**

APPLICANT: **Pacific Skies Estates**

DESCRIPTION OF PROJECT
PREVIOUSLY APPROVED: Phase III of City of Pacifica Master Plan for shoreline protection. Construct an 800-foot-long seawall with drilled piers and riprap.

DESCRIPTION OF
AMENDMENT REQUEST: Request to modify permit granted for construction of an 800-foot-long shoreline revetment to include: (1) after-the-fact authorization of emergency repairs performed in 1996 originally applied for pursuant to Coastal Development Permit application 1-97-020, (2) placement of additional riprap, (3) on-going maintenance, (4) an offer to dedicate a shoreline lateral public access easement, and (5) an offer to dedicate a blufftop public access easement.

PROJECT LOCATION: Along the bluff and shoreline fronting Pacific Skies Estates Mobile Home Park at 1300 Palmetto Avenue, Pacifica, San Mateo County (APN 009-291-020)

SUBSTANTIVE FILE

DOCUMENTS:

(1) “*Geotechnical and Coastal Engineering Evaluation for Pacific Skies Estates Mobile Home Park, 1300 Palmetto Avenue, Pacifica California*” prepared by Haro, Kasunich and Associates, Inc., dated January 1997; (2) CDP No. 3-8-172-A2; 1-97-020.

EXECUTIVE SUMMARY

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the construction of an 800-foot-long seawall comprised of drilled piers and riprap. The proposed amendment request seeks after-the-fact authorization for emergency repairs to the existing seawall performed in 1996 involving placement of additional riprap, including the installation of a 10 ft. wide subsurface rock keyway in an area previously designated for public access. The proposed amendment also involves additional improvements to the revetment to improve its structural integrity and stability as well as the removal of above-ground encroachments in an area previously designated for public access. The proposed improvements would reconfigure the existing revetment by (1) installing a 10-foot-wide subsurface rock keyway at the base of the revetment, (2) importing approximately 1,500 tons of 10-ton rock, (3) exporting approximately 2,000 tons of rock that are less than 1 ton in size located seaward of the existing revetment, and (4) maintaining the revetment on an as-needed basis. The applicant also proposes to remove rocks that have shifted seaward of the mean high tide line and broken piles that are currently littering the beach. The proposed amendment also includes an offer to dedicate a lateral public access easement along the shoreline, and an offer to dedicate a blufftop public access trail easement.

The project site is located along the bluff fronting Pacific Skies Mobile Estates, an approximately 90-lot mobile home park located west of Palmetto Avenue in the City of Pacifica. The subject property is 9.15 acres and extends approximately 800 feet in a north-south direction. The Pacific Skies mobile home park provides affordable, rent-controlled housing within the City of Pacifica.

The original permit (CDP No. 3-83-172-A2, City of Pacifica/Pacific Skies Estates) was approved by the Commission in 1984 as part of a master plan to provide shoreline protection along a designated portion of the Pacifica coastline and to protect the Pacific Skies Estates mobile home park, which was developed in 1957. In early 1996, extreme erosion at the site exposed the base of the vertical soldier piles that were acting to contain riprap backfill that supported the near vertical coastal bluff and caused the revetment to fail. Failure of the revetment undermined the access road along the blufftop and threatened the homes located directly behind the road. The Commission approved Emergency Permit No. 1-96-05G to repair the collapsed revetment by, in part, placing approximately 20,000 tons of 4 to 8-ton riprap to buttress the base of the revetment. Condition No. 4 of Emergency Permit No. 1-96-05G required the permittee to submit a regular Coastal Development Permit application within 60 days of the date of the permit to have the emergency work permanently authorized. The required follow-up application was not received within 60 days, and the Commission has not otherwise authorized the development performed

under the emergency permit; as a result, since the Emergency Permit has expired, the riprap that was temporarily authorized now constitutes unpermitted development, and is the subject of a pending violation case. Therefore, this subject CDP amendment application (CDP No. 3-83-172-A3) includes, in part, after-the-fact authorization of the emergency repairs performed in 1996.

The principal issues raised by the proposed amendment involve the project's consistency with Coastal Act policies regarding shoreline armoring, geologic hazards, and the provision of public access.

Staff believes that with the attachment of thirteen (13) new special conditions to the original permit (CDP No. 3-83-172-A2), the project as amended would be consistent with the Chapter 3 policies of the Coastal Act.

The proposed shoreline revetment improvements have been designed to avoid seaward encroachment of the revetment while still providing a design that would ensure the structural stability and necessary shoreline protective function of the revetment. The project as proposed to be amended involves placing approximately 1,500 tons of 10-ton rock along the bluff at a slope varying from 1:1 to 1:1.5. To improve the structural integrity and stability of the revetment, a 10-foot-wide subsurface rock keyway is proposed to be installed at the base of the rock revetment. The proposed project also involves removing approximately 2,000 tons of rock that are less than 1 ton in size. The rock proposed to be removed includes (1) portions of the previously authorized rock that was installed pursuant to the original permit, and (2) portions of the currently unpermitted rock that encroaches into the public access easement installed during emergency repairs performed in 1996. Removal of this rock would eliminate all above-ground rock from within the public access easement area and would result in an overall reduction of the footprint of the originally approved revetment by approximately 7,300 square feet, thereby returning approximately 0.17 acres of shoreline to sandy beach. While all of the unpermitted above-ground rock located within the public access easement area would be removed, the proposed 10-foot-wide subsurface rock keyway would be installed within a portion of the public access easement area. However, unlike the existing above-ground riprap located within the public access easement area proposed to be removed, the 10-foot-wide subsurface rock keyway would not preclude or impede public access along the base of the bluff, as it would be covered by sand.

Given the fact that there is an existing revetment in place, and that the proposed amended improvements would reduce the overall footprint of both the unpermitted and authorized portions of the revetment, the degree of sand supply impact as a result of the proposed amended improvements is reduced. Additionally, the project is conditioned to include authorization of future minor repair and maintenance, and to require an annual shoreline protection monitoring plan, which will ensure the structural integrity of the revetment and prevent dislodged rocks or debris from impeding public access to the beach.

The original permit that authorized construction of the shoreline revetment (CDP No. 3-83-172-A2), required recordation of an offer to dedicate a lateral access easement for public access and

recreation to and along the shoreline to mitigate adverse impacts to public access resulting from the construction of the revetment. This offer to dedicate a lateral access easement was never recorded as required by CDP No. 3-83-172-A2; in addition, a portion of the unpermitted portion of the revetment encroaches into the designated easement area, constituting violations of the terms and conditions of the coastal development permit. Enforcement staff has a pending violation case at the subject site, comprising both permit violations and unpermitted development. The proposed 10-foot-wide subsurface rock keyway area proposed as part of the amendment application would continue to be located within a portion of the public access easement area previously required as a condition of the original permit.

To ensure that the shoreline area fronting the revetment is protected for public access and recreational use as intended pursuant to approval of the revetment in 1984, the applicant has proposed to record OTDs along the shoreline and on the blufftop, thereby providing access that is equivalent in time, place, and manner to the required access in the original permit (3-83-172-A2). Special Condition No. 1 memorializes this proposal by replacing Special Condition No. 6 of the original permit and requiring the applicant to record a revised offer to dedicate a lateral access easement. The revised lateral access easement would include the sandy beach area from the landward boundary of the subsurface rock keyway and extend to the mean high tide line, thereby including an area of sandy beach equivalent to the area required by the original permit (approximately 68,000 square feet).

Additionally, the applicant proposes to record an OTD on the blufftop, consisting of a trail loop through the mobile home park to and along the blufftop, including a connector trail in the northwest corner of the subject property that would connect to any future blufftop access on the property to the north. Special Conditions No. 2 and 3 are imposed to ensure that these proposed public access provisions are properly executed and implemented.

As conditioned, staff believes that the amended development is fully consistent with the Chapter 3 policies of the Coastal Act.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 6 below.

STAFF NOTES:

1. Procedural Note

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it lessens or avoids the intent of the approved permit; unless (b) the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

The Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the conditionally approved permit. In January 1984, CDP No. 3-83-172-A2 (Pacific Skies Estates/City of Pacifica) was approved by the Commission for the construction of an 800-foot-long revetment at the subject site to protect the existing mobile home park after winter storms in 1983 caused the loss of up to 80 feet of bluff and damaged a former revetment that predated the Coastal Act. The permit was approved with six special conditions intended to assure consistency with the provisions of the Coastal Act regarding geologic hazards and public access.

Special Condition No. 6 of the original permit required that within 90 days of the issuance of the permit, the permittee execute and record a document “irrevocably offering to dedicate to a public or non-profit agency an easement for public access and recreation to and along the shoreline; such easement shall be laterally from the toe of the revetment to the mean high tide, along the width of the property” to mitigate adverse impacts to public access resulting from the construction of the revetment. This offer to dedicate a lateral access easement was never recorded, constituting a violation of the original permit; furthermore, a portion of the revetment encroaches into the easement area, also constituting a violation of the permit. As a result, Enforcement staff has a pending violation case at this site. Enforcement staff also has another pending violation case at this site concerning unpermitted development, as the property owner did not obtain permanent authorization for the repair work to the revetment that was temporarily authorized by the 1996 emergency permit, and the emergency permit expired. In August of 2007, the Executive Director recorded a Notice of Violation (“NOVA”) on the property, pursuant to Coastal Act Section 30812(b), identifying both pending violation cases.

The current amendment request seeks authorization for, in part, improvements to the existing revetment, including installation of a 10-foot-wide subsurface rock keyway at the base of the existing revetment. The proposed subsurface rock keyway would be located within a portion of the public access easement area required as a condition of the original permit. Although development would be located within the previously required lateral access easement area in the form of a subsurface rock keyway, the proposed amendment retains the provision of a lateral access easement along the shoreline as intended by the original permit because as proposed to be amended, the revised easement would include the area over the subsurface rock keyway. The proposed lateral access easement would include the sandy beach area extending from the landward boundary of the proposed subsurface rock keyway to the mean high tide line along the width of the property, thereby including an area of sandy beach equivalent to the area required by the original permit (approximately 68,000 square feet).

Additionally, the proposed amendment includes the provision of blufftop public access in an area where public access does not currently formally exist. The proposed blufftop access includes an offer to dedicate a pedestrian loop easement along the bluff and through the mobile home park, and will be able to connect to any future blufftop trail access on the adjacent property to the north. Thus, the Executive Director determined that public access and recreation would be provided equivalent in time, place, and manner to the public access required under the original permit.

Therefore, the Executive Director found that the proposed amendment would not conflict with the intent of Coastal Development Permit No. 3-83-172-A2 because with conditions, public access and recreation would continue to be provided under the proposed amendment, and the development would be safe from geologic hazards. Since this amendment request would not result in a lessening or avoidance of the intent of the originally approved permit, the Executive Director accepted the amendment request for processing.

2. Standard of Review

The proposed project is located within the City of Pacifica in an area of the Commission's retained permit jurisdiction. The City of Pacifica has a certified LCP, but the proposed project is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit Amendment No. 3-83-172-A3 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 AMENDMENT:

The Commission hereby approves the coastal development permit amendment and adopts the findings set forth below on grounds that the development as amended and subject to conditions will be in conformity with the Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

II. 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 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.

III. SPECIAL CONDITIONS:

Note: Special Conditions 1, 2, 3, 4, 5 of the original permit (3-83-172-A2) are deleted. Special Condition No. 6 of the original permit 3-83-172-A2 is deleted and replaced by a new Special Condition 2. Special Condition Nos. 1 through 13 are added as new conditions of Permit Amendment No. 3-83-172-A3. The text of the original permit conditions is included in Exhibit No. 4.

1. Lateral Public Access OTD

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the landowner shall submit a current preliminary report for the subject property, and execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public entity or a private association acceptable to the Executive Director, an easement for public access and passive recreational use to and along the shoreline. The area of dedication shall consist of the entire width of the property from the mean high tide line to the landward boundary of the 10-foot-wide subsurface rock keyway area as shown on Exhibit No. 3, which is understood to be ambulatory from day to day. The recorded document shall include a formal legal description of the entire property, and a metes and bounds legal description and corresponding graphic depiction drawn to scale, prepared by a licensed surveyor, of the public access easement area. The document shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

The recorded document(s) described above shall reflect the following restrictions:

No new development, as defined in Section 30106 of the Coastal Act, shall occur within the public access easement area except for: (1) maintenance and repair of the approved development within the easement area consistent with Special Condition No. 4 or as otherwise approved by a coastal development permit (CDP) or CDP amendment where a CDP or CDP amendment is required; (2) the 10-foot-wide subsurface keyway development authorized by this permit amendment.

2. Blufftop Public Access OTD

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the landowner shall submit a current preliminary report for the subject property, and execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public entity or a private association acceptable to the Executive Director, an easement for blufftop public access and passive recreational use of the blufftop public access area generally depicted on Exhibit No. 3 consisting of: (1) an 8 ft. wide strip of land along the bluff edge from the northern boundary of the property and continuing along the bluff to the southern boundary of the property; and (2) an 8 ft. wide strip of land from Palmetto Avenue to the bluff edge along Sixth Avenue.
- B.** No development, as defined in section 30106 of the Coastal Act, shall occur within the blufftop public access easement area except for: (1) any development, including landscaping, authorized by the Public Access Improvement Plan required by Special Condition 12.
- C.** The blufftop easement shall be open to the public daily between 8:00 AM and one hour after sunset.
- D.** The recorded document shall include a formal legal description of the entire property, and a metes and bounds legal description and corresponding graphic depiction drawn to scale, prepared by a licensed surveyor, of the public access easement area. The document shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. Fifth Avenue Public Access OTD

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the landowner shall submit a current preliminary report for the subject property, and execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public entity or a private association acceptable to the Executive Director, an easement for public access and passive recreational use of the public access area generally depicted on Exhibit No. 3 consisting of an 8 ft. wide strip of land from Palmetto Avenue to the bluff edge along Fifth Avenue.

- B. No development, as defined in section 30106 of the Coastal Act, shall occur within the public access easement area except for: (1) a pedestrian gate near the intersection of First and Fifth Avenues consistent with the Public Access Improvement Plan required by Special Condition No. 12; (2) any other development authorized by the Public Access Improvement Plan required by Special Condition No. 12.
- C. The blufftop easement shall be open to the public daily between 8:00 AM and one hour after sunset.
- D. The recorded document shall include a formal legal description of the entire property, and a metes and bounds legal description and corresponding graphic depiction drawn to scale, prepared by a licensed surveyor, of the public access easement area. The document shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

4. Repair and Maintenance

- A. The permittee shall maintain the existing 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 undertaken using only necessary equipment and shall be limited to removal, repositioning, or replacement of rock within the footprint of the existing approved structure. The permittee 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 revetment is permitted.
 - 3. Repair and maintenance shall occur consistent with requirements of Special Condition No. 5 below.
- 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 5-year period.
- D. Repair and maintenance activities identified in Subsection B(1) 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(1) shall require an amendment to this permit or a new coastal development permit.

5. Shoreline Protection Monitoring Plan

- A. Monitoring reports prepared by a licensed civil engineer with experience in coastal structures and processes shall be submitted annually to the Executive Director for review and approval by May 1st of each year for as long as the revetment exists. 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 revetment 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 Special Condition No. 4 above, the permittee shall apply for a coastal development permit or coastal development permit amendment.

6. Removal of Existing Rocks and Debris

WITHIN 90 DAYS OF COMMISSION APPROVAL, or within such additional time as the Executive Director may grant for good cause, the permittee shall remove all rocks, broken pilings, and other debris from the area of the beach seaward of the toe of the above-ground portion of the revetment as approved by CDP Amendment No. 3-83-172-A3 and shown on Exhibit No. 2.

7. Construction Responsibilities

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

- A. Staging and storage of construction machinery, materials and debris on the beach is prohibited. No construction materials or debris shall be placed where they may be subject to wave erosion or dispersion or may interfere with public access to or along the shoreline; and
- B. 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.

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

By acceptance of this permit amendment, the applicant acknowledges and agrees (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 applicant 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; 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.

9. Generic Deed Restriction

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, or within such additional time as the Executive Director may grant for good cause, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the applicant 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 amendment, 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 amendment 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 amendment 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.
- B. This Deed Restriction shall remain in full force and effect and shall bind owner(s) and all his/her/their assigns or successors-in-interest during the period that either the development authorized by the permit, or any part or modification thereof, or the permit,

or any modification or amendment thereof, remains in existence on or within respect to, and thereby confers benefit upon, the property.

10. As-Built Plans

WITHIN 90 DAYS OF COMPLETION OF CONSTRUCTION, the Permittee shall submit two copies of As-Built Plans showing all development completed pursuant to this coastal development permit amendment; all property lines; and all residential development inland of the seawall structure. The As-Built Plans shall be substantially conform with the approved final project plans (see Special Condition No. 13). The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show the as-built project, accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from upcoast, seaward, and downcoast viewpoints, and from a sufficient number of beach viewpoints, to provide complete photographic coverage of the seawall and mobile home park at a scale that allows comparisons to be made with the naked eye between photographs taken in different years, and from the same vantage points. The As-Built Plans shall be certified by a licensed civil engineer acceptable to the Executive Director with experience in coastal structures and processes verifying that the seawall has been constructed in conformance with the approved final project plans described by Special Condition No. 13 below.

11. State Lands Commission Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit, for the review and approval of the Executive Director, either (1) approval of the proposed development 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.

12. Public Access Improvement Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit, for the review and approval of the Executive Director, a Public Access Improvement Plan for the offers to dedicate required by Special Condition Nos. 2 and 3. The public access improvement plan shall provide for the implementation of the following access requirements upon acceptance of either of the offers to dedicate required by Special Condition Nos. 2 and 3: (1) the installation of Public Access signage (both free standing and signs installed on permitted fencing and gates); (2) other methods of identifying the location of the bluff top easement such as stenciling the Coastal Access logo on the existing asphalt; (3) the availability of public access, at a minimum, between 8:00 a.m. and one hour after sunset, 7 days a week; (4) removal of any existing "Private Property/No Beach Access" signs; (5) removal of an 8 ft. wide portion of the existing wall near the intersection of Fifth Avenue and Palmetto Avenue and installation of a pedestrian gate at this location, (6) limitations applicable to the use of the pedestrian gate to be installed near the intersection of Fifth Avenue and Palmetto Avenue;

(7) the removal of all visitor parking signs; and (8) provisions for landscaping the blufftop public access offer to dedicate area.

13. Conformance to Project Plans

The permittee shall undertake development in accordance with the approved final plan prepared by Geosoils, Inc., entitled "*Reduced Footprint Alternative*," dated 12/03/07 and revised 04/08/08 and included as Exhibit No. 2. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. Site and Project Description

The project site is located along the bluff fronting Pacific Skies Mobile Estates, an approximately 90-lot mobile home park located west of Palmetto Avenue in the City of Pacifica. The subject property is 9.15 acres and extends approximately 800 feet in a north-south direction. The site is bordered on the north by commercial and industrial uses and on the south by single-family residential development. The western edge of the property fronts a steep coastal bluff that varies in height from approximately 20-30 feet and increases in height toward the north. The Pacific Skies mobile home park provides affordable, rent-controlled housing within the City of Pacifica. As described in subsection IV(2) below, the original CDP approved in 1984, authorized construction of an 800-foot-long seawall to protect the existing mobile home park.

This subject CDP amendment application (CDP No. 3-83-172-A3) includes, in part, after-the-fact authorization of emergency revetment repairs performed in 1996 and originally applied for pursuant to Coastal Development Permit application 1-97-020. The CDP amendment application has been revised since originally submitted as 1-97-020 to include public access provisions. (See Exhibit 5.) The proposed amendment also involves the removal of above-ground rock encroachments in an area designated public access as well as additional improvements to the revetment to improve its stability and structural integrity, including (1) importing approximately 1,500 tons of 10-ton rock, (2) installing a 10-foot-wide subsurface rock keyway at the base of the existing revetment, and (3) removing approximately 2,000 tons of rock that are less than 1 ton in size. The rock proposed to be removed includes (1) portions of the previously authorized rock that was installed pursuant to the original permit, and (2) portions of the currently unpermitted rock that encroaches into the public access easement installed during emergency repairs performed in 1996. Removal of this rock would eliminate all above-ground rock from within the public access easement area and would result in an overall reduction of the footprint of the originally approved and unpermitted portions of the revetment by a total of approximately 7,300 square feet, thereby returning approximately 0.17 acres of shoreline to sandy beach. The

proposed 10-foot-wide subsurface rock keyway would be installed within a portion of the public access easement area in a manner that would not preclude the public from accessing the sandy beach on top of the proposed keyway. The applicant also proposes to remove rocks that have shifted seaward of the mean high tide line and broken piles that are currently littering the beach.

The site would be accessed at the southern end of the property over an existing maintenance accessway. The proposed work would be performed using a track loader with an articulating thumb. The imported rocks would be off-loaded at the top of the bluff and placed on the beach with a crane. The rocks to be exported would be removed from the beach by crane and transported to an approved dump site or quarry outside the coastal zone. No equipment would be stored on the beach.

The proposed project amendment also involves on-going monitoring and remedial repair and maintenance of the revetment on an as-needed basis to ensure that (1) the stability of the revetment is not adversely affected as a result of wave action, and (2) dislodged rocks will not impede public access seaward of the revetment. According to the applicant's engineer, it is anticipated that future repairs will likely not require importing new rock, but would primarily involve repositioning existing rocks that migrate downslope over time.

In addition, the proposed amendment includes the provision of a revised lateral and a new blufftop public accessway including, (1) a revised offer to dedicate a public access easement along the shoreline for the width of the property extending from the landward boundary of the subsurface rock keyway area to the mean high tide line, and (2) a new blufftop public access trail loop easement to and along the blufftop through the mobile home park, that would connect to any future blufftop access on the property to the north. (See Exhibit No. 3).

2. Background

Original Permit

The existing revetment was approved by the Commission in January 1984 under CDP No. 3-83-172-A2, which authorized Phase III of a City of Pacifica Master Plan for shoreline protection, including construction of an 800-foot-long revetment at the subject site. The first phase of shoreline protection, Esplanade/Pacifica Park, is located north of the subject site and the second phase, Shoreview, is located to the south. As authorized under CDP No. 3-83-172-A2, the northern 665 feet of the revetment consisted of a drilled pier revetment with rock riprap placed landward of the piers, while the southern 135 feet of the revetment consisted of rock riprap without piers. The revetment was approved and constructed in 1984 to protect the existing mobile home park after winter storms in 1983 caused the loss of up to 80 feet of bluff and damaged a former revetment that pre-dated the Coastal Act.

CDP No. 3-83-172-A2 was approved with six (6) Special Conditions. Of particular note, Special Condition No. 6 required that within 90 days of the issuance of the permit, the permittee execute and record a document "irrevocably offering to dedicate to a public or non-profit agency and easement for public access and recreation to and along the shoreline; such easement shall be

laterally from the toe of the revetment to the mean high tide, along the width of the property.” This lateral access easement was never recorded, constituting a violation of the CDP; furthermore, a portion of the revetment encroaches into the designated easement area. As a result, Enforcement staff opened a violation case for the subject site and the Executive Director recorded a NOVA on the property pursuant to Coastal Act section 30812(b).

Emergency Permit

In 1996, the Commission approved Emergency Permit No. 1-96-05G for temporary expansion of the revetment following winter storm waves that eroded the sandy beach and caused the sudden collapse of 170 feet of the revetment and the subsidence of the access roadway behind the revetment, thereby exposing existing homes behind the revetment to imminent danger. As approved by the Commission, the emergency repairs included (1) installing drilled, reinforced pier and grade beams, (2) backfilling behind the existing revetment, and (3) placing approximately 20,000 tons of 4 to 8-ton riprap to buttress the base of the revetment. According to the applicant’s engineer, only the portions of the emergency work involving placing additional rock riprap were implemented. Only the placement of some of the rock rip rap authorized by Emergency Permit No. 1-96-05G was actually implemented at the site.

Condition No. 4 of Emergency Permit No. 1-96-05G required the permittee to submit a regular Coastal Development Permit application within 60 days of the date of the permit to have the emergency work permanently authorized. The required follow-up application was not received within 60 days, and the Commission has not otherwise authorized the development performed under the emergency permit. Since the emergency permit has expired, the work temporarily authorized by the emergency permit is therefore unpermitted, constituting a Coastal Act violation and the Executive Director recorded a NOVA on the property pursuant to Coastal Act section 30812(b). This subject CDP amendment application (CDP No. 3-83-172-A3) includes, in part, after-the-fact authorization of the emergency repairs performed in 1996.

3. Shoreline Armoring

Coastal Act Section 30235 addresses the development of shoreline protective devices and states:

Revetments, breakwaters, groins, harbor channels, revetments, 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. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Coastal Act Section 30235 acknowledges that revetments, cliff retaining walls, groins and other such structural or “hard” methods, such as rock riprap, designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 only mandates the construction of shoreline protective works if they are required to serve coastal-dependant

uses, or to protect existing structures or public beaches in danger from erosion, provided they are designed to eliminate or mitigate adverse impacts on shoreline sand supply. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, alteration of natural landforms and overall shoreline beach dynamics on and off site, which may ultimately result in the loss of public beach.

The applicant is requesting after-the-fact authorization for emergency repairs to an existing shoreline revetment performed in 1996 and originally applied for pursuant to Coastal Development Permit application 1-97-020. The proposed amendment also involves additional improvements to the revetment which would involve reconfiguring the revetment by installing a subsurface keyway, importing approximately 1,500 tons of 10-ton rock and exporting approximately 2,000 tons of rock that are less than 1 ton in size, and maintaining the revetment on an as-needed basis. As described above, the existing revetment was originally approved in 1984 as part of a master plan to provide shoreline protection along a designated portion of the Pacifica coastline. The revetment was originally approved by the Commission to protect the Pacific Skies Estates Mobile Home Park, which was developed in 1957. As the mobile home park was developed prior to the coastal permitting requirements of Proposition 20 and the Coastal Act, the residences are considered “existing structures” pursuant to Coastal Act 30235. Thus, the proposed improvements to the existing shoreline revetment are consistent with Coastal Act Section 30235 in that the revetment is necessary to protect the blufftop residences within the Pacific Skies Estates Mobile Home Park from danger of erosion as described below.

As stated in the Commission’s original findings for approval of the revetment (CDP No. 3-83-172-A2), Pacifica’s shoreline is subject to erosion problems of varying intensities. Pacific Skies Estates Mobile Home Park fronts a west-facing beach that is exposed to northwest and west ocean swells in the winter and to infrequent storm waves from the southwest. The coastal bluff at the subject property is comprised of surficial fill and dune sand overlying partially cemented marine terrace deposit materials. The long term bluff retreat rate is estimated at approximately 4 inches a year (Griggs et al, 2005). The high rate of coastal retreat in this area is primarily related to erosion of the marine terrace deposits by wave runup forces. A secondary mechanism of bluff retreat involves sloughing of the terrace deposits due to local ground saturation. Rates of retreat are episodic and vary from year to year depending on storm wave and beach sand scour activity. In 1983, the bluff in front of the mobile home park receded almost 80 feet in a one month period.

In early 1996, beach sand levels in front of the Pacific Skies Estates mobile home park severely lowered in elevation due to extreme beach scouring. This extreme erosion exposed the base of the vertical soldier piles that were acting to contain riprap backfill that supported the near vertical coastal bluff. The scour conditions became so severe that many of the vertical soldier piles began to rotate seaward due to loss of passive lateral support. The extreme loss of beach sand removed enough passive lateral restraint below the piles that the piles failed and the riprap behind the collapsed piles slumped to beach level. Failure of the revetment resulted in the undermining of the access road along the blufftop and threatened the mobile homes located directly behind the road. The Commission approved Emergency Permit No. 1-96-05G to repair the collapsed revetment by (1) installing drilled, reinforced pier and grade beams, (2) backfilling

behind the existing revetment, and (3) placing approximately 20,000 tons of 4 to 8-ton riprap to buttress the base of the revetment. According to the applicant's engineer, only the portions of the emergency work involving placing additional rock riprap were implemented.

A geotechnical investigation entitled "*Geotechnical and Coastal Engineering Evaluation for Pacific Skies Estates Mobile Home Park, 1300 Palmetto Avenue, Pacifica California*" prepared after the 1996 emergency work by Haro, Kasunich and Associates, Inc. and dated January 1997, determined that "...*the coastal bluff fronting the subject property can best be protected by maintaining the emergency riprap revetment at a proper height and slope gradient.*" The proposed improvements would maintain the riprap revetment as suggested by the geotechnical investigation and would improve its structural integrity.

In approving the original shoreline revetment, the Commission found that although the revetment would adversely affect shoreline processes, "*the probable negative impacts of this revetment must be weighed against the property owner's need to protect the structure[s] behind it [the Commission recognizes that the revetment will probably change the beach profile by steepening it and increasing beach erosion around it, however.]*" As part of the review of the currently proposed amendment, Commission staff and the applicant's project engineer evaluated several alternatives that would minimize seaward encroachment of the revetment and potential loss of beach, including a sheet pile wall, a tie back wall, and a toe wall. Potential feasible alternative shoreline protection designs are largely constrained by topographic and geologic conditions at the site. According to the project engineer, the design constraints include a maximum scour level of approximately -7 feet MSL, waves in excess of 12 feet, a steep beach profile, and loosely cemented bluff soils. These conditions result in a narrow, high wave energy beach with extremely limited work windows that preclude the use of any designs involving concrete forms or steel tying on the beach.

Following discussions with Commission staff and the Commission's engineer regarding alternatives that would minimize impacts to shoreline processes and public access, the applicant's engineer proposed the "*Reduced Footprint Alternative*," which would avoid seaward encroachment of the revetment. The proposed design involves placing approximately 1,500 tons of 10-ton rock along the bluff at a slope varying from 1:1 to 1:1.5. To improve the structural integrity and stability of the revetment, a 10-foot wide subsurface rock keyway is proposed to be installed at the base of the rock revetment. The proposed project also involves removing approximately 2,000 tons of rock that are less than 1 ton in size. The rock proposed to be removed includes (1) portions of the previously authorized rock that was installed pursuant to the original permit, and (2) portions of the currently unpermitted rock that encroaches into the public access easement installed during emergency repairs performed in 1996. Removal of this rock would eliminate all above-ground rock from within the public access easement area and would result in an overall reduction of the footprint of the originally approved revetment by approximately 7,300 square feet, thereby returning approximately 0.17 acres of shoreline to sandy beach. While all of the unpermitted above-ground rock located within the public access easement area would be removed, the proposed 10-foot-wide subsurface rock keyway would be installed within a portion of the public access easement area. However, the subsurface keyway

would be installed in a manner that would not preclude the public from accessing the sandy beach on top of the proposed keyway.

Given the fact that there is an existing revetment in place, and that the proposed improvements would reduce the overall footprint of the revetment by removing approximately 2,000 tons of existing rock from the beach and return approximately 7,300 square feet of shoreline to sandy beach, the degree of sand supply impact as a result of the proposed improvements is reduced. The Commission's staff engineer has reviewed the proposed project plans and has concurred with the proposed siting and design of the revetment improvements. To ensure that the applicant undertakes development of the revetment improvements as proposed to minimize seaward encroachment and loss of beach, Special Condition No. 13 requires the applicant to adhere to the proposed plan entitled "*Reduced Footprint Alternative*" dated 12/03/07 and revised 04/08/08 and attached as Exhibit No. 2. Any changes to the proposed plan require an amendment to the permit. Additionally, Special Condition No. 10 requires the applicant to submit as-built plans within 90 days of completion of construction to demonstrate that the revetment improvements have been constructed consistent with the approved project plans.

As conditioned, the Commission finds that the proposed amended development is consistent with Section 30235 of the Coastal Act.

4. Geologic Hazards

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 by GeoSoils, Inc., a licensed engineering firm. The proposed project plans have also been reviewed by the Commission's staff coastal engineer. As described above, the purpose of the proposed project is to improve the stability and structural integrity of the existing shoreline revetment by reconfiguring the revetment to include a 10-foot-wide subsurface keyway, and by importing approximately 1,500 tons of 10-ton rock and exporting approximately 2,000 tons of rock that are less than 1 ton in size.

As stated by the applicant's project engineer, quarry rock revetments are "mobile" structures that move in response to extreme wave action and changing sand levels. Rocks that are less durable also tend to decompose into smaller, more mobile rocks when subjected to large wave impact. Decomposition of rock from natural forces can result in alterations to the dimensions and stability of the shoreline revetment structure as well as cause rocks to shift, migrate, or roll onto the beach, thus triggering the need for maintenance over the life of the structure. The applicant seeks authorization for on-going monitoring, and remedial repair and maintenance of the revetment to ensure that (1) the stability of the shoreline revetment is not adversely affected as a result of wave action, and (2) dislodged rocks will not impede public access seaward of the revetment in the future. The applicant's engineer indicates that future maintenance would not likely require importing new rock, but would primarily involve repositioning existing rocks that migrate downslope over time.

To assure stability and structural integrity of the revetment, Special Condition No. 5 requires submittal of a Shoreline Protection Monitoring Plan, designed to assess movement of the revetment and prevent future failure. The Shoreline Protection Monitoring Plan requires an annual 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 the future performance of the revetment and recommendations for repair, maintenance, modifications or other work to the revetment necessary to correct any rock migration or structural damage. Pursuant to Special Condition No. 4, the permittee is responsible for removing or replacing any rock or material that becomes dislodged from the revetment as soon as possible, but no later than 30 days after the discovery of the need for the repair and maintenance activity.

The existing deposition of rock and debris onto the beach from portions of the failed revetment represents a hazard and potential risk to life and property inconsistent with Coastal Act Section 30253, as well as interfering with present and future public access to the beach as described below. Therefore, the Commission imposes Special Condition No. 6, which requires the applicant to remove and dispose of all existing rock, pilings, and other debris that has littered the beach in front of the revetment as proposed.

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 is exposed 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. The proposed development also involves risk that the proposed revetment improvements will not protect against damage from bluff failure and erosion. Although the Commission has sought to minimize these risks, such risks can never be eliminated entirely. Because the applicant voluntarily proposes to undertake an inherently hazardous activity, the Commission imposes Special Condition No. 8, 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.

Special Condition No. 9 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property in the event that the property is conveyed to another party.

As conditioned, the Commission finds that hazards associated with the proposed development have been minimized, consistent with Section 30253 of the Coastal Act.

5. Public Access and Recreation

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 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 inconsistent with public safety, military security needs, or the protection of fragile coastal 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.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section [30610](#).

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section [30610](#), that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by [Sections 66478.1 to 66478.14](#), inclusive, of the Government Code and by [Section 4 of Article X of the California Constitution](#).

Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby.

As noted previously, Special Condition No. 6 of the original permit that authorized construction of the existing shoreline revetment (CDP No. 3-83-172-A2), required recordation of a lateral access easement for public access and recreation to and along the shoreline to mitigate adverse impacts to public access resulting from the construction of the revetment. The easement was required to extend laterally from the toe of the revetment to the mean high tide along the width of the property (approximately 800 feet). According to the original findings for approval, the Commission found that construction of the shoreline revetment at the site would result in adverse impacts to public access by: (1) altering the useable area of the beach under public ownership due to changes in the shoreline profile, (2) the progressive loss of sand, as shore material would no longer be available to nourish the offshore sandbar, (3) increasing erosion on adjacent public beaches, and (4) directly interfering with public access when materials erode from the revetment and litter the sandy beach, thus presenting physical obstacles to access. The lateral access easement intended to mitigate such adverse impacts to public access was never recorded as required by Special Condition No. 6 of CDP No. 3-83-172-A2 and has been the subject of an on-going violation case pending at the subject site.

Since construction of the shoreline revetment in 1984, the public has lost use of the beach area fronting the development for the reasons described above. In addition, the public access losses that were identified in the 1984 permit and that provided the basis for the lateral access easement

condition have been compounded by encroachment of additional rock temporarily placed in the 1996 emergency repair efforts. The placement of this additional rock caused losses that have further reduced public access and recreational opportunities in the required easement area.

To minimize adverse impacts to public access and encroachment into the required lateral access easement area, the applicant has designed the proposed shoreline revetment improvements to avoid seaward encroachment of the revetment while still providing a design that would ensure the structural stability and necessary shoreline protective function of the revetment. The applicant's proposed "*Reduced Footprint Alternative*" (see Exhibit No. 2), involves placing approximately 1,500 tons of 10-ton rock along the bluff at a slope varying from 1:1 to 1:1.5. To improve the structural integrity and stability of the revetment, a 10-foot-wide subsurface rock keyway is proposed to be installed at the base of the rock revetment. The proposed project also involves removing approximately 2,000 tons of rock that are less than 1 ton in size. The rock proposed to be removed includes (1) portions of the previously authorized rock that was installed pursuant to the original permit, and (2) portions of the currently unpermitted rock that encroaches into the public access easement installed during emergency repairs performed in 1996. Removal of this rock would eliminate all above-ground rock from within the public access easement area and would result in an overall reduction of the footprint of the originally approved revetment by approximately 7,300 square feet, resulting in a reduction from 40,596 square feet to 33,371 square feet, thereby returning approximately 0.17 acres of shoreline to sandy beach. While all of the unpermitted above-ground rock located within the public access easement area would be removed, the proposed 10-foot-wide subsurface rock keyway would be installed within a portion of the public access easement area. However, unlike the existing above-ground riprap located within the public access easement area proposed to be removed, the 10-foot-wide subsurface rock keyway located at the toe of the revetment would not preclude or impede public access along the base of the bluff, as it would be covered by sand.

To ensure that the shoreline area fronting the revetment is protected for public access and recreational use as intended pursuant to approval of the revetment in 1984, the Commission imposes Special Condition No. 1, which would modify and replace Special Condition No. 6 of the original permit. Special Condition No. 1 requires the applicant to record an offer to dedicate a lateral access easement as originally imposed by CDP No. 3-83-172-A2 and as proposed by the applicant as part of the permit amendment application (see Exhibit No. 3). The lateral access easement would include the sandy beach area from the landward boundary of the subsurface rock keyway and extend to the mean high tide line, thereby including an area of sandy beach equivalent to the area required by the original permit (approximately 68,000 square feet). The entire area of sandy beach within the easement area at any given time would be available for public access and recreation.

Currently, there is no public access to or along the blufftop at the subject site. The closest vertical access location providing public access to the beach is located approximately 375 feet subject site. Further north is Lands End, which includes a bluff top trail and a stairway to the beach (currently closed for repairs). In discussions between the applicant and Commission staff regarding the proposed improvements to the existing shoreline revetment and potential adverse impacts to public access, the applicant has proposed to provide blufftop access in the form of an

offer to dedicate an 8-foot-wide public access loop through the mobile home park connecting to any future blufftop access on the property to the north (see Exhibit No. 3). Special Condition Nos. 2 and 3 require the applicant to record an offer to dedicate a blufftop access easement to ensure that these proposed public access provisions are properly executed and implemented. Although as proposed, the blufftop public access OTD easement would provide one continuous access loop through the mobile home park and along the blufftop, Special Condition Nos. 2 and 3 allow for the OTD along Sixth and Fourth Avenues and the OTD along Fifth Avenue to be recorded and accepted separately. This would allow the portion of the blufftop access OTD along Sixth and Fourth Avenues to be potentially accepted before, and separate from, the portion of the blufftop OTD along Fifth Avenue (shown as a dashed line on Exhibit No. 3.) Special Condition Nos. 2 and 3 also prohibit all development in the easement areas except for development authorized by the coastal development permit amendment and development authorized by the Public Access Management Plan required by Special Condition No. 12.

To ensure that various improvements are implemented at the site to accommodate the proposed blufftop public access once the offers to dedicate are accepted, Special Condition No. 12 requires the applicant, prior to issuance of the coastal development permit amendment and for the review and approval of the Executive Director, a Public Access Improvement Plan. The required Public Access Improvement Plan would provide for the implementation of the following public access improvements upon acceptance of either of the offers to dedicate required by Special Condition Nos. 2 and 3: (1) the installation of Public Access signage (both free standing and signs installed on permitted fencing and gates); (2) other methods of identifying the location of the bluff top easement such as stenciling the Coastal Access logo on the existing asphalt; (3) the availability of public access, at a minimum, between 8:00 a.m. and one hour after sunset, 7 days a week; (4) removal of any existing "Private Property/No Beach Access" signs; (5) removal of an 8 ft. wide portion of the existing wall near the intersection of Fifth Avenue and Palmetto Avenue and installation of a pedestrian gate at this location, (6) limitations applicable to the use of the pedestrian gate to be installed near the intersection of Fifth Avenue and Palmetto Avenue; (7) the removal of all visitor parking signs; and (8) provisions for landscaping the blufftop public access offer to dedicate area.

There is no public parking within the mobile home park, but free street parking is available on either side of Palmetto Avenue along the length of the mobile home park, including at each proposed pedestrian entrance, which would adequately accommodate members of the public who might travel by automobile to utilize the blufftop access. The blufftop trail OTD and the lateral shoreline OTD described above would be part of the California Coastal Trail (CCT).

The applicant also proposes to remove rocks and broken piles that have dislodged from the shoreline revetment and littered the beach seaward of the toe of the revetment within the area of the required lateral access easement. To ensure that this debris and physical obstruction to public access is removed, Special Condition No. 6 requires the applicant to remove and dispose of all existing rocks, pilings, and other debris that have dislodged from the existing shoreline revetment. Special Condition No. 5 provides for a Shoreline Protection Monitoring Plan, which requires the applicant to survey the rock revetment and report the conditions to the Executive Director annually, 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 No. 4 requires the applicant 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.

Lastly, Special Condition No. 7 sets forth construction-related responsibilities to minimize conflicts with public access along the shoreline, including that (1) construction debris be removed from the beach immediately, and (2) no staging or storage of construction machinery or materials occur on the beach or in any other area that may interfere with public access to or along the shoreline.

As conditioned, the Commission finds that the development as amended is consistent with the public access policies of Coastal Act requiring that public access opportunities be protected and maximized.

6. State Lands Commission Approval

The project site is located in an area subject to the public trust. Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 11, which requires that the project be reviewed, and where necessary approved, by the State Lands Commission prior to the commencement of construction.

7. Alleged Violations

The applicant did not comply with all the terms and conditions of the original permit for a shoreline revetment at the site; the required offer to dedicate (OTD) a public access easement was not recorded, and a portion of the revetment was constructed in such a way that it encroaches into the designated easement area. Further, the applicant received an emergency permit to conduct repairs to the existing shoreline revetment, but did not obtain a follow-up coastal development permit within the timeframe required by the emergency permit, and the emergency permit expired. Therefore, development has taken place without benefit of a coastal development permit. Although development has taken place prior to submission of this permit amendment application, consideration of the application by the Commission has been based solely upon the policies of the Coastal Act. Commission review and action on this permit amendment does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a coastal development permit, or that all aspects of the violation have been fully resolved. In fact, approval of this permit is possible only because of the conditions included herein, and failure to comply with these conditions would also constitute a violation of this permit and of the Coastal Act. Accordingly, the applicant

remains subject to enforcement action for the continuing violation just as it would have been in the absence of this permit amendment approval for engaging in unpermitted development, unless and until the conditions of approval included in this permit amendment are satisfied and implemented.

8. California Environmental Quality Act (CEQA)

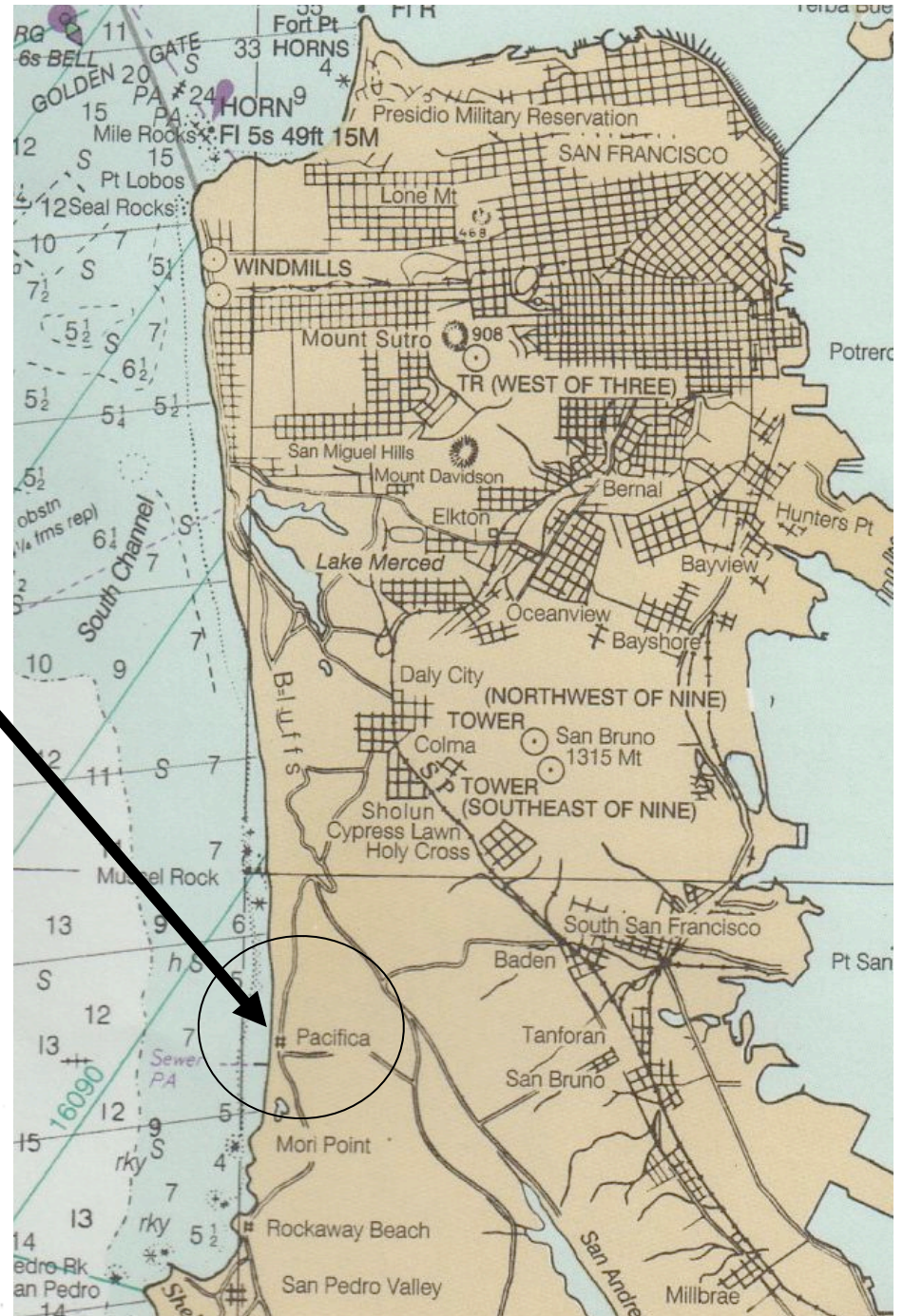
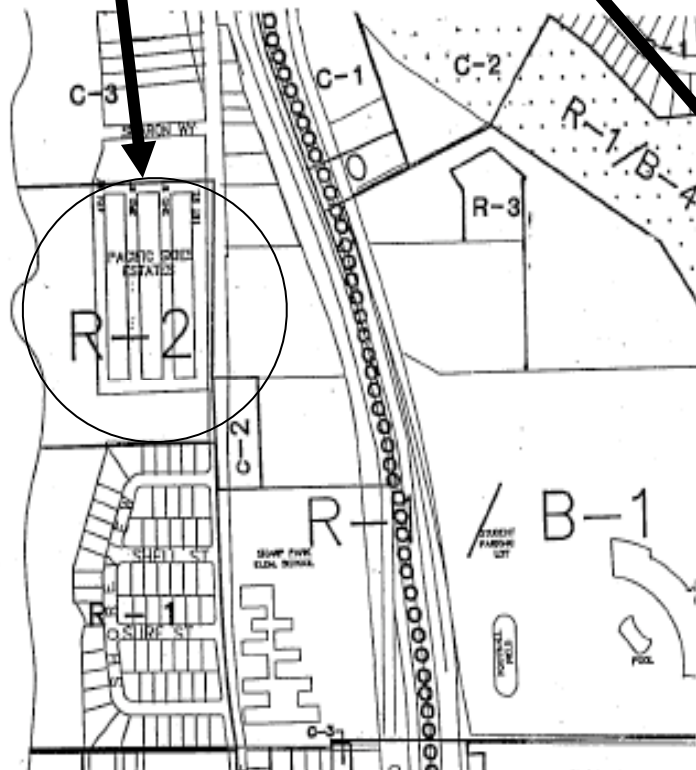
Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing that the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental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

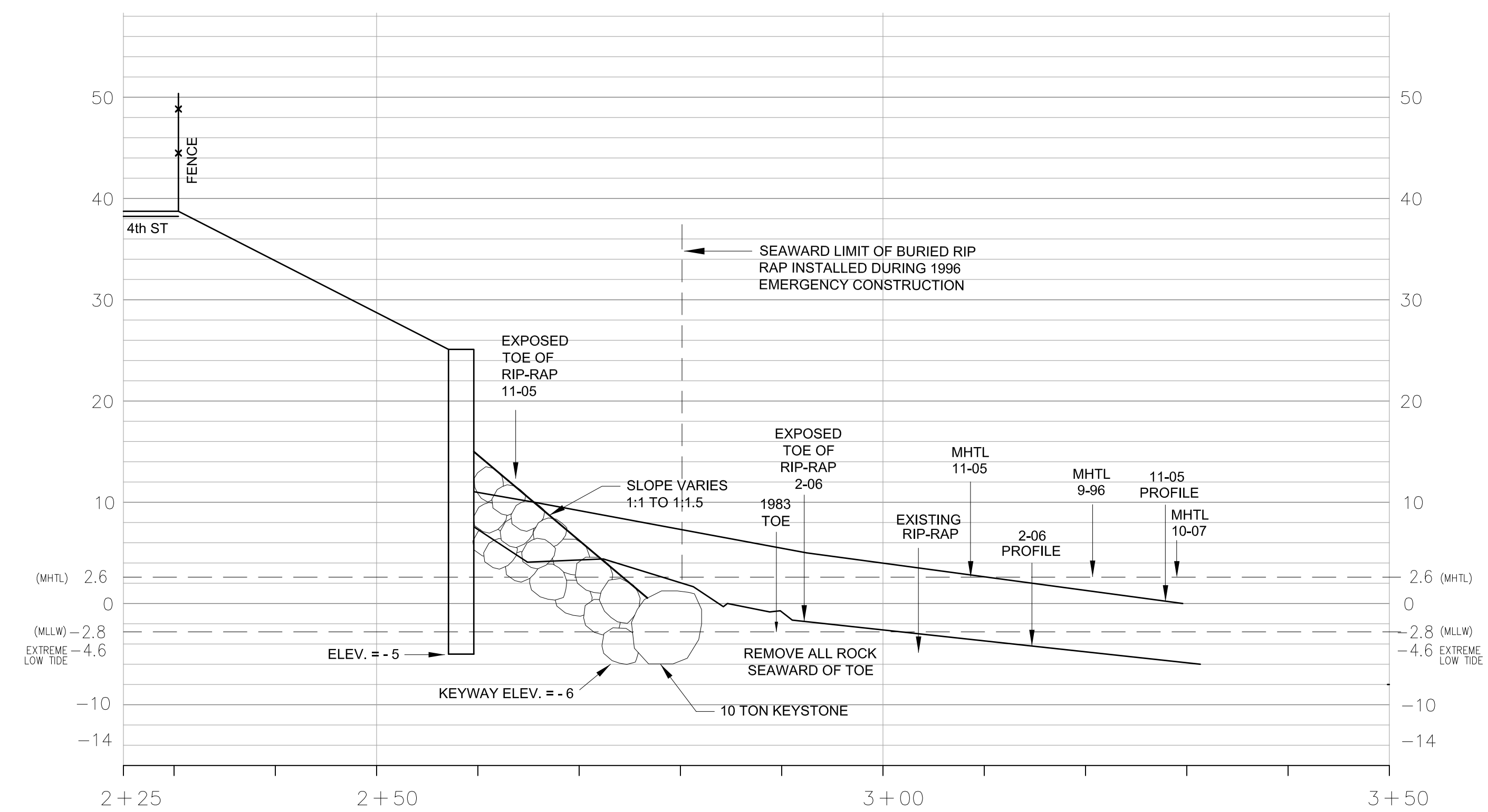
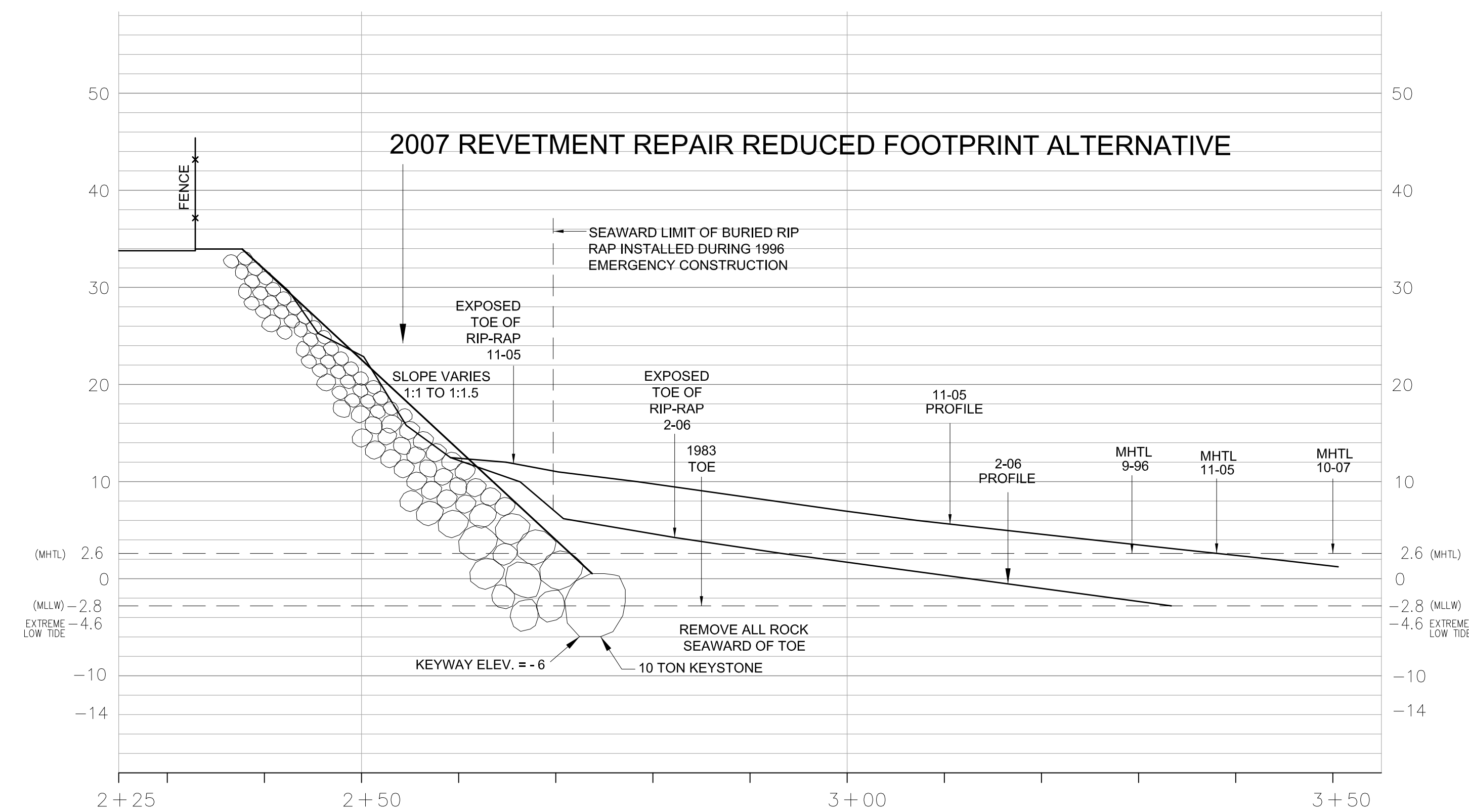
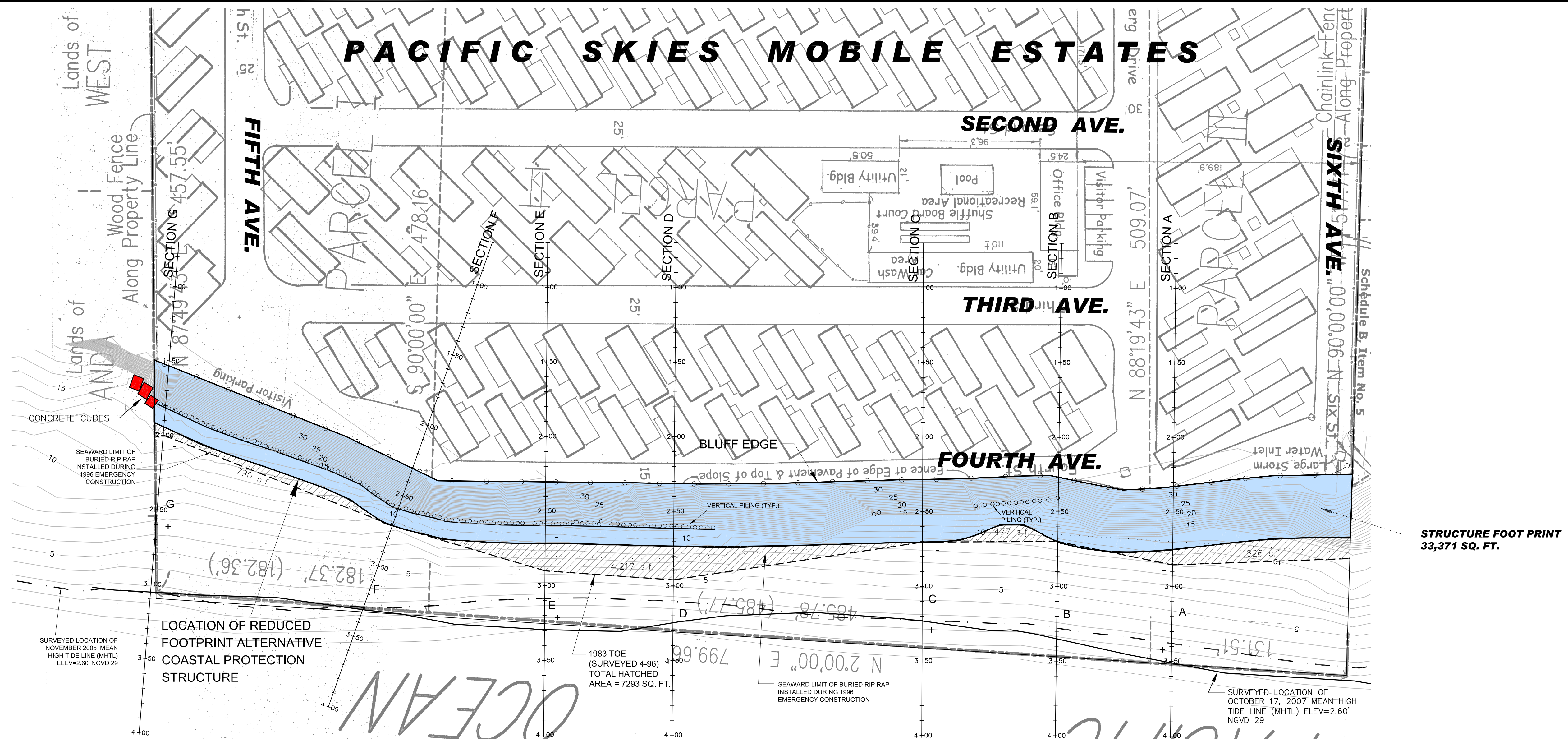
The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. The proposed project amendment has been conditioned to mitigate or eliminate any significant impacts to public access and geologic hazards. There are no feasible alternatives or feasible mitigation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

Exhibits:

1. Vicinity Map
2. Project Plan
3. Proposed Public Access Site Plan
4. CDP No. 3-83-172-A2 Findings
5. Revised Project Description

PROJECT LOCATON

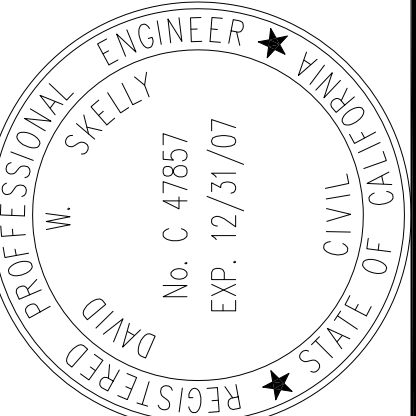




REDUCED FOOTPRINT ALTERNATIVE: RIP-RAP BUTTRESS (TO ELEVATION 15) WHERE VERTICAL PILINGS NOW EXIST FOR NORTHERN 420 LF AND CONVENTIONAL RIP-RAP REVETMENT ELSEWHERE FOR SOUTHERN 400 LF

| REVISIONS | BY |
|-----------|-----|
| 4/08/08 | DWS |
| 4/13/09 | DWS |

DRAFTING BY:
SCHMAHL
DRAFTING
DAVE SCHMAHL
(760)414-3978



GeoSoils, Inc.
Geotechnical • Geologic • Coastal • Environmental
5741 Palmer Way, Carlsbad, CA 92010
760-438-3155

**REDUCED REVETMENT
FOOTPRINT ALTERNATIVE
PACIFIC SKIES ESTATES**

CLIENT: Palmetto 1300, LLC.
P.O. Box 728
Lowndes, CA 90260

| |
|------------------|
| DRAWN |
| CHECKED |
| DATE 12/03/07 |
| SCALE |
| JOB NO. |
| SHEET 10 |

PACIFIC SKIES MOBILE ESTATES

FIRST AVE.
N 140'17" W 616.34' P.O.B. Parcel II Concrete Curb, Gutter & Sidewalk
N 210'17" W 0.84' P.O.B. Parcel I
N 210'17" W 200.00' Driveaway

SECOND AVE.
N 88'19'43" E 509.07' Dohrborg Drive

THIRD AVE.
N 88'19'43" E 509.07'

FOURTH AVE.

FIFTH AVE.
N 87'49'43" E 457.55' Wood Fence Along Property Line

SIXTH AVE.
N 90'00'00" E 333.33' Chainlink Fence Along Property Line

CONCRETE CUBES
SEAWARD LIMIT OF BURIED RFP RAP INSTALLED DURING 1986 EMERGENCY CONSTRUCTION

LOCATION OF REDUCED FOOTPRINT ALTERNATIVE COASTAL PROTECTION STRUCTURE
SURVEYED LOCATION OF NOVEMBER 2005 MEAN HIGH TIDE LINE (MHTL) ELEV=2.80' NOV 20

1983 TIDE (SURVEYED 4-96) TOTAL HATCHED AREA = 7293 SQ. FT.
SEAWARD LIMIT OF BURIED RFP RAP INSTALLED DURING 1986 EMERGENCY CONSTRUCTION

BLUFF EDGE
VERTICAL FILING (CYL)

RECREATIONAL AREA
Pool
Shuffle Board Court
Office Bldg
Utility Bldg
Car Wash Area
Wash Parking

LANDS OF WEST ANDIA
Along Property Line

OCEAN

- Exhibit No. 3**
3-83-172-A3 / 1-97-20 Pacific Skies Estates
Proposed Public Access Site Plan

eyB JGL 12/28/83

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT
701 OCEAN STREET, ROOM 310
SANTA CRUZ, CA 95060
(408) 426-7390 ATSS: 8-529-2304

FILED: 12/2/83
49th/180th DAY: 1/20/84; 6/1/84
STAFF REPORT: 12/19/83
HEARING DATE: 1/10/83
STAFF: S. Maki

ADOPTED

STAFF REPORT: REGULAR CALENDAR
AMENDMENT

PROJECT DESCRIPTION

APPLICANT: City of Pacifica/Pacific Skies Estates

PERMIT NO: 3-83-172A2

PROJECT LOCATION: 1300 Palmetto Avenue, Pacifica, San Mateo County

PROJECT DESCRIPTION: Phase III of City of Pacifica Master Plan for shoreline protection. Construct a ±800' long seawall with drilled piers and rock rip-rap.

LOT AREA: 9.5 ac. ZONING: R-3

BLDG. COVERAGE: N/A PLAN DESIGNATION: Medium Density
Residential - Certified Land Use Plan 1/80

PAVEMENT COVERAGE: N/A PROJECT DENSITY: N/A

LANDSCAPE COVERAGE: N/A HEIGHT ABV. FIN. GRADE: Below grade

LOCAL APPROVALS RECEIVED: City Council Resolution, Grading, and
Negative Declaration.

PTI:

Coast 32: 7/29/81

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

Standard Conditions

See Exhibit A.

Special Conditions

1. All recommendations contained in the geotechnical investigation prepared by A.B Consultants are a condition of this permit.

Approval of this project design is limited to that designed by A.B Consultants (10-83). Any structural changes in the submitted A.B Consultants design shall be submitted to the Executive Director for his review and approval.

2. All conditions contained in approval of permit issued by the City of Pacifica are conditions of this permit.

3. Within 90 days of this issuance of the permit and by April 10, 1984, permittee shall submit to the Executive Director a written determination from the State Lands Commission that:

- a) No State Lands are involved in the development; or
- b) State Lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- c) State Lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

4. Within 90 days of this issuance of the permit and by April 10, 1984, permittee shall submit written evidence of U.S. Army Corps of Engineers approval, to the Executive Director for his review and approval.

5. Within 90 days of this issuance of the permit, permittee shall submit to the Executive Director a deed restriction for all applicable properties for recording, free of prior liens except for tax liens, that binds the permittee and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director. The deed restriction shall provide: (a) that the permittees understand that the site is subject to extraordinary hazard from waves during storms and from erosion and the permittees assume the liability for those hazards; (b) the permittees unconditionally waive any claim of liability on the part of the Commission or any regulatory agency for any damage from such hazards; and (c) the permittees understand that construction in the face of these known hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of storms, landslides.
6. Within 90 days of this issuance of the permit, the permittee shall execute and record a document, in a form and content approved by the Executive Director of the Commission irrevocably offering to dedicate to a public or non-profit public agency an easement for public access and recreation to and along the shoreline. Such easement shall be laterally from the toe of the seawall to the mean high tide, along the width of the property. Such easement shall be free of prior liens or encumbrances except for tax liens.

The offer shall run with the land in favor of the people of the State of California, binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

FINDINGS AND DECLARATIONS

PROPOSED PROJECT

1. This is the third phase of seawall construction to be proposed in the City of Pacifica's Master Planning Area (See Exhibit B). The first phase, Esplanade/Pacifica Park, was at the northern end of the Planning Area, while the second phase, Shoreview, is to the south. The proposed third phase, Pacifica Park, is to be a ±800 ft. continuous drilled pier seawall with rock rip-rap placed behind the 4 foot centered piers. The southerly ±135' would be constructed of just the rip-rap rock without piers. The project would offer protection to an existing mobile home park which lost up to 80' of bluff during last winter's storms when the former seawall failed.

GEOLOGY

2. A geotechnical investigation and engineered seawall design have been prepared by appropriate engineers. Several adopted LUP policies address geotechnical and shoreline protection and drainage structures for development along Pacifica's coast. Pacifica's shoreline is subject to erosion and landsliding problems of varying intensities. Winter storms of 1983 resulted in losses of 70 to 80 ft. of bluff to this third area of shoreline master planning. The LUP requires geologic reports (Page C-99, see LUP Finding) for blufftop development to recommend appropriate setbacks and specific recommendations for type of construction, drainage, landscaping, etc. The proposed seawall has been so designed to protect the existing developed area consisting of ±80 mobile homes.

The City's geologic consultant and Commission's geologist have reviewed the seawall plans and have mutually concurred with staff that certain changes in the submitted design are necessary and include:

- Redesign angles at project endpoints.
- 1 to 1 rip-rap slope is too steep.
- Rock diameter at piers are too small.
- Repair and maintenance access.

These changes have been applied to the City grading permit and are also conditions of this permit.

ACCESS

3. The Pacifica LUP contains the following Policies relevant to the provision of public access to and along the shoreline.

Policies 1, 2, 3, 4, page C-5

1. Maximum access 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 property owners, and natural resource areas from overuse.
2. 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 rock coastal beaches to the first line of terrestrial vegetation.
3. 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 inconsistent with public safety, military security needs, or the protection of fragile coastal 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.
4. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise of overcrowding or overuse by the public of any single area.

In order to comply with Coastal Act and LUP requirements the following access considerations should be included within the project.

- o Design of the seawall to minimize intrusion on the sandy beach.
- o Dedication of lateral access (sandy beach along the base of the bluffs.

Vertical access points throughout Pacifica are contained within the certified LUP Access Component and are indicated on the LUP land use map (see Exhibit 1). Vertical access is not called for on the LUP map or within the Access Component for this project site as adequate vertical access exists to the south and north. A private vertical access for maintenance of the seawall between the City and park owner is, however, a condition of the City grading permit.

Therefore, as conditioned, to require dedication of lateral access of the sandy beach, the project is consistent with the certified LUP and the Coastal Act (see additional access finding in Exhibit C).

CEQA

5. The proposed project will not create any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

LCP

As conditioned, the proposed development conforms to the policies of Chapter 3 of the Coastal Act and approved LUP policies and will not prejudice the implementation of the Local Coastal Program for this area.

DECLARATION


Page 2

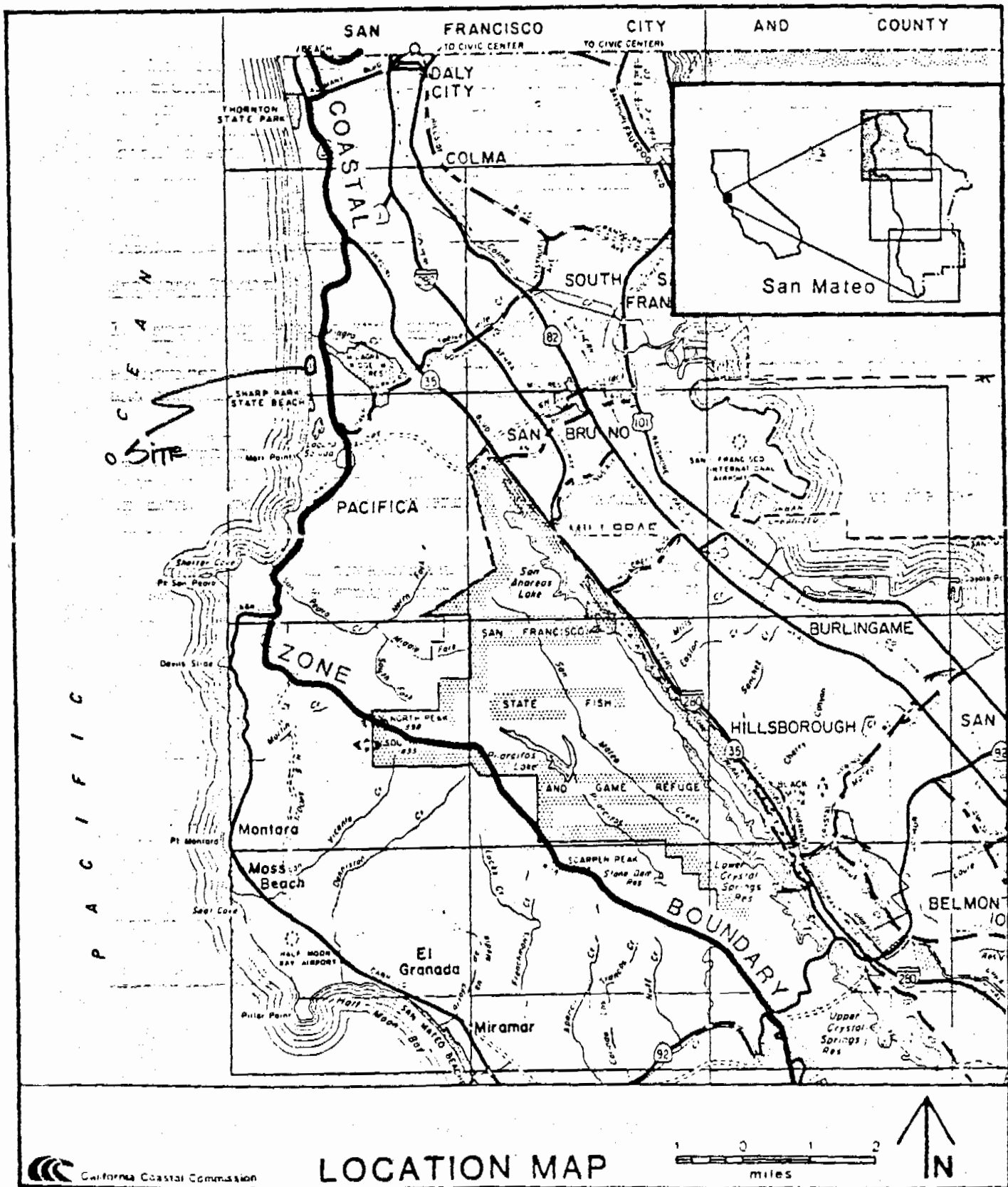
The Executive Director hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDED CONDITIONS

Standard Conditions:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

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| EXHIBIT NO. A |
| APPLICATION NO. |
| Standard Conditions |
|  California Coastal Commission |



County of San Mateo

Sheet 1 of 3

COASTAL NEIGHBORHOODS

MASTER
PLAN
AREA FOR
SHORELINE
PROTECTION

* PHASE 1

* PHASE 3

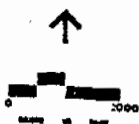
* PHASE 2
WEST
SHARP PARK


FAIRMONT
WEST

WEST EDMAR-
PACIFIC MANOR

MANOR DR

SHARP PARK
GOLF COURSE
WEST FAIRWAY
PARK - MORI
POINT -
ROCKAWAY
BEACH



 Inside & Associates
Planning Consultants

THE
HEADLANDS
SAN PEDRO BEACH

SHELTER COVE
PEDRO POINT

COASTAL
ZONE
BOUNDARY

URBAN
SERVICE
AREA

EXHIBIT NO. B

APPLICATION NO.

3-83-172 A2

SEAWALL PROJECT
LOCATIONS

Exhibit No. 4

3-83-172-A3 / 1-97-20 Pacific Skies Estates

CDP No. 3-83-172-A2

Page 8 of 19



California Coastal Commission

Shoreline Protection Devices. The Coastal Act policies related to construction of shoreline protective devices are as follows:

Section 30235.

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 erosions and when designed to eliminate or mitigate adverse impacts on local-shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253.

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. (Emphasis added)

The proposed project involves a shoreline structure which will effect the configuration of the shoreline and the beach profile and in all probability have some degree of adverse impact on the shoreline. That shoreline structures, including vertical seawalls and rock revetments, have adverse impacts on the shoreline is accepted among experts in the field of coastal engineering and geology. In Saving the American Beach: A Position Paper by Concerned Coastal Geologists (March 1981) which was signed by 94 experts in the field of coastal geology, it is stated...

These structures are fixed in space and represent considerable effort and expense to construct and maintain. They are designed for as long a life as possible and hence are not easily moved or replaced. They become permanent fixtures in our coastal scenery but their performance is poor in protecting community and municipalities from beach retreat and destruction. Even more damaging is the fact that these shoreline defense structures frequently enhance erosion by reducing beach width, steepening offshore gradients, and increasing wave heights. As a result, they seriously degrade the environment and eventually help to destroy the areas they were designed to protect.

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| EXHIBIT NO. C |
| APPLICATION NO. 3-83-172-A |
| Access & Hazard |
| Finding California Coastal Commi |

So although the proposed shoreline protection device is to provide protection to an existing structure as allowed for in Coastal Act Section 30235, it has an adverse impact on local shoreline sand supply and therefore raises a question of consistency with 30235.

It is recognized that large structures such as groins and breakwaters will have significant and obvious impacts on sand supply and beach profiles, but even a relatively small structure such as the one proposed will have an impact on the site and the adjoining area. As stated in a publication by the State Department of Boating and Waterways (formerly called Navigation and Ocean Development), Shore Protection in California (1976).

While seawalls may protect the upland, they do not hold or protect the beach which is the greatest asset of shorefront property. In some cases, the seawall may be detrimental to the beach in that the downward forces of water, created by the waves striking the wall rapidly remove sand from the beach.

This impact is reiterated in the paper, "Economic Profiling of Beach Fills" by Herman Christiansen which is contained in the proceedings of Coastal Sediments '77 (November 1977). It states:

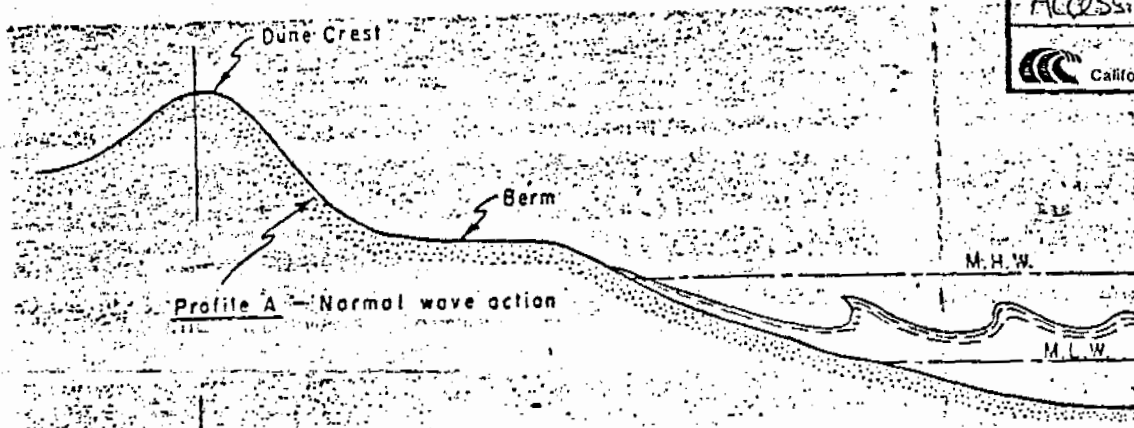
Observations at some of the investigated beaches have shown that an optimal profile becomes instable, if structures, such as rocks, groins, revetments, piles, stairs etc., are placed within the wave action zone of a beach. Steady erosions, caused by complex high turbulent surf currents, lead to heavy sand losses.

These concerns particularly apply to vertical seawalls such as the one proposed because they reflect most wave energy. This is a well-known impact of vertical seawalls. For example, the generally accepted "standard" for designing shoreline structures, the U.S. Army Corps of Engineers' Shore Protection Manual (1983) has several references to the proficiency of vertical seawalls to reflect wave energy and as a result scour the beach it fronts (see pages 1-16, 2-113, 5-4, 6-15). This impact can be lessened somewhat by the placement of rock (or rubble) at the base of the wall, but nevertheless, the wall will still cause scour and steepening of the beach profile.

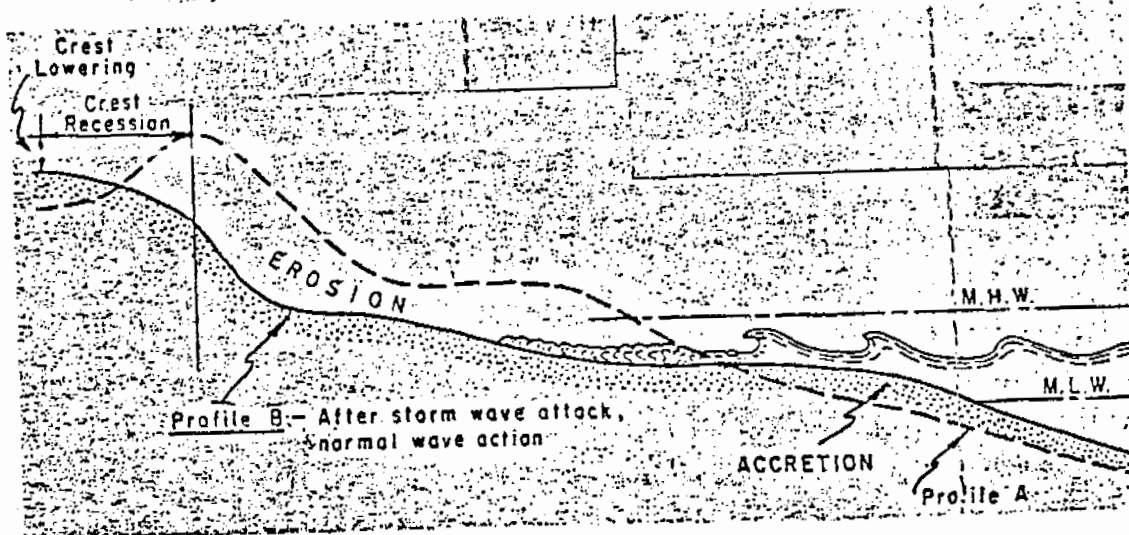
A discussion of the physical processes of wave runup on a natural shore will help establish the effects of seawalls on shoreline processes. Sandy beaches are dynamic systems, the individual grains of sand adjust quickly to reflect both the overall supply of sediment and the ongoing forces of waves. A typical non-storm profile of the beach looks like this:

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| EXHIBIT NO. C |
| APPLICATION NO. 3-83-172 A2 |
| Access: Hazard |
| Findings California Coastal Commission |

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| EXHIBIT NO. C |
| APPLICATION NO. # 3-83-172A2 |
| Access: Hazard |
| Finding California Coastal Commission |

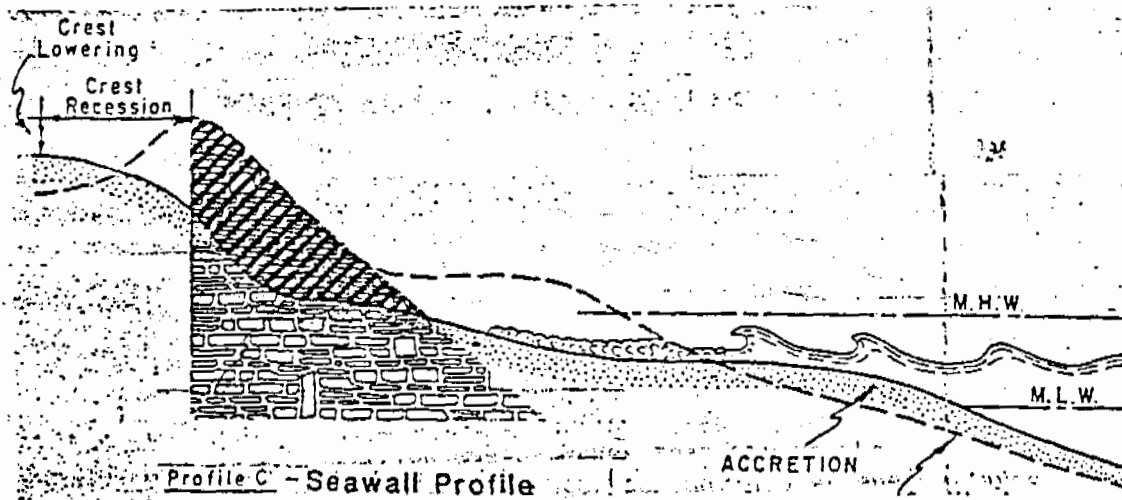


At this profile, the shore has adjusted to a low-energy wave environment, reflecting the short period, low energy waves that strike the beach. The next diagram shows how a beach adjusts to longer period, higher energy waves:



This cross section illustrates several important things about the beaches adjustment to the higher energy of striking waves. First, the wave energy has eroded material from the foreshore and deposited the material off-shore in a bar. Second, the shoreline profile flattens to absorb the greater amount of wave energy, even with waves breaking on the bar. These adjustments are fundamental to the shore's adjustment to high wave energy. The migration of the material to an off-shore bar causes waves to break in deeper water, and begins the process of energy dissipation far from the inland extent of the beach. The dynamic process of eroding material from the foreshore enables the shoreline to absorb wave energy. This process goes on continuously, if a given shore profile is not sufficient to absorb wave energy without further erosion, additional material is moved from the shore to the bar to increase the distance between the bar and the inland extent of the wave uprush. The value of the bar cannot be overemphasized, it is on the bar that winter waves break, and the dynamic processes of the actual shoreline are affected by wave uprush, not actual breaking waves.

The next diagram was made by superimposing a revetment on the shoreline profiles that we saw in the last diagram:




This diagram illustrates dramatically the effect of a seawall on the shoreline. The material shown in cross-hatching is the material formerly available to nourish the bar. This material is now unavailable because it is either behind the seawall, or has been replaced by the seawall. As a result, the bar receives less nourishment. This makes the bar less effective in causing waves to break offshore, and results in greater wave energy being felt on the actual shoreline. That energy is then dissipated by uprush and reflection against the face of the revetment. However, since more energy comes on-shore, more energy is reflected and sand is scoured from the base of the revetment. The Commission concludes from the opinion of experts and from an analysis of the process of shoreline dynamics that placement of a seawall within the areas of a shore affected by those processes adversely affects shoreline processes in front of the seawall as well as property on either side of the seawall. Obviously the impact of a seawall is greater the more often it is exposed to wave attack, and seawalls located far up the beach have less impact than seawalls lower on the beach. However, since most of the coast of California, including this area, is subject to overall erosional processes, even a well-designed seawall adversely affects shoreline processes.

However, the Commission finds that the probable negative impacts of this seawall must be weighed against the property owner's need to protect the structure behind it. [the Commission recognizes that the seawall will probably change the beach profile by steepening it and increasing beach erosion around it, however,]. The seawall has been designed to minimize encroachment onto the beach and its impact on adjacent properties and Section 30235 allows for the use of such a device to protect an existing structure. In striking a balance between these factors the Commission finds the project consistent with Sections 30235 and 30253.

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| EXHIBIT NO. C |
| APPLICATION NO. 3-83-172 A2 |
| Access: Hazard |
| Findings |
| California Coastal Commission |

Given the adverse effects of seawalls on shoreline processes, the Commission must now turn its attention to the overall impact that these changed shoreline processes will have on public access. The public has an ownership right in the lands of the State seaward of mean high water. Because the ownership lies seaward of a mean water mark, the most extraordinary high and low tides are factored out. The tidal regime along the coast varies with the season and with the lunar cycles. Theoretically, tidal cycles also vary over an 18.6 year period in response to astronomical changes (Shore and Sea Boundaries Aaron Shalowitz, US. Department of Commerce 1962, p. 95). However, as a practical matter on a coast like California's where sediment supply has been substantially altered, the location of the lower and higher water lines are determined largely by sediment supply. Overall sediment supply depends heavily on the frequency of large storms as about 90% of all beach sand is transported to the shoreline in those infrequent storms. All of these processes are dynamic, and the beach varies to reflect the changes. If an area is experiencing net erosion or net deposition due to natural or man-made phenomena, it will be particularly difficult to define the mean low and mean high water lines.

The public's ownership interest similarly varies with these changes, although the use of the "mean" tends to smooth out changes in public ownership. The important question to examine is what effect changes in shoreline processes have on public lands. We saw above that seawalls tend to steepen shorelines by reflecting wave energy and by starving the off-shore bar. This affects the public ownership by moving the mean high water line landward. But more importantly, this affects the public's ownership by tending to eventually fix the mean high water line at or near the seawall. This interference with a dynamic system then has a number of effects on the public's ownership interests. First, changes in the shoreline profile, particularly changes in the slope of the profile, alter the useable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on their own property. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. The effects of this on the public are again a loss of area between the mean high water line and the actual water. Third, seawalls cumulatively affect public access by causing greater erosion on adjacent public beaches. This effect may not become clear until seawalls are constructed individually along a shoreline until they reach a public beach. Finally, seawalls interfere directly with public access by their occupation of beach area, and when materials erode from the seawall and roll onto the sandy beach where they present physical obstacles to access.

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| EXHIBIT NO. C |
| APPLICATION NO. 3-83-172A2 |
| ACCESS & HAZARD FINDING |
|  California Coastal Commission |

BIT NO. C

LOCATION NO.

3-83-172 A2

Access: Hazard



Findings
California Coastal Commission

Normal shoreline

Shoreline after erosion, w/o seawall

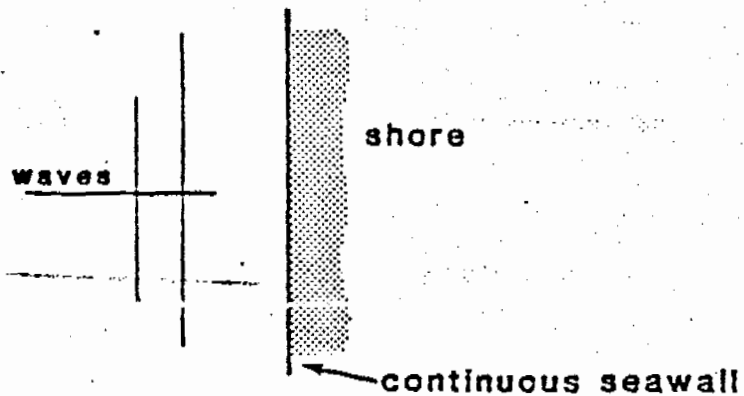
waves

seawall

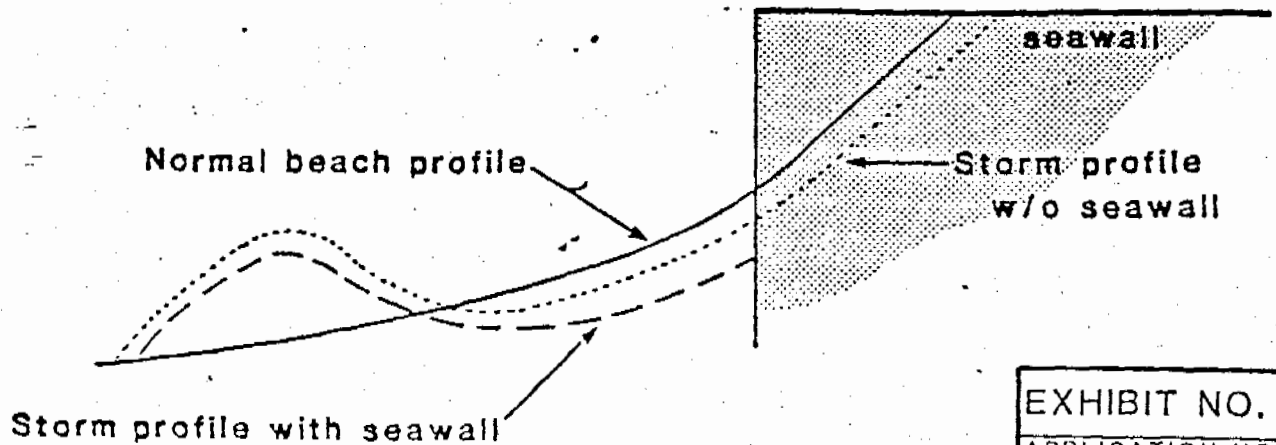
Shoreline after erosion, with seawall

Qualitative effects of a seawall of limited length on the shoreline (after Dean, 1976).


Qualitative effects of a continuous seawall on a shoreline (after Dean, 1976).

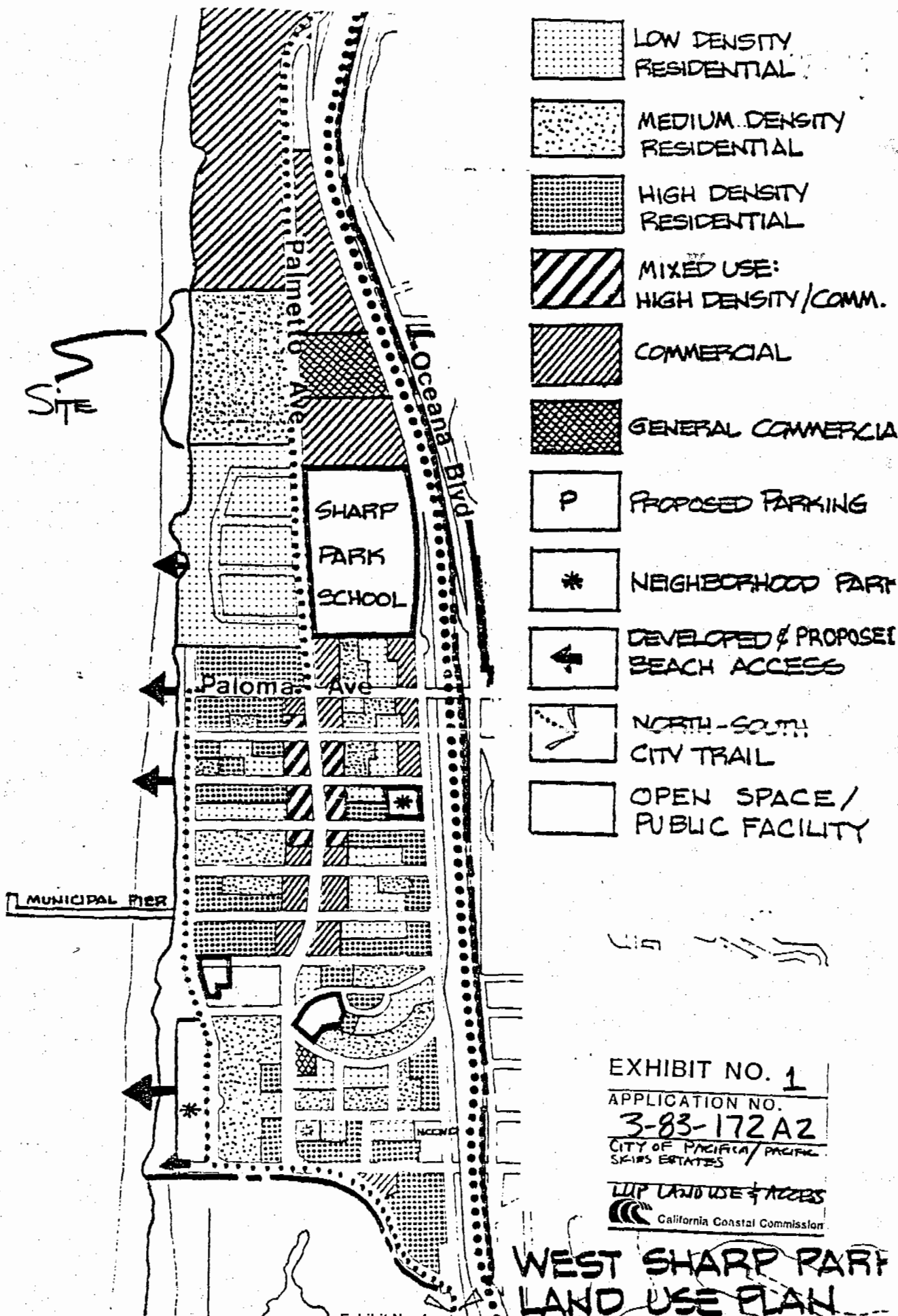


(plan)



(profile)

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| EXHIBIT NO. C |
| APPLICATION NO. |
| 3-83-172A2 |
| Access & Hazard Funding |
|  California Coastal Commission |



PLAN AND CROSS-SECTIONS
BLUFF EROSION PROTECTION
PACIFIC SKIES ESTATES
PACIFICA, CALIFORNIA

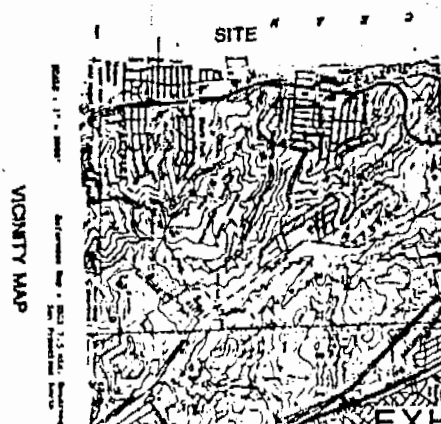
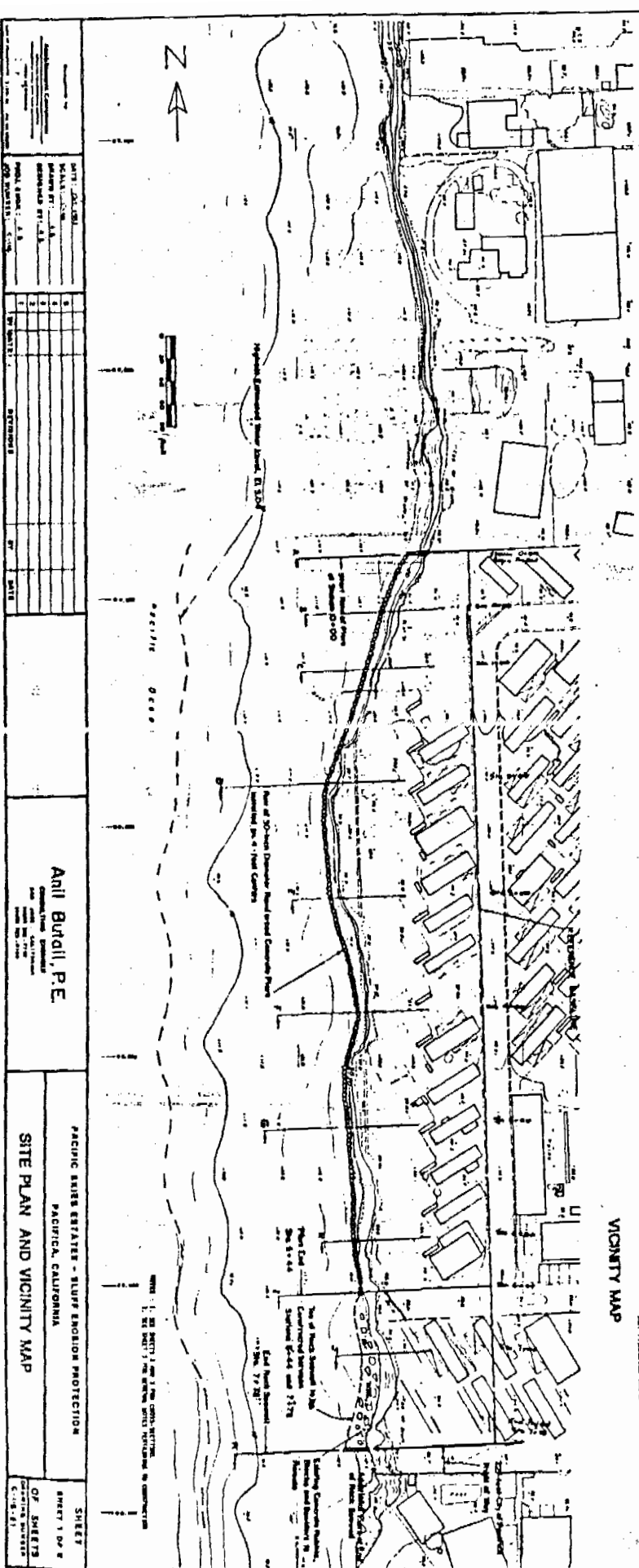
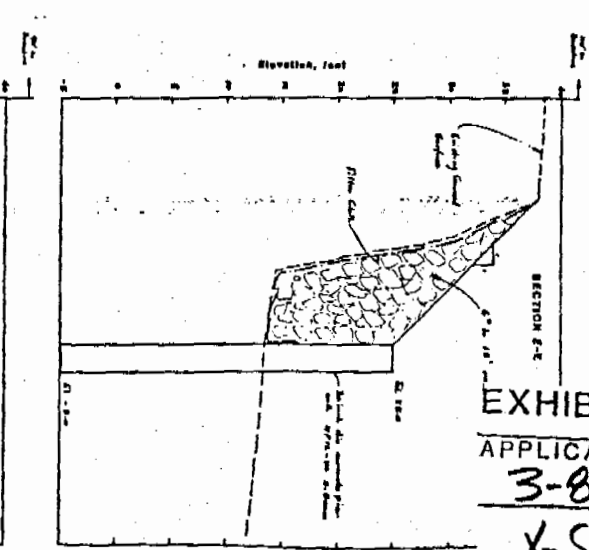
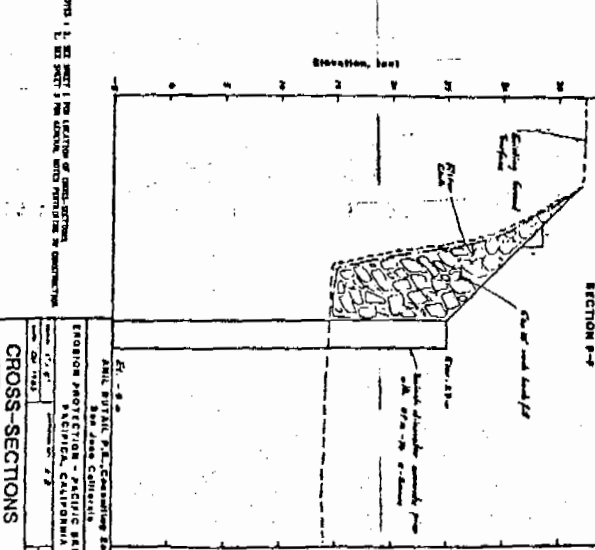
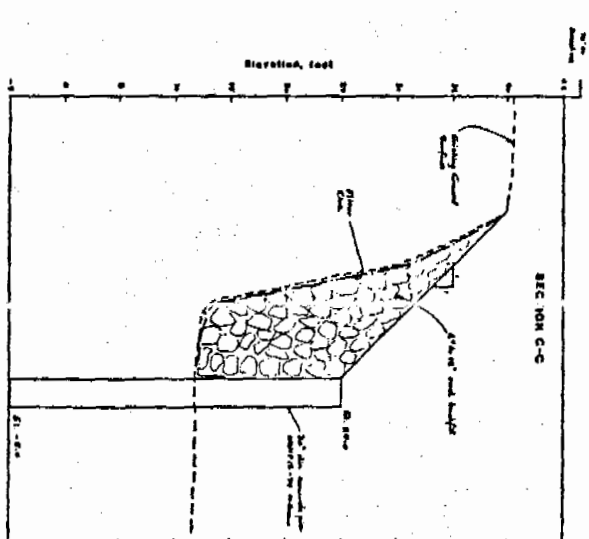
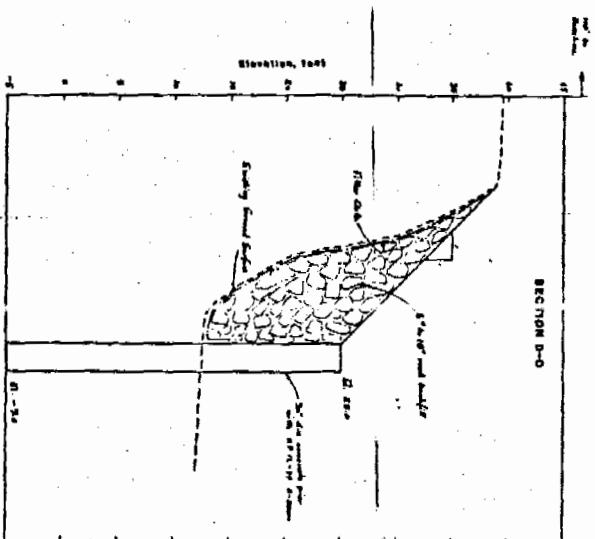
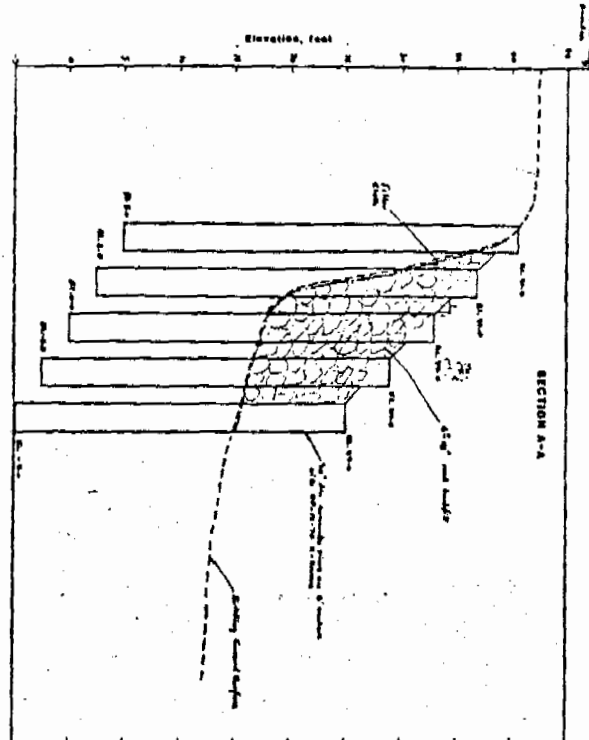
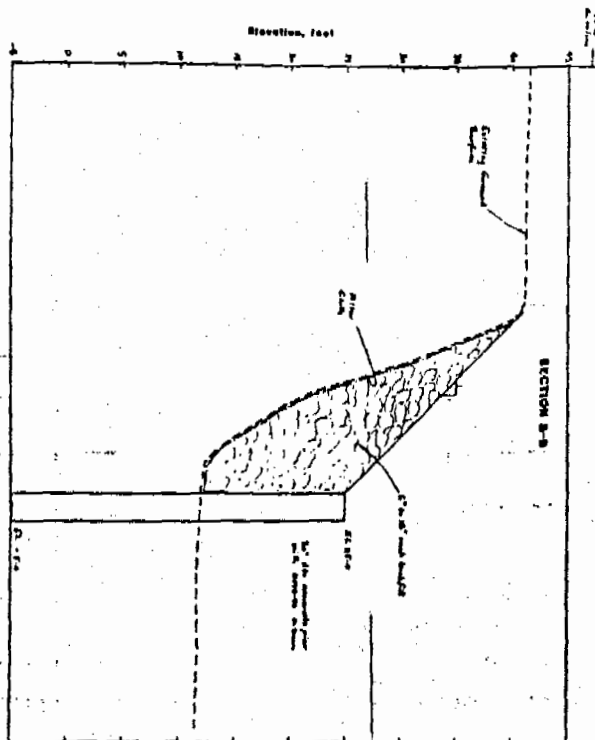


EXHIBIT NO. 2
APPLICATION NO.
3-83-172A2
SITE PLAN

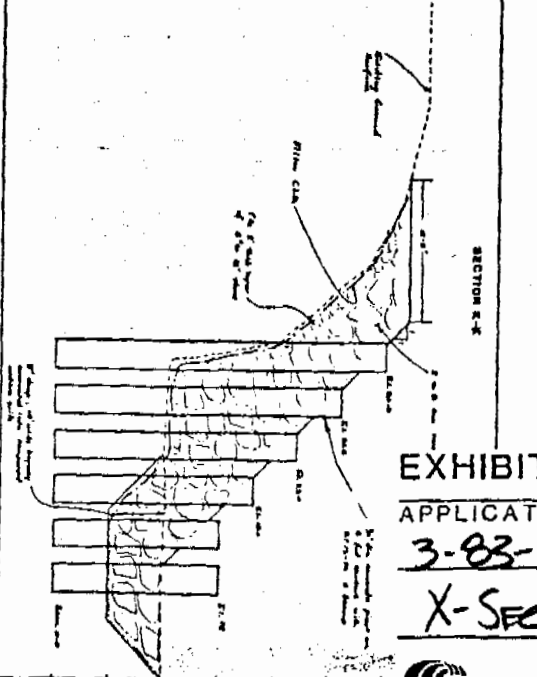
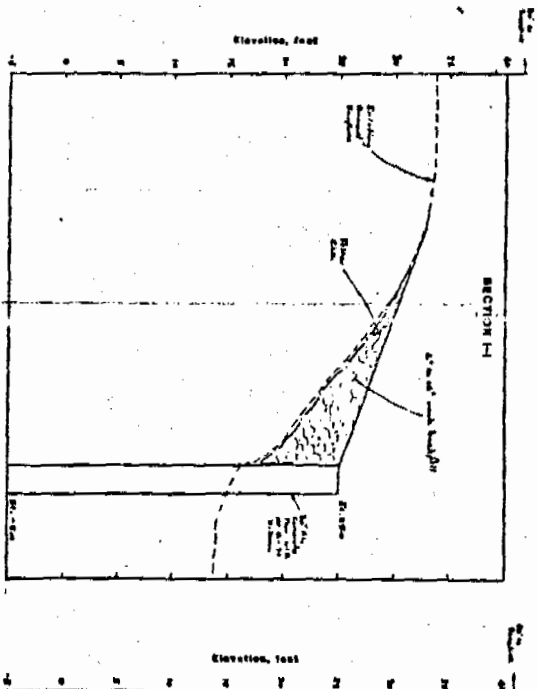
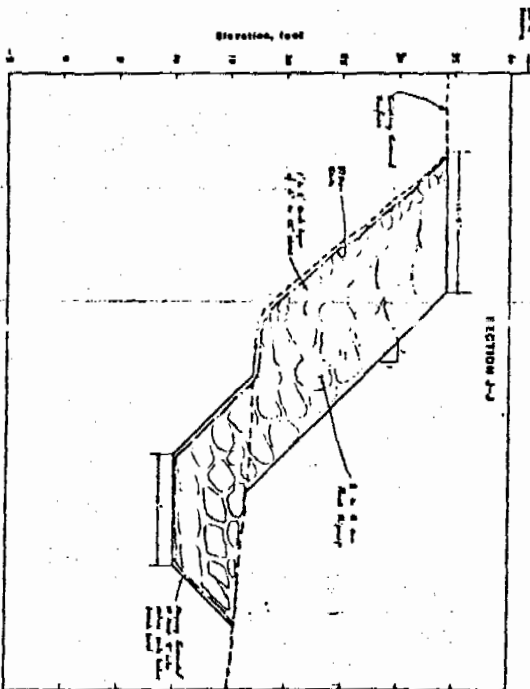
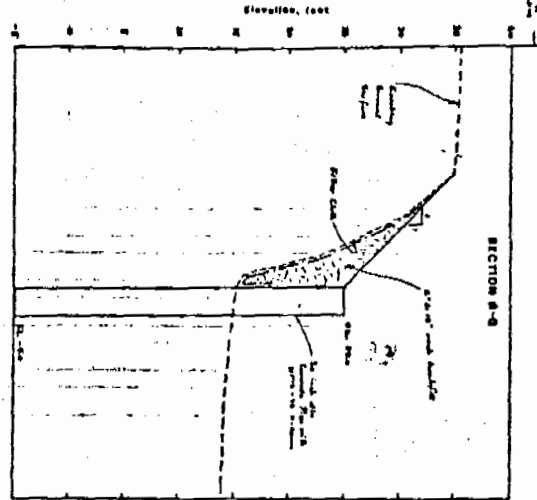
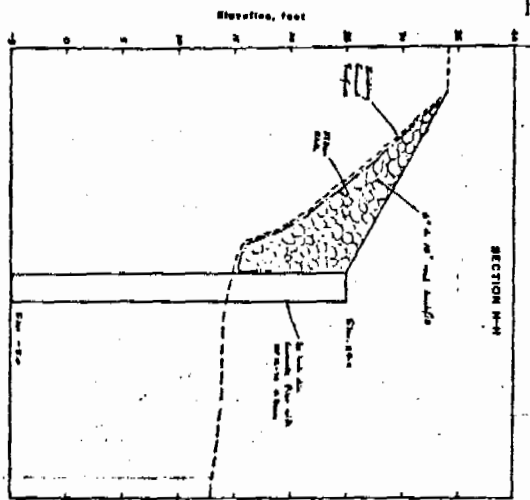




NOTES: 1. SEE SHEET 1 FOR LOCATION OF CROSS-SECTIONS.
2. SEE SHEET 2 FOR LOCATION OF CROSS-SECTIONS.

CROSS-SECTIONS
SHEET 2 OF 2

EXHIBIT NO. 3
APPLICATION NO.
3-83-172A
X-SECTIONS



NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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REVISIONS:

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| ARTH. BUREAU, P.A. Consulting Engineers | |
| SAN JOSE, CALIFORNIA | |
| SECTION PROJECTION - PACIFIC SKIES ESTATES | |
| PACIFIC SKIES ESTATES | |
| CROSS-SECTIONS | |
| SHEET 3 OF 3 | |

EXHIBIT NO. 4
APPLICATION NO.
3-83-172 A2
X-SECTIONS

DALL & ASSOCIATES

6700 Freeport Boulevard, Suite 206, Sacramento, California 95822 Phone: ++916.392.0283
Fax: ++916.392.0462

April 23, 2009

Dr. Charles Lester, Senior Deputy Director,
California Coastal Commission, North Central Coast District Director
45 Fremont Street, Suite 2000
San Francisco, California 94105

RE: Clarification of Proposed Pedestrian Public Access "Offers to Dedicate"
Coastal Development Permit Application No. 1-97-020/Amendment No. 3-83-172-A3
Pacific Skies Mobile Estates, 1300 Palmetto Avenue, Pacifica, California

Dear Charles:

The above-referenced application seeks authorization to repair and maintain shoreline protection for the Pacific Skies Mobile Estates mobile home park at 1300 Palmetto Avenue in Pacifica, where the Commission previously approved shoreline protection work in Coastal Development Permit Amendment No. 3-83-172-A2 and Emergency Permit No. 1-96-05G.

In conjunction with this application, the applicant has offered and is committed to record "Offers to Dedicate" for (1) a lateral access easement in the identical location required in the Commission's 1984 permit approval for a previous owner, and (2) additional bluff top public access opportunities identified in consultation with Commission staff that will assure that the Commission's 1984 conditions of approval are neither lessened nor avoided. While this application is submitted in satisfaction of Chapters 3 and 7 of the Coastal Act, it is also intended to substantively address enforcement issues so as to lift a Notice of Violation filed pursuant to Chapter 9 of the Act, as well.

Following is a summary of the project site's permit history in relation to the pending proposed development and access considerations.

Background. The original shoreline structure predated Proposition 20. In 1984 the Commission approved Permit Amendment No. 3-83-172-A2, authorizing reinforcement of the original structure with the placement of soldier piles and additional riprap, leaving the toe of the original structure in place seaward of the new improvements. (The Commission also required recordation of a lateral access easement "Offer to Dedicate" that was not recorded by the 1984 owner, and has now been recorded as a violation against the property and its current owner.)

In 1996 following storm damage the Commission approved Emergency Permit No. 1-96-05G. Although several construction components were approved, only the placement of additional rock actually occurred.

To formalize the emergency work, at the direction of Commission staff the applicant submitted Permit Application No. 1-97-020 in March of 1997. Subsequently that application has been revised on several occasions in response to staff concerns, and is now scheduled for action as Permit Amendment No. 3-83-172-172-A3 at the Commission's May 2009 meeting.

The project description now provides for removal of the primarily subsurface work done pursuant to the emergency permit, removal of rock associated with the original structure and replacement with a subsurface rock keyway abutting and reinforcing the 1984 construction, for a net footprint reduction of \pm 7,300 square foot resulting from removal of the rock and rubble seaward of the keyway that was

previously allowed by the 1984 permit to remain in place. The application also provides for ongoing repair and maintenance necessitated by the steepened slope of the reduced structure footprint, as well as recordation of the offers to dedicate public access.

Proposed Pedestrian Public Access 'Offers to Dedicate'

Attached please find "Proposed Pedestrian Public Access 'Offers to Dedicate'" that graphically depicts the public access dedication opportunities proposed by the applicant in consultation with Commission staff, as summarized below:

(1) "Lateral Access OTD": Applicant's proposed offer to dedicate lateral access across the sandy beach area identical to, and in compliance with, the area required by the 1984 permit approval conditions. Future repair and maintenance requiring beach access will be allowed within the lateral access OTD.

(2) "Subsurface Keyway Area of Lateral Access OTD": The subarea located along the inland boundary of the Lateral Access OTD, where rock from the original structure and all of the 1996 emergency work will be removed and replaced with suitable rocks forming a subsurface keyway. (As previously noted, rocks from the original structure located seaward of the keyway will be removed altogether, increasing the rock-free sandy beach by $\pm 7,300$ square foot over what was approved by the Commission in 1984.)

(3) "Blufftop Public Access Trail OTD": A non-exclusive lateral pedestrian blufftop trail along Fourth Avenue, intended to connect to future blufftop trails to the north and south, and non-exclusive vertical pedestrian access from Palmetto Avenue on Sixth Avenue within and along the property's southern boundary.

(4) "Fifth Avenue Public Access OTD": A non-exclusive vertical pedestrian access along the interior Fifth Street between Palmetto Avenue and the blufftop trail at the northern end of the site. Fifth Avenue runs between and in close proximity to mobile homes, and has no outlet to Palmetto Avenue at this time.

Conclusion. This narrative and the attached graphic are intended to clarify the public access additions and enhancements proposed to assure that development authorized by the pending application does not lessen or avoid the intent of the conditions of approval for the 1984 permit, in satisfaction of requirements set forth in Chapters 3 and 7 of the Coastal Act. However, since the public access additions and enhancements are also submitted in support of the removal of a Notice of Violation pursuant to Chapter 9 of the Coastal Act, I would once more request a meeting with Commission legal, policy, and enforcement staff prior to the Commission hearing to assure that the disparate requirements of these chapters can be fully reconciled and satisfied.

Thank you in advance for your assistance on this point, as well as many thanks to you and your colleagues for your ongoing efforts to bring this matter to a mutually satisfactory conclusion. Please do not hesitate to call me if there are any further questions.

Sincerely,

ORIGINAL SIGNED BY

Stephanie Dall,
DALL & ASSOCIATES

ATTACHMENT: "PROPOSED PEDESTRIAN PUBLIC ACCESS 'OFFERS TO DEDICATE'"