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Staff: Renée Ananda – SF
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STAFF REPORT: REGULAR CALENDAR

Application: 2-07-042

Applicant: City of Pacifica

Location: Pacifica State Beach, Pacifica, San Mateo County
(APN 022-191-010)

Description: Application to install three parking meter ticket machines and implement a parking fee program at north and south parking lots of Pacifica State Beach.

Other Approvals: None

Staff Recommendation: Approval with Special Conditions

Summary of Staff Recommendation

Staff is recommending approval of a coastal development permit with special conditions for the installation of three parking meter ticket machines at the Pacifica State Beach parking lots and implementation of a parking fee program. The City of Pacifica Police Department reports that Pacifica State Beach is the most utilized beach in San Mateo County.¹ The project site comprises two currently free (no charge) heavily-used parking lots (North lot and South lot), located immediately adjacent to Pacifica State Beach (also known as Linda Mar Beach) in the City of Pacifica. The City maintains that a fee program is necessary to continue to maintain the beach area. The revenue from the fee program would be used to hire two additional beach rangers and to maintain the beach area, parking lots, bathrooms, and showers. This includes clean-up and controls to assure rules and regulations are enforced regarding littering and trash on the beach. The parking fees would also pay for part-time police services. Collected fees also would be used for the City's western snowy plover signage program which will be implemented to educate the public for the protection of these shorebirds at Pacifica State Beach. While the fee program would help to protect western snowy plover habitat and public access facilities by generating revenue for management and upkeep of Pacifica State Beach, as proposed, the development raises concerns about impacts to public access and lower cost recreational facilities. Most significant, the fee would remove the free, general availability of public parking at this popular beach. In addition, potential impacts to vegetated coastal dunes also could result from foot traffic if there is a significant increase in the use of existing informal paths from other

¹ Captain D. Bertini, Pacifica Police Department, Memorandum to City Manager Rhodes, dated March 16, 2011.

nearby parking areas to the beach in order to avoid the pay parking lot. An increase in informal foot paths over the dune could also develop.

The Commission has approved fee-based parking programs, as well as increases in existing parking fees, in other locations depending on the circumstances. In this case, the fee would be relatively low compared to other paid State Park beaches in the County, and the revenues from the program would be directed into efforts to maintain the beach recreational resource, and to protect sensitive habitats that co-exist with public recreation. The fee would only apply to parking at the beach lots. Transit is available and otherwise access to the shoreline is free. Recommended special conditions include: 1) a requirement for a monitoring program to document any impacts to public access, or the unauthorized establishment of additional public trails down to the beach particularly at the north end; 2) approval of the implementation of parking fees on a trial three-year basis; 3) after three years, if the permittee wishes to continue the fee program, a new coastal development permit or permit amendment will be required and the results of the monitoring will be used to confirm that the development authorized under this permit has not resulted in impacts to coastal resources, including public access, that cannot be appropriately mitigated. As conditioned, staff recommends that the proposed development is consistent with the Coastal Act.

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Staff Notes

Jurisdiction and Standard of Review: The proposed development is located on former tidelands, submerged lands, or other areas subject to the public trust. The Coastal Commission retains

jurisdiction over the review and issuance of Coastal Development Permits in these areas, pursuant to Section 30519 of the Coastal Act. Chapter 3 of the Coastal Act is the standard of review for development projects located within the Coastal Commission's jurisdiction.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 2-07-042 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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 the permit must be made prior to the expiration date.

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

III. SPECIAL CONDITIONS.

The permit is subject to the following conditions:

1. Project Modifications. Only that development/work specifically described in this permit is authorized. Any additional modifications to the project will require separate authorization from the Coastal Commission unless the Executive Director determines that no authorization is needed. These modifications may include but are not limited to change in hours of operation, the fee amount, additional parking meter ticket machines or other related structures, and the locations for the installed machines.

2. Three-year Authorization. The Department shall notify the Executive Director in writing within five days after installation of the three parking meter ticket machines. The parking meter ticket machines and the fee-based parking program are authorized for three years from the date of parking meter installation. The three ticket machines shall be removed and the program discontinued by the end of the three-year authorization period unless the permittee has submitted an amendment request to re-authorize their placement and the parking fee program. Such application shall include the results of the monitoring program pursuant to Special Condition 3.

3. Parking Monitoring Program. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, a parking fee program monitoring program which shall, at a minimum, incorporate the following:

a) Monitoring shall be conducted throughout the three-year term that the permit authorizes the operation of the three parking meter ticket machines and institution of the parking fee program.

b) Monitoring shall occur at the following locations:

- Within one-half mile radius of the two Pacifica State Beach parking lots (North and South lots)
- In non-pay parking areas including the Pedro Point, Linda Mar, Pacifica Community, and Crespi Shopping Centers
- Public streets including San Pedro Avenue, Desolo Drive, Crespi Drive, Roberts Road, and Linda Mar Boulevard

c) Monitoring for the parking lot shall occur on:

- One Saturday and one Sunday each month from date of installation until three years following installation.
- Every Saturday, Sunday and holiday between Memorial Day weekend and Labor Day.
- Monitoring of the parking lots shall occur on the same day as monitoring of the surrounding neighborhood.

d) Monitoring shall consist of:

- Parking counts taken at the approximate hours of 9:00 a.m. and 3:00 p.m. on every monitored day in the two fee lots; recordation of temperature, weather and surf conditions during each count.
- Digital video surveillance.
- Compare and measure changes in parking usage in the areas described under **Special Condition 3.b)** above.
- Documentation of both actual car counts and percentage of occupancy, assuming 189 available parking spaces.
- Documentation of turnover rates.
- Continuous parking data shall be provided if available.

e) Monitoring the surrounding neighborhood, as specified in “b)” above, shall occur on:

- One Saturday and one Sunday each month from date of installation until three years following installation.
- Every Saturday, Sunday and holiday between Memorial Day weekend and Labor Day.
- Monitoring of the surrounding neighborhood shall occur on the same day as the monitoring of the parking lot.

f) Monitoring the surrounding neighborhood, as specified in “b)” above, shall consist of:

- Parking counts within the surrounding areas detailed above for all street parking taken at the approximate hours of 9:00 a.m. and 3:00 p.m. on every monitored day; recordation of temperature, weather and surf conditions during each count; including documentation of total parking spaces available.

g) Monitoring of the use of the adjacent multi-use coastal trail adjacent to Pacifica State Beach (east of the beach) and existing informal footpaths through the dune shall occur:

- Twice annually, once prior to but within seven days of the Memorial Day Weekend, and once after but within seven days of the Labor Day weekend.

h) Monitoring of adjacent coastal trails shall consist of:

- Monitoring the number and degree of unimproved as specified in “g)” above.
- Photo documentation of the existing coastal bluffs including detailed documentation of existing and new unimproved/informal paths for access.

4. Monitoring Reports. Results of the monitoring shall be submitted to the Executive Director each year (starting within 60 days of installation of the parking meter ticket machines), with a final report to be submitted at the end of the three years. Annual reports shall include a detailed annual financial statement of the total amount of fees collected, costs associated with maintaining beach access, an accounting of where the money was spent, and an accounting of maintenance and operations improvements that were achieved through the fee program. Data shall be presented in tables and graphs and shall compare the number of open parking spaces in the surrounding neighborhood to the usage of the Pacifica State Beach parking lots.

The permittee shall undertake monitoring in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur; including any reduction in intensity of monitoring efforts, without a Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Short-term Parking Spaces. The permittee shall designate at least six parking spaces in the North lot and three in the South lot for free short-term parking (up to 30 minutes).

IV. FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

1. Background

The City of Pacifica submitted Coastal Development Permit application No. 2-07-042 on November 16, 2007. The original project description included installation of two parking meter ticket machines, information kiosks, and gate arms proposed to be installed at the entrances and exits of the parking lots. Installation of information kiosks was authorized separately under Coastal Development Permit (CDP) Waiver No. 2-08-019-W (effective on January 8, 2009) and the proposed gate arms were deleted from the current proposal. The project description, therefore, was subsequently revised in June 2011 requesting authorization to install three parking meter ticket machines and for implementation of a parking fee program.

The City presented the issue of charging fees for parking at the Pacifica State Beach lots at its December 14, 2009 City Council Meeting. It approved implementation of the parking fee program March 8, 2010 and directed City of Pacifica planning staff to proceed with the Coastal Development Permit Application currently before the Commission.

The Commission has previously taken action on coastal development permit applications seeking approval for collection of parking fees at the beach, including fee collection devices at various state parks. Most of those devices have been installed and are currently in operation. The Commission most recently issued CDP 6-07-111 in June 2008, which authorized installation of a mechanical fee collection device at Carlsbad State Beach. California Department of Parks and Recreation (State Parks) experienced operating budget reductions and as a result proposed to install fee collection devices in order to offset cutbacks. Several State recreational facilities charge fees to assist with maintenance and operational costs.

Pacifica State Beach is owned by State Parks and managed and operated by the City of Pacifica (City) under a 1990 Operating Agreement (Agreement) between the two governmental agencies. Applicable elements of the Agreement are discussed in the analysis of public access impacts below. City staff has identified a need for funds to maintain/upkeep the bathrooms, showers, and for beach maintenance. The proposed project would help to provide these funds.

2. Location and Setting

Pacifica State Beach is the southernmost large beach in the City of Pacifica. It is an approximately 0.75 mile long crescent shaped beach located at the mouth of the San Pedro Valley in downtown Pacifica. The project area is generally bounded by the Pacific Ocean on the west, rocky headlands to the north and south, and Highway 1 to the east. (Exhibits 1 and 2) East of Highway 1 is the City's Linda Mar residential subdivision and commercial development. Public facilities have been in existence at Pacifica State Beach for almost 40 years. They were installed by the State when the beach was under State control. Recreational facilities include restrooms, outdoor showers, and an extension of a coastal multi-use public access trail. The public access trail, which is ADA compliant extends through the Pacifica State Beach from the Rockaway headlands on the north through the beach southward past Linda Mar Boulevard. Other development currently at the site includes two parking lots, pump stations and tsunami warning signage. The State transferred management of the property over to the City in 1990 at which point the City assumed responsibility for improvements, operations, and maintenance subject to the terms of the Agreement. Pacifica State Beach is the first beach south of San Francisco that provides opportunities for the public to experience relatively safe recreational activities such as swimming and surfing. The majority of people using the beach are surfers; according to the Pedro Point Surf Club, it is in all probability the most used beach for surfing located north of Santa Cruz.²

The two existing Pacifica State Beach parking lots are a popular parking location for the public, which includes general beach users, surfers, joggers, fisherman, dog-walkers, and others who enjoy the natural ocean setting and overall coastal experience. The lots are located westerly of Highway 1 between Linda Mar Boulevard and Crespi Drive and provide a combined total of 189 parking spaces, including nine spaces that are compliant with the American with Disabilities Act (ADA). Nearby unofficial parking areas consist of non-pay, private parking lots at Pedro Point, Linda Mar, and 580 Crespi Shopping Centers, at the Linda Mar Park-n-Ride Lot (located at

² Mr. Greg Cochran, President, Pedro Point Surf Club, Pers. Comm., November 8, 2011 and E-mail dated November 9, 2011

Highway 1 and Linda Mar Boulevard), and the Pacifica Community Center (at 540 Crespi Drive). On-street parking open to the public in the vicinity of the proposed project site can be found on San Pedro Avenue, Desolo Drive, Crespi Drive, Roberts Road, and Linda Mar Boulevard.

3. Project Description

The City seeks authorization for the installation of three parking meter ticket machines at the North and South parking lots at Pacifica State Beach and implementation of a parking fee program. One machine would be installed at the South parking lot and two at the North parking lot (Exhibit 3). The City's proposed parking fee program would entail charging rates of \$3.00 per vehicle for less than 4 hours use and \$6.00 for 4 hours or more. An option to purchase a parking permit for \$50.00 per year would also be available to the public. The annual pass could be purchased via the City of Pacifica's Parks, Beaches, and Recreation Department Counter located at 1810 Francisco Boulevard. The public could also purchase the annual pass online through the City of Pacifica website. The parking meter ticket machines are proposed for vehicle parking only. Members of the public who walk or ride bicycles into the lots would not be required to pay a fee. Parking fees collected from the existing lots would be used to cover costs associated with staffing for the Pacifica State Beach, maintaining the beach area, parking lots, bathrooms, and showers; and overhead, and operational costs.

4. Public Access and Lower-cost Recreation

As discussed below, the proposed project for the installation of three parking meter ticket machines and implementation of a parking fee program will result in impacts to public access and coastal resources. As such, the following Coastal Act policies are applicable and stated in part:

Section 30210

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

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

(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,

...

Section 30212.5

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. (emphasis added)

Section 30214

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation,....

One of the most important goals of the Coastal Act is to protect, provide, and enhance public access opportunities to and along the coast for all members of the public. (Sections 30210-30214, 30221, 30252 of the Coastal Act) Section 30001.5(c) of the Coastal Act requires that public access and public recreational opportunities are maximized, consistent with strong resource conservation principles.

State Parks, as a California public agency, manages 260 miles of California's coastline and through its mandated responsibilities is implementing and furthering Coastal Act policies by providing public facilities that enhance and make more accessible coastal recreational experiences. Pacifica State Beach is owned by State Parks and managed and operated by the City under the 1990 Operating Agreement. The City is required to operate the State Beach for the purposes of the State Park System and may establish rules and regulations for the use and enjoyment thereof by the public. The Agreement requires that the City operate and manage Pacifica State Beach in conformity with the rules and regulations adopted by State Parks and generally applicable to the State Park System when establishing such ordinances. State Parks may enter into an agreement with any agency of the United States, any city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control by any party to the agreement, of lands under the jurisdiction of any party to the agreement for the purpose of the state park system, pursuant to Section 5080.30 of the Public Resources Code. The expenses of the care, maintenance, administration, and control may be paid from the general fund of the city, county, district, or other public agency, from the funds of the department, from any funds available to the agency of the United States for these purposes, as the case may be, or from revenues generated on the lands subject to the agreement.

The Agreement is effective for 25 years from September 1, 1990 (the date it was entered into), and therefore in effect until the year 2015. It requires that the City care for, maintain, operate, and control State beach property, including the parking lots.³ Under the Agreement, any charges, fees, or collections made by the City for services, benefits, or accommodations to the general public shall be limited to actual needs for the care, maintenance, and control of the property. The City, additionally, cannot profit from the fees and the fees cannot be diverted away from the sole use for Pacifica State Beach (Exhibit 4). The City's intent with the proposed development is to obtain sufficient revenue to enable the City to continue the maintenance and operation of this State Beach and its associated facilities. The parking lots are currently open daily from 5:00 AM to 10:30 PM and provide a total of 189 parking spaces. They also have two public restroom buildings and outdoor shower facilities. Currently the annual maintenance and repair cost for the State Beach is \$160,000. The City's most recent analysis of the revenue and expenditures for the facility show \$224,000 in new expenditures with a total of \$384,000 in expenditures for beach rangers, annual parking lot maintenance, police services (1/3 of an officer), and annual and consumable expenses for parking machines. The total annual revenue from the proposed parking fee program is expected to be a total of \$302,067. While this is less than the total expenditures, it will offset the City's costs to hire two beach rangers, maintain the parking lots, bathrooms, and showers; and provide the associated parking meter machine annual costs, western snowy plover signs, and police services. The actual breakdown of the costs and revenues is provided in Exhibit 5. The daily hours that the parking lots will be open would not change.

The safest points of access to the beach for pedestrians are at the signalized intersections of Linda Mar Boulevard and Highway 1 and Crespi Drive and Highway 1. There is direct connection to the public access trail to the coastal public access multi-use trail that extends along

³ The Agreement also allows the City to use fees collected from Pacifica State Beach for development at that facility. However, it should be noted that any proposed development requires a Coastal Development Permit issued by the Commission.

the shoreline through Pacifica State Beach. Pedestrians can access the beach at a couple of points along this coastal trail. The proposed parking fee program would apply to motorized vehicles only, and as stated above, pedestrians and bicyclists would not be required to pay a fee. There are five bus lines operated by SamTrans that run through the City of Pacifica, these include the 14, 16, 110, 112, and 118 lines. There are bus stops at the Crespi and Highway 1 intersection in both the northern and southern directions. There are five stops in the Linda Mar neighborhood located just east of the project site and additional stops along Linda Mar Boulevard, Crespi Drive, and other travel routes in the area. SamTrans can potentially provide beach users with an alternative means of accessing the beach should they decide not to drive; therefore the impact of the new parking fee on access is mitigated by other options for continuing to access the beach for free.

As discussed, Pacifica's main beach is very popular and heavily used. The parking lot is often filled to capacity, particularly during peak usage times (i.e. 8:00 - 9:00 AM and 3:00 - 4:00 PM on Saturdays). The proposed fee system for use of these lots raises a threshold question of whether this new parking program is an adverse impact to public access that cannot be reconciled with the Coastal Act. Coastal areas, particularly Pacifica State Beach, are one of the few resources available to the public that doesn't entail payment of a fee in order to enjoy the natural environment. Pacifica State Beach exemplifies the interface between human recreational use of a natural coastal area and habitat used by a sensitive species. Thus, any imposition of a new cost for public access must be scrutinized carefully.

The City reports that currently there is only one beach ranger for Pacifica State Beach. Site users have expressed to staff that there is a lack of State and or City presence to ensure that beach users are informed of and follow beach regulations; particularly those that help to protect western snowy plover. As proposed, the parking fees generated will be used to contribute to the protection of the resource and assist with the adequate upkeep of the parking lots, restrooms, and showers and thus, enhance the visitor's experience, consistent with the public's historical recreational use of the site. Please also refer to the discussion in the Section 30213 analysis below.

In comparison, State Parks provides day-use fees by geographical region for the various parks, beaches, historic parks and monuments, vehicular recreation areas, recreation areas, and museums. The average fee for parking at State beaches that require a parking fee is a flat rate of approximately \$10.00 per day. The other State Beaches in San Mateo County that charge for parking include Pescadero, Pomponio, and San Gregorio State Beaches. These State beaches are located 24 to 30 miles south of Pacifica. All have developed parking facilities and charge a day-use parking fee of \$8.00 per day.⁴ Montara State Beach located approximately 5 miles to the south of Pacifica State Beach has no fee. The City of Pacifica's proposed annual parking pass fee is a way to reduce the cost for individuals who use the beach frequently on a regular basis. In addition, fees would not be charged for walk-in and bike-in users.

⁴ Parking fees at Poplar Beach a municipal beach located approximately 13 miles south of Pacifica operated by the City of Half Moon Bay charges vehicles less than 20-ft in length \$2.00 per hour and \$10.00 per day; and for vehicles longer than 20-ft \$3.00 per hour and \$15.00 per day. Half Moon Bay Residents can pay \$50.00 for an annual pass.

The project also could have unintended impacts to public access, including traffic circulation. There is the potential for a “spill-over” effect that may occur whereby parking patterns are changed and result in increased parking in adjacent commercial and residential areas (within the coastal zone) that are free or where fees are lower. It is reasonable to consider the impacts of the proposed time increments, as well. Visitors to Pacifica State Beach stay for varying lengths of time, i.e., from less than an hour to a few hours or the whole day. **Special Condition #5** ensures that visitors who may only want to use the site for a timeframe of 30 minutes or less have reasonable access. Situations that would call for parking for 30 minutes or less, for example, include individuals taking a short break from driving or surfers checking surf conditions before stopping to surf. The City is required to designate six parking spaces in the North lot and three in the South lot for free short-term (up to 30 minutes) parking. **Special Conditions #3** and **#4** require monitoring and an annual monitoring report to document the usage of the two parking lots, adjacent non-pay private lots, and street parking. The monitoring required under **Special Condition #3** will assist with determining if the parking fee is resulting in significantly less use of the parking lots and Pacifica State Beach facilities. Under the condition, the City will closely monitor the nearby neighborhoods, Linda Mar Shopping Center, and other commercial establishments to make sure that the proposed parking fee program is not negatively affecting these areas. City staff will submit a report six months after implementation to its City Council in order to identify any impacts to adjacent areas that will need to be addressed. Additionally, **Special Condition #2** requires that this permit authorize the parking meter ticket machines and parking fee program for a three-year trial basis. Further restrictions or removal of the development, including eliminating the parking fee program may be warranted if the Commission determines that significant impacts to public access have resulted from the development, based on the results provided in the monitoring report. **Special Condition #1** requires that any modifications to the authorized development, including but not limited to a change in hours of operation, fees charged, number/quantity of parking meter ticket machines, and the locations for the installed machines, would require additional review and approval by the Commission.

Overall, given that several bus lines serve the area and that the new fees would be allocated to enhancement of the resource and are reasonable, the Commission finds that the proposed project does not unreasonably prohibit public access due to the proposed parking fee, and that there are still lower-cost and free opportunities to access the beach. The hours of operation, the number of parking spaces, and the existing amenities (restrooms and showers) available to the public will not be changed and therefore will not result in any adverse impacts to public access. Under these conditions, the applicant is also required to monitor the adjacent footpaths and access trails, parking lots, and non-pay parking areas surrounding the project site for three years to confirm that the parking meter ticket machines and parking fee program have not resulted in impacts to the adjacent areas, including the residential areas. The project will maintain public access with the installation of the parking meter ticket machines and the parking fee program. It therefore, as conditioned, is consistent with public access policies of Coastal Act Sections 30212.5; 30212; 30252; 30211; 30210; 30214; and 30213 (as further discussed below).

5. Protection of Lower-cost Visitor Serving Facilities

The following Coastal Act policies are applicable and state in part:

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The City of Pacifica proposes to implement a parking fee program at Pacifica State Beach which would require vehicles to pay daily rates of \$3.00 for less than four hours and \$6.00 for more than four hours to park at the existing lots. The City also proposes, as an alternative to a daily fee, a parking pass for an annual fee of \$50.00. Fees collected from the proposed parking fee program would be used for maintenance and upkeep of the beach area, parking lots, bathrooms, shower facilities, and for the City's western snowy plover signage program. The parking lots are currently free and highly utilized by the public who currently access the coast from the parking lots. The proposed project raises a concern about the protection of public access and lower-cost recreational opportunities in the area.

Pacifica State Beach is operated by the local municipality. According to the State Parks Chief of Concessions, Reservations, and Fees Division (as provided in a letter to the Mayor of Pacifica, dated October 7, 2005) State Parks recognizes a need to charge fees for public use of State park property and does not object to the institution of a standard day-use parking fee for all visitors. Section 1420 of its Operations Manual provides that "fees are based on the assumption that, while the general taxpayer supports the acquisition and development of park facilities, the individuals who actually use them should pay an additional amount for this privilege". The Commission, however, must still ensure that the public's ability to access the beach is not unduly restricted and that lower-cost recreational facilities are protected.

Pacifica State Beach's largest user is the surfing community. Commission Staff was informed by the President of Pedro Point Surf Club that a large percentage of the surfing community supports the proposed parking fee program primarily because of the City's commitment to hiring beach rangers and part-time law enforcement personnel for the beach, and clean-up of the facilities. This is considered a benefit to the public's enjoyment and safety while using Pacifica State Beach. The existing recreational facilities, including the parking lots, public access trail, restrooms, and showers would be maintained in good condition for public use. State Parks upon review of the City's proposed fee program isn't requiring discount passes (at this time) for those with disabilities or individuals who are unable to pay the standard fees, however, the City is willing to consider modification of the parking pass protocol should State Parks make this a requirement or it is shown there is a need. **Special Conditions #3 and #4** require the permittee to monitor and report on the use of the parking lots during the three-year period authorized by this permit. Additional requirements may become necessary and will be addressed if the applicant chooses to seek a permit for extending the collection of the parking fees.

Parking at the two lots would not be free during the three-year period authorized under this permit, as conditioned. The fees collected from the proposed fee program, however, would generate revenue necessary for upkeep of the restrooms, showers, public access trail, and the beach area. There would be no fee imposed for using the beach and public access trail. The fees and rates proposed by the City have been approved by State Parks and are consistent with

comparable State facilities in the County (Exhibit 6). The proposed development (installation of parking meter ticket machines and implementation of a parking fee program), as conditioned, will not result in impacts to lower-cost recreational facilities and can be found to be consistent with Section 30213.

6. Protection of Marine Resources

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

The parking meter ticket machines would be installed at two existing parking lots within asphalt-paved areas. Placement of this development would not result in direct physical impacts to the adjacent natural beach area. The machines would neither create nor contribute to erosion or geologic instability of the site. The fees collected under the City's proposed parking fee program would be used for maintenance of the beach area. The beach rangers hired with the fees collected from the proposed parking fee program would implement beach regulations for the protection the natural resources and inform the public about Pacifica State Beach. Please see Section 30240 analysis below. The installation of the ticket machines would not destroy the surrounding natural areas. The proposed development (installation of parking meter ticket machines and implementation of a parking fee program), as conditioned, can be found to be consistent with Sections 30230 and 30253.

7. Protection of Environmentally Sensitive Habitat Areas; Adjacent Developments

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed parking meters are not located in environmentally sensitive habitat areas (ESHA). The adjacent Pacifica State Beach, however, is identified as a breeding and wintering location for western snowy plover (*Charadrius alexandrinus nivosus*), which is a federally-listed threatened species (Exhibit 7).⁵ The Pacific coast population of the western snowy plover breeds in coastal areas extending from Damon Point, Washington, south to Bahia Magdalena, Baja California, Mexico (including both Pacific and Gulf of California coasts). Western snowy plover winters mainly in coastal areas from southern Washington to Central America. The U. S. Fish and Wildlife Service's Recovery Plan for western snowy plover states that habitat destruction is the main cause for the species' decline. The Recovery Plan, additionally, identifies management measures needed in order to protect it. Management measures include enforcement of rules and regulations, management of pets, e.g., dogs, and on-site signs to educate the public.

The western snowy plover habitat is located at the northern end of Pacifica State Beach (to the north of Crespi Drive) where approximately 3.5 acres of active dunes serve as foraging and potentially future nesting habitat for this shorebird species.⁶ Environmental organizations, such as the Pacifica Shorebird Alliance and others interested in the protection of western snowy plover have been working with the City to ensure the protection of snowy plover at Pacifica State Beach. They continue to seek the City's support and approval of a western snowy plover protection plan. One plan under consideration identifies protection measures to implement at Pacifica State Beach, some of which include public outreach, enforcement of dog-leash laws and regulations, and clean-up of litter and trash from the beach area.

The City would use the fees collected through its parking fee program to hire two beach rangers and to maintain the beach and the facilities. This includes clean-up and controls to assure rules and regulations are enforced regarding littering and trash on the beach. The parking fees would also pay for part-time police personnel. The ranger positions would be field positions under the supervision of the City's Parks, Beaches, and Recreation Department. Beach rangers will function to ensure the protection of western snowy plover and its habitat at Pacifica State Beach. Specific duties for the beach rangers include informing the public about beach and parking regulations. The parking fees collected through the subject program will also be used for the City's western snowy plover signage program which will be implemented to educate the public for the protection of these shorebirds at Pacifica State Beach thereby reducing the potential to possibly disrupt snowy plover habitat and use of the beach.

However, it is possible that the proposed parking fee program could dissuade the public from utilizing the State Beach parking lots. The public could possibly park in non-pay parking areas

⁵ U. S. Fish and Wildlife Service, *Recovery Plan for the Pacific Coast Population of the Western Snowy Plover*, August 13, 2007

⁶ *Final Initial Study/Mitigated Negative Declaration for the Pacifica State Beach Master Plan for Public Improvements*, Prepared by Denise Duffy & Associates for the City of Pacifica. July 2002

on the residential streets or the shopping center lots described above and then walk through the coastal dune habitat, with an increase in the use of existing informal paths to the beach in order to avoid the pay parking lot, in particular at the more northern end of the beach. Additional informal foot paths over the dune could also develop if there is a significant change in the use pattern of the public access. The sand dunes located between the main beach area and the existing multi-use public access trail could be affected should the public change the points it uses to access the beach. Informal footpaths, for example, may be created which could affect native vegetation and overall condition of the back dunes. As such, **Special Condition #3** requires the applicant to monitor biannually the state of the formal and informal public access trail and paths adjacent to the beach and through the dunes. This special condition requires the applicant to monitor the number and extent of informal public footpaths. Further, **Special Condition #2** requires that this permit be issued for a three-year trial basis. If the submitted reports indicate that the general public is avoiding the parking lot due to the parking fee and it is resulting in impacts to coastal resources through public access, measures may be necessary to protect the integrity of the coastal resources. As conditioned the proposed project can be found to be consistent with Section 30240.

8. Conclusion

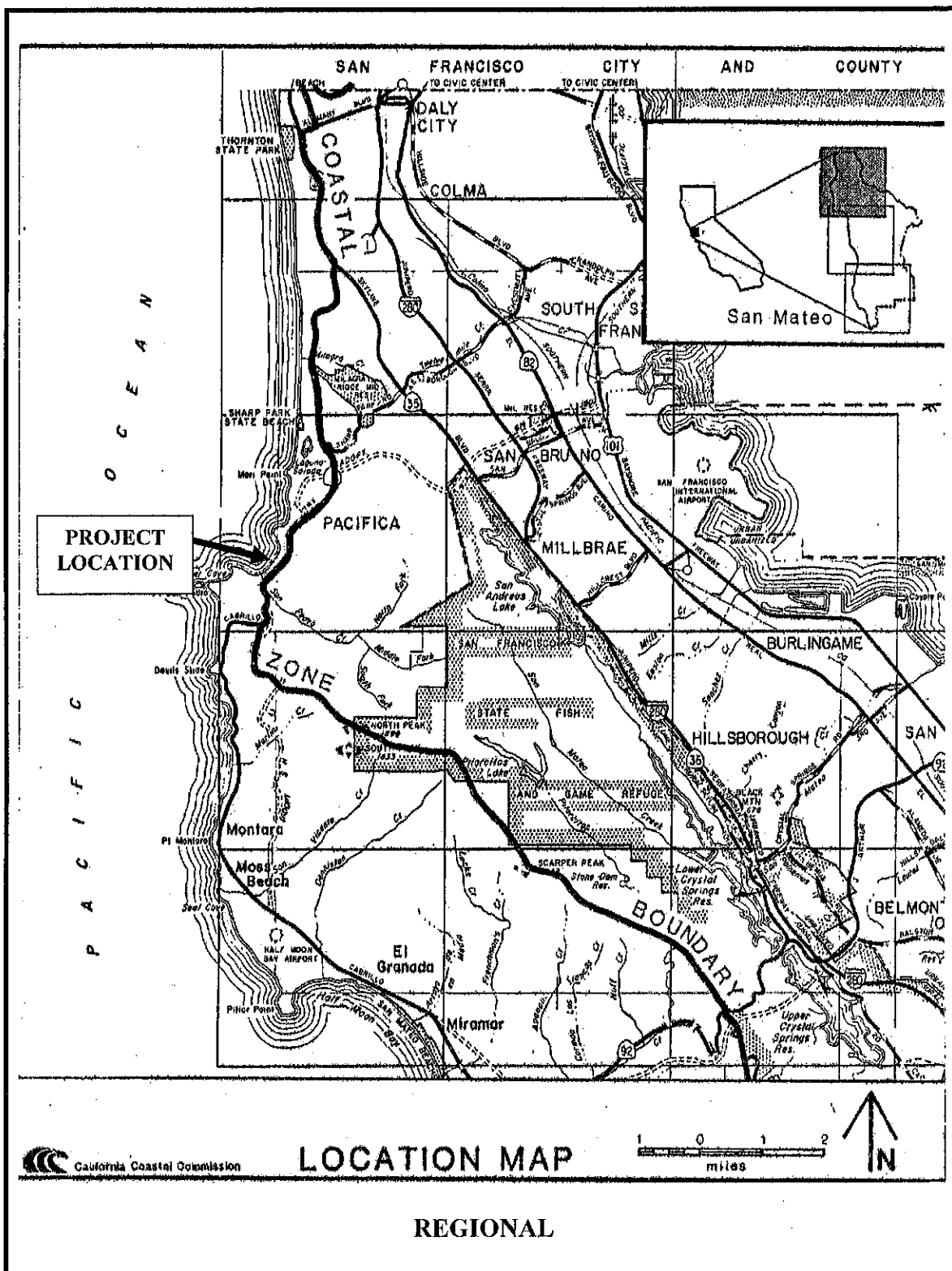
The Commission's main concern with respect to parking fee programs is that the parameters for operating the paid parking lots be reasonable and in the best interest of the public. As proposed, the development would serve to protect snowy plover habitat and public access facilities by generating the revenue for its management and upkeep, consistent with the public access, recreation and ESHA and marine resources of the Coastal Act. The fees are reasonable, and as conditioned some free short-term spaces would remain. However, the project could also have unintended impacts to these resources as described above. For example, there is the potential for a "spill-over" effect that may occur whereby parking patterns are changed and result in increased parking in adjacent areas that are free or fees are less. Time limits should also reasonably consider that recreational users would stay at the beach for longer stay. Therefore, as conditioned, the permittee is required to monitor the adjacent footpaths and access trails, parking lots, and non-pay parking areas surrounding the project site for three years to confirm that the parking meter ticket machines and parking fee program have not resulted in impacts to the above stated coastal resources. The permittee is required to submit a detailed financial accounting of how the fees are used at Pacifica State Beach to ensure that revenues continue to be allocated as intended to public access and recreation enhancement. The project, as conditioned, is consistent with all applicable policies of the Coastal Act.

9. Consistency with the California Environmental Quality Act (CEQA)

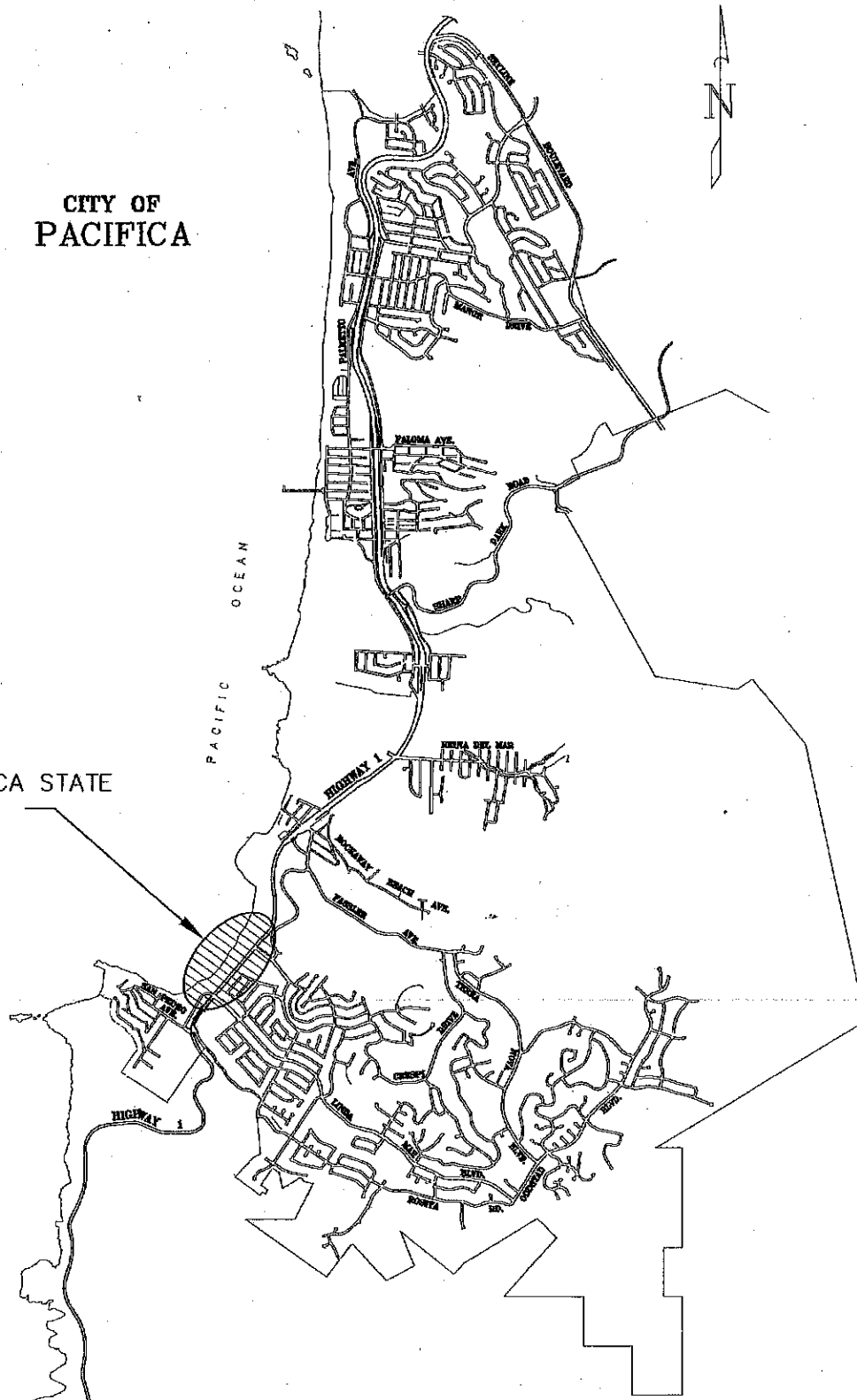
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the public access and resource protection policies of the Coastal Act. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

EXHIBITS



PACIFIC OCEAN



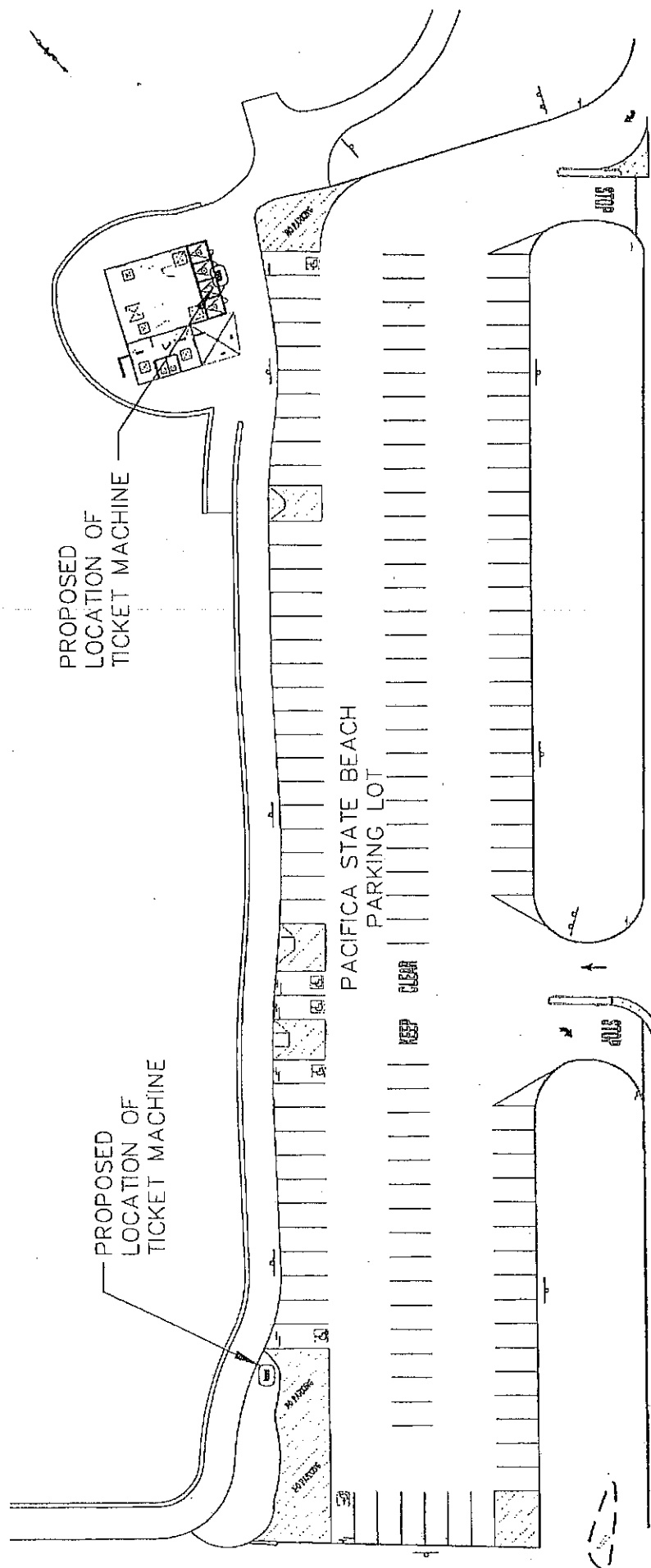
PUBLIC WORKS / ENGINEERING DIVISION

11-8-07

[illegible]

VICINITY MAP

SCALE:
PLAN NO.



HIGHWAY 1

SITE PLAN 1

SITE PLAN
NORTH LOT

SCALE:
PLAN NO.

PACIFICA STATE BEACH
PARKING LOT

CITY OF PACIFICA

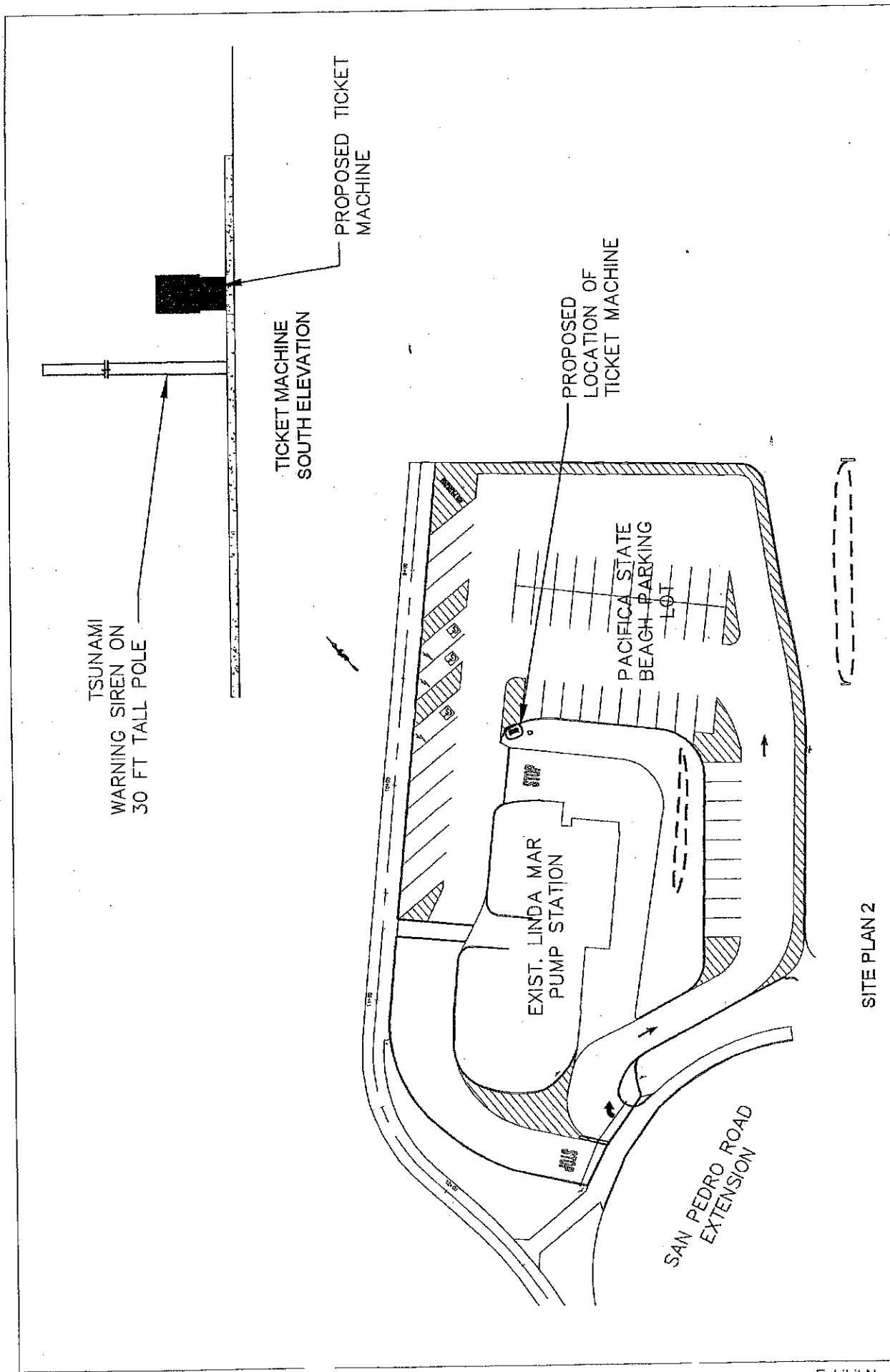
PUBLIC WORKS / ENGINEERING DIVISION

DESIGNED BY: ROD
DRAWN BY: VDO
CHK'D BY:
APPROVED BY:

2-8-11

REV. DATE DESCRIPTION BY

REVISIONS



CITY OF PACIFICA PUBLIC WORKS / ENGINEERING DIVISION		PACIFICA STATE BEACH PARKING LOT TICKETING MACHINE		SITE PLAN SOUTH LOT	
DESIGNED BY: RDD	11-8-07	REV. DATE		SCALE:	PLAN NO.
DRAWN BY: VDO		DESCRIPTION			
CHK'D BY:		BY			
APPROVED BY:		REVISIONS			

OPERATING AGREEMENT
CITY OF PACIFICA

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1 1. PREMISES: LOCAL AGENCY shall care for, maintain, administer, and
2 control the real property described in Exhibit "B" attached hereto and by this
3 reference incorporated herein (which real property is hereinafter referred to
4 as premises) for the purposes of the State Park System. LOCAL AGENCY'S
5 obligation under this agreement as to each parcel of said property or interest
6 therein acquired by the State of California shall commence on acquisition of
7 jurisdiction over premises by STATE for the purposes of this agreement, and
8 shall thereafter continue until 25 years after the date of this agreement.
9 During said period, LOCAL AGENCY shall pay all costs it incurs for the care,
10 maintenance, administration, and control of premises for said purposes and
11 STATE shall not be obligated to care, maintain, administer, or control the
12 premises during said period. LOCAL AGENCY shall maintain control and care for
13 said property in the same manner as it maintains, controls, and cares for
14 beach properties owned by the LOCAL AGENCY.

15
16 2. USE: While this agreement is in force and effect, premises shall,
17 at all times, be accessible and subject to the use and enjoyment of all
18 citizens of the State of California, and all other persons entitled to use and
19 enjoy the same; subject, however, in the matter of such use and enjoyment, to
20 the control of LOCAL AGENCY in conformity with this agreement. LOCAL AGENCY
21 may adopt rules and regulations for the use and enjoyment of the premises.
22 Any such rules and regulations adopted by LOCAL AGENCY shall conform to and be
23 consistent with the rules and regulations adopted by STATE and generally
24 applicable to the State Park System, including said property. The premises
25 shall not be used for any other purpose than the purposes herein enumerated.

26 ---

27 ---

1 3. CONCESSIONS: Subject to prior approval in writing by STATE, LOCAL
2 AGENCY may grant concessions in or upon the premises consistent with the use
3 by the general public thereof for park and recreational purposes. The rights
4 of the public to the use and enjoyment of the premises shall thereupon be
5 limited by such concession agreements. Any such concession shall be granted
6 in substantial compliance with Public Resources Code Sections 5080.02 et seq.
7

8 4. FEES AND ACCOUNTS: Any charges, fees, or collections made by LOCAL
9 AGENCY for services, benefits, or accommodations to the general public shall
10 be limited to actual needs for the care, maintenance, and control of said
11 property, and that commercialization for profit shall not be engaged in by
12 LOCAL AGENCY.
13

14 Any income received and any expenditures made by the LOCAL AGENCY in
15 relation to concessions (including gross revenues of concessions), special
16 services, and all other matters incident to the development, maintenance,
17 control, and operation of said property shall be reported annually to the
18 STATE. All such income and fees shall be used for maintenance, control, and
19 operation of premises and such portion of income as may exceed the cost and
20 expense incurred by the LOCAL AGENCY for maintenance, control, and operation
21 may be utilized for development. Such annual report shall be made for the
22 annual period commencing on July 1 and terminating on June 30 and shall be
23 filed with STATE not later than September 30 of each year. The first report
24 hereunder shall cover the period beginning with the effective date of this
25 contract and terminating the June 30 following and shall be filed by not later
26 than the following September 30.
27 ---

1 The report shall include a reasonable weekly estimate of the number
2 of visitors to the area as well as the number of vehicles.

3

4 The books, records, and accounts kept by LOCAL AGENCY applying to
5 the operation of the state park area, shall at all reasonable times be open
6 for audit or inspection by STATE.

7

8 5. BEACH EROSION CONTROL: It is further agreed and understood between
9 the parties hereto that development, beach erosion control, or protection work
10 may be undertaken by STATE or the United States of America, along or on said
11 property, in the manner provided by law or under the rules of STATE.

12

13 STATE shall have the right to enter into agreements for such work
14 during the term hereof and to go upon said property or to authorize any
15 person, firm, or corporation to go upon premises for the purpose of such
16 construction, beach erosion protection, or control work, or the doing of other
17 public work for the improvement or development of premises, provided that
18 STATE shall give LOCAL AGENCY written notice of its intention to do any of the
19 work herein mentioned before such work is undertaken. STATE shall be
20 responsible for all costs incurred for any work done by STATE on subject
21 property.

22

23 6. CONSTRUCTION: LOCAL AGENCY may, if it chooses, undertake projects
24 for the development, construction, or improvements to premises. See
25 Exhibit "A" attached and made a part hereof for required procedures and
26 approvals. Plans and specifications for any such project shall be submitted
27 to STATE for approval. No such project shall be commenced by LOCAL AGENCY'S

1 own forces or contracts awarded prior to STATE approval of such plans and
2 specifications. STATE has the right to disapprove such plans and
3 specifications. Such development, construction, or improvement shall be in
4 accordance with the Pacifica State Beach General Plan approved in April 1990
5 by the State Park and Recreation Commission.

6
7 7. OWNERSHIP OF IMPROVEMENTS: Improvements erected on said property by
8 LOCAL AGENCY shall, upon completion, become a part of the realty and title to
9 said improvements shall vest in STATE. STATE may, at its option, require that
10 LOCAL AGENCY remove any or all such improvements at the end of the term hereof
11 that have not been previously approved in accordance with paragraph 6 above.
12 LOCAL AGENCY upon termination of this agreement may, at its option, remove any
13 or all of such improvements erected on said property by LOCAL AGENCY (other
14 than: (1) improvements erected with funds realized through income from said
15 property, or (2) improvements the cost of which has been paid or reimbursed by
16 STATE) provided it gives STATE notice promptly that it desires to do so. Any
17 such removal, required by STATE or at the option of LOCAL AGENCY shall be
18 completed by LOCAL AGENCY within ninety (90) days after the termination of this
19 agreement (except that if longer than ninety (90) days is required for actual
20 removal, such removal may still be made provided it has been commenced promptly
21 and is carried on with due diligence). Upon removal, title to the material so
22 removed shall vest in LOCAL AGENCY. Any removal authorized hereunder shall be
23 made without damage to adjacent improvements and if adjacent improvements are
24 damaged, LOCAL AGENCY shall reimburse STATE therefor or shall repair the
25 improvement so damaged at the option of STATE. After removal, the premises
26 shall be left free and clear of all debris and in a condition reasonably
27 similar to the present condition of said property.

1 LOCAL AGENCY shall not, without prior written approval of STATE,
2 remove, move, demolish, or alter in any manner, any improvements, natural
3 features, or accretions existing on said property on the effective date of
4 this agreement or subsequently occurring.
5

6 8. EMINENT DOMAIN: If said property or portion thereof is taken by
7 proceedings in eminent domain, STATE shall receive the entire award for such
8 taking except that LOCAL AGENCY shall receive out of said award the fair
9 market value of any improvements then existing and constructed by LOCAL AGENCY
10 (other than: (1) improvements erected with funds realized through income from
11 said property, or (2) improvements the cost of which has been paid or
12 reimbursed by STATE) on said property as said fair market value may be
13 determined by said proceedings taking into consideration the terms of this
14 instrument.
15

16 9. ASSIGNMENTS: This agreement shall not, nor shall any interest
17 therein or thereunder, be assigned, mortgaged, hypothecated, or transferred
18 either by LOCAL AGENCY or by operation of law, nor shall LOCAL AGENCY let or
19 sublet, or grant any license or permits with respect to the use and occupancy
20 of said property or any portion thereof, without the written consent of STATE
21 first had and obtained.
22

23 10. NOTICES: Notices desired or required to be given hereunder or under
24 any law now or hereafter in effect may, at the option of the party giving
25 same, be given by enclosing the same in a sealed envelope addressed to the
26 party for whom intended by depositing said envelope, with postage prepaid,
27 certified with return receipt requested, in the United States Post Office or
28 any substation thereof.

NONDISCRIMINATION CLAUSE

(OCP - 1)

1. During the performance of this contract, contractor and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. Contractors and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this contract by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
2. This contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

EXHIBIT "A"
Operating Agreement - City of Pacifica
State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

I. Management Plan Phase

- A. As required in the Resource Element of the Pacifica State Beach General Plan approved in April 1990 by the California Park and Recreation Commission, preparation of specific natural resource management plans and studies shall occur to guide management and development of the State Beach. These include a Dune Management Plan, a Wetland Management Plan, an Exotic Plant Species Control Plan, and establishment of a coastal erosion monitoring program to document 1) seacliff retreat, 2) landslides, 3) beach elevation, and 4) beach width. These plans/studies shall be prepared prior to the substantial improvement of existing facilities or the development of new facilities at Pacifica State Beach.
- B. If the City of Pacifica prepares these plans/studies, they shall be submitted to the Department of Parks and Recreation's Project Manager for review and written approval prior to commencement of the project's design and construction phase.

II. Design and Construction Phase

A. General

- 1. All plans and exhibits shall be submitted with a transmittal letter signed and dated by the submitter and indicating the number of sheets and items being submitted and the purpose for which they are being submitted.
- 2. All plans and exhibits shall be submitted on 24"x36" standard sheets with a title block indicating the following:
 - a. Name of project.
 - b. Location of project.
 - c. Name, address, and professional license number of consultant or submitter.
 - d. Date of submittal.
 - e. Number of sheets.
 - f. A space 4"x6" directly above the title block for approvals.
 - g. The word "Schematics" or "Preliminaries" or "Working Drawings" directly above the title block on each sheet.

B. Schematic Design Phase

1. Definition: Schematics shall consist of:

- a. A program statement indicating the scope of work and proposed uses and individual or special features or support needed. Include a discussion of the style, features, materials, or other items that will describe the structure or facility.
- b. A site plan with diagrammatic indications showing existing relationships to proposed Project Components. This shall include (but is not limited to) location, parking, roads, topography, utilities, existing structures, plants, and other major features.
- c. Building floor plans of all of the principal building areas labeling the major spaces and functions at 1/4" scale.
- d. Two elevations of proposed structures and buildings showing major materials and features at 1/4" scale.
- e. Statement of Probable Project Construction Cost.

C. Preliminary Plan Phase

1. Definition: Preliminaries shall consist of:

- a. Outline specifications of all applicable C.S.I. sections (if necessary) indicating materials, equipment, and special features or items.
- b. ~~Floor plan(s) of building(s) drawn at 1/4" scale with dimensions and notes that clearly show the scope of the work and individual materials.~~
- c. A section through proposed building(s) and/or structures showing the structural system and the individual use of materials and finishes. Note: More than one section is required if the building or facility is complex enough to warrant additional information.
- d. Preliminary sketches of major construction details.
- e. Two elevations drawn at 1/4" scale of the exterior of proposed building(s) indicating materials, heights, and other related information.
- f. Preliminary Civil Engineering drawings, at a minimum scale of 1"=50' indicating the project's layout, grading and drainage, source of water, point of connection, and location of waterlines.

- g. Preliminary Mechanical Engineering drawings, at a minimum scale of 1"=50' indicating the method and location of sewage disposal facilities.
- h. Preliminary Electrical Engineering drawings, at a minimum scale of 1"=50' indicating the electrical source, location of electrical lines, and location of outdoor lighting.
- i. Preliminary Planting and Irrigation drawings, at a minimum scale of 1"=50' indicating the type and location of plant materials and method of irrigation.
- j. Probable construction cost based on Preliminary Plans.

D. Working Drawings

1. Definition: Working Drawings shall consist of:

- a. Specifications for the work to be accomplished. Specifications shall follow an organized format (such as C.S.I.) and shall be a complete description of materials, methods of installation, standards of craftsmanship, and finishes required in the completed project.
- b. Plans, site plans, elevations, sections, details, schedules, and other common and necessary items for the construction of the proposed project. Building and structures' plans and elevations shall be drawn at a minimum scale of 1/4"=1'-0". Building and structures' sections shall be drawn at a minimum scale of 1/2"=1'-0". Building and structures' details shall be drawn at a minimum scale of 1-1/2"=1'-0". Mechanical, electrical, plumbing, finish, door, and other schedules shall be complete and include all information necessary for construction.
- c. Working drawings shall reflect the content and scope of the approved preliminary drawings. Changes in the preliminary drawings that affect the materials, scope, scale, size, or intent of the project or portions of the project shall require resubmittal of preliminary plans for approval.
- d. Drawings shall be signed by a licensed landscape architect, architect, and/or other consultants as needed. It is the responsibility of the submitter to obtain such permits as: Coastal Commission permits, Handicap Accessibility, Fire Marshal, State Police, Caltrans, and others as necessary prior to proceeding with construction.
- e. Civil Engineering drawings, at a minimum scale of 1"=50' indicating the project's layout, grading and drainage, source of water, point of connection, location and size of waterlines, and construction details.

- f. Mechanical Engineering drawings, at a minimum scale of 1"=50' indicating the method and location of sewage disposal facilities and construction details.
 - g. Electrical Engineering drawings, at a minimum scale of 1"=50' indicating the electrical source, location of electrical lines, location of outdoor lighting, and construction details.
 - h. Planting and Irrigation drawings, at a minimum scale of 1"=50' indicating the type and location of plant materials, size and location of irrigation lines and sprinklers, and construction details.
 - i. Probable construction cost based on Working Drawings.
- E. Submittal Procedure (all phases)
- 1. Submit five (5) copies of the plans, specifications, and other material required in the prospectus to:
 State of California
 Department of Parks and Recreation
 Development Division
 Landscape Section
 ATTN: (Project Manager)
 - 2. The State will retain four (4) copies and return one (1) set marked in the following manner:
 - a. "Approved" - The plans are approved as submitted.
 - b. "Revise and Resubmit" - The plans will be approved when the changes noted are made and resubmitted to the Project Manager. The approval date does not start until they have been resubmitted and approved.
 - c. Submittals that are incomplete will be returned to the submitter marked "Incomplete" without approval.
 - d. The review period for the State shall begin upon the receipt of "Complete" project documents.
 - 3. Written approval of each phase is required before proceeding to the next phase.

1 In the event such notice is being given to LOCAL AGENCY, such notice
2 and the envelope containing the same shall be addressed to the CITY OF
3 PACIFICA, City Hall, 170 Santa Maria Avenue, Pacifica, California 94044, or
4 such other place as may hereafter be designated in writing by or on behalf of
5 LOCAL AGENCY; and in the event that said notice is being sent to STATE, said
6 notice and the envelope containing the same shall be addressed to the
7 Department of Parks and Recreation, P.O. Box 942896, Sacramento, CA 94296-0001.

8

9 11. TERMINATION: LOCAL AGENCY and/or STATE reserves the unqualified
10 right to terminate this agreement by giving the other party one (1) year's
11 written notice of the effective date of such termination. LOCAL AGENCY and/or
12 STATE further may terminate this agreement for breach by LOCAL AGENCY and/or
13 STATE of any of the provisions hereof.

14

15 12. NONDISCRIMINATION: Pursuant to Public Resources Code
16 Section 5080.34, the attached Standard Form 17A is incorporated herein and the
17 reference therein to contractor shall mean LOCAL AGENCY.

18

19 13. HOLD HARMLESS: LOCAL AGENCY hereby waives all claims and recourse
20 against the STATE including the right to contribution for loss or damage to
21 persons or property arising from, growing out of, or in any way connected with
22 or incident to this agreement, except claims arising from the concurrent or
23 sole negligence of STATE, its officers, agents, and employees.

24

25 LOCAL AGENCY shall indemnify, hold harmless, and defend STATE, its
26 officers, agents, and employees against any and all claims, demands, damages,
27 costs, expenses, or liability costs arising out of the acquisition,

1 development, construction, operation, or maintenance of the property described
2 herein which claims, demands, or causes of action arise under Government Code
3 Section 895.2 or otherwise, except for liability arising out of the concurrent
4 or sole negligence of STATE, its officers, agents, or employees.
5

6 In the event STATE is named as codefendant under the provisions of
7 the Government Code Section 895 et seq., LOCAL AGENCY shall notify STATE of
8 such fact and shall represent STATE in such legal action unless STATE
9 undertakes to represent itself as codefendant in such legal action, in which
10 event STATE shall bear its own litigation costs, expenses, and attorney's fees.
11

12 In the event judgment is entered against STATE and LOCAL AGENCY
13 because of concurrent negligence of STATE and LOCAL AGENCY, their officers,
14 agents, or employees, an apportionment of liability to pay such judgment shall
15 be made by a court of competent jurisdiction. Neither party shall request a
16 jury apportionment.
17

18 14. PARAGRAPH TITLES: The paragraph titles in this Agreement are
19 inserted only as a matter of convenience and for reference, and in no way
20 define, limit, or describe the scope or intent of this Agreement or in any way
21 affect this Agreement.
22

23 15. AGREEMENT IN COUNTERPARTS: This Agreement is executed in
24 counterparts each of which shall be deemed an original.
25

26 16. AGREEMENT IN WRITING: This Agreement contains and embraces the
27 entire Agreement between the parties hereto and neither it nor any part of it

1 may be changed, altered, modified, limited, or extended orally, or by any
2 Agreement between the parties unless such Agreement be expressed in writing,
3 signed, and acknowledged by the STATE and LOCAL AGENCY, or their successors in
4 interest.

5
6 IN WITNESS WHEREOF, the parties have executed this instrument upon
7 the date first hereinabove appearing.

8
9 CITY OF PACIFICA

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

10
11 By *Daniel Pincetich*
CITY OF PACIFICA
12 A Municipal Corporation
13 Daniel V. Pincetich, City Manager

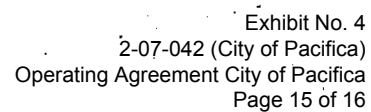
By *Henry R. Agonia*
HENRY R. AGONIA, DIRECTOR

14 By _____
15 LOCAL AGENCY
16 Date August 29, 1990

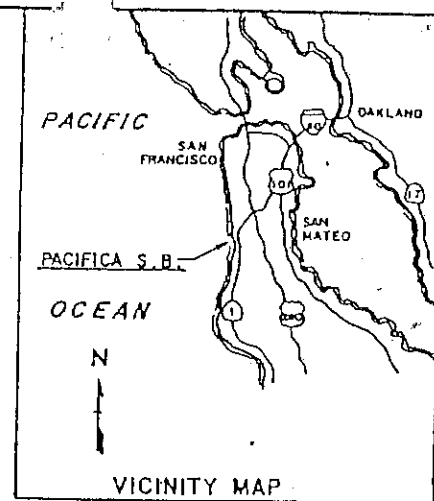
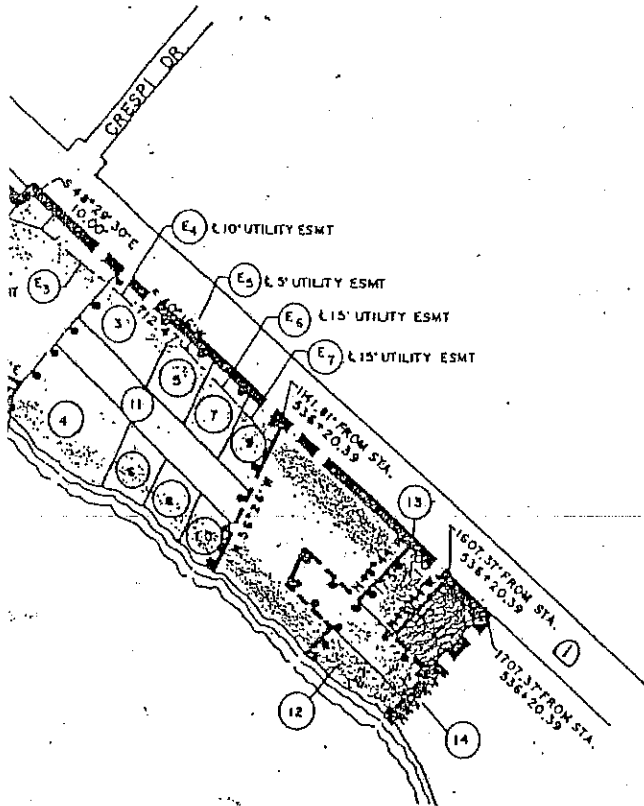
JAN 22 1991
Date

FORM	POLICY	BUDGET
Department of General Services		
APPROVED		
FEB 05 1991		
ORIGINAL SIGNED BY		
BY	THOMAS H. CLAYTON	
Asst. Chief Counsel		

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TA. 536+20.39



DATE	REVISIONS	DRAWN	CHECKED
RESOURCES AGENCY OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION			
PACIFICA STATE BEACH OPERATING AGREEMENT JURISDICTION CITY OF PACIFICA			
DRAWING NO. 25333			
SHEET NO. 1			

Revenue and Expenditure Analysis - Beach Parking

	4+ hours	Less than 4 hours
Revenue	\$8	\$3
\$8,218	\$2,463	\$5,754
\$20,773	\$4,926	\$15,846
\$92,315	\$14,779	\$47,535
\$186,174	\$38,411	\$128,763
\$78,097	\$19,710	\$58,387
		(1/3 paid spaces per day * 365 days @ \$3356)
		(\$30,387) 15% non-pay factor per Cal. Parking Professionals Assoc.
		\$32,850 5 lbs per day at \$35 per ticket less \$17 per fix
		for state and county surcharges and processing fees)
		\$10,000 Parking passes - (200@\$50)

(\$900) On line web-based annual pass transaction fee and annual training/software)
 (\$25,372) Parking machine cost (totaling replacement of 3 machines over 3 year period)

\$302,067 Annual Revenue Total

New Annual Expenditures \$224,000
 ***Current Annual Maintenance and Repair \$180,000

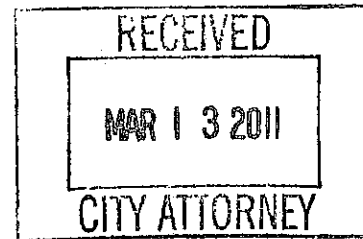
Total \$284,000

*Parking \$5.00 per day or \$3 for 4 hours or less	
*Consumables include thermal paper, credit card processing fees, back up batteries \$270 each x 8 per year, service agreement)	
** Assumptions on parking - 180 spaces at 365 days or 30.41 days per month	
** Assumptions include Crespihwy 1 lot 84 spaces @ 365 days or 30.41 days per month	
***Includes \$40,000 for materials and supplies, \$120,000 staff (portion of ranger, public works staff)	
Purchase of 4 parking machines	
Heavy duty parking machines	\$76,200
Add Credit card function	included
Add Cellular function	NA
Add solar battery units	NA
Add City to install 120V AC if non-solar	NA
<u>Total machines</u>	<u>\$76,200</u>



March 9, 2011

Ms. Cecilia M. Quick
City Attorney
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044



Dear Ms. Quick,

This responds to your letter of November 10, 2010, regarding a request for the State's approval to establish a single-tier parking program at Pacifica State Beach.

The Operating Agreement states in part that "the City may adopt rules and regulations for the use and enjoyment of the premises. Any such rules and regulations adopted by the City shall conform to and be consistent with the rules and regulations adopted by the State and generally applicable to the State Park System, including said property."

Based on our phone conversation and subsequent research, the State approves the proposed parking fee program at Pacific State Beach under the following conditions:

- 1) The daily parking fee proposed is \$3 for less than 4 hours use and \$6 for over 4 hours use;
- 2) An annual parking permit will be available for \$50;
- 3) The parking fees and permit described above will apply to all users equally.

The California Coastal Commission letter of December 11, 2007 states that your coastal development permit application for the parking fees is incomplete. Please provide documentation that you have completed your coastal development permit application.

The Operating Agreement also requires the City to provide the State with an annual financial statement. Enclosed is the suggested format for this annual report. If you have questions, please call Teresa Montijo, Concessions Program Manager, or me at (916) 653-7733.

Sincerely,

James A. Luscutoff, Chief
Concessions, Reservations, and Fees Division


Enclosures

cc (w/o enclosures): Scott Wassmund, Northern Division Chief
Chet Bardo, Santa Cruz District Superintendent

Figure L - 70. Pacifica Beach (CA-48), San Mateo County, California.



Legend

 WSPL Breeding & Wintering Locations

0.5 0 0.5 Miles

0.8 0 0.8 Kilometers

Scale 1: 30,000



Hi Ruby Pap

Will you please, also
distribute ^{PSA} letter

to all the Commissioners

Thanks

Mel

Pacifica Shorebird Alliance
648 Edgemar Avenue
Pacifica, CA 94044
650 3593352

RECEIVED

August 12, 2011

AUG 15 2011

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

CALIFORNIA
COASTAL COMMISSION

Subject: RE: File # 2-07-042: Paid Parking at Pacifica State Beach

Dear Coastal Commissioners:

The Pacifica Shorebird Alliance is a local 501 (c)(3) organization working to assure safe habitat here in Pacifica for wildlife such as the threatened Western Snowy Plover.

We support the City of Pacifica's application to institute paid parking at Pacifica State Beach.

Beach rules that have been designed to maximize the safe enjoyment of the beach for everyone are being violated with impunity. Unfortunately, due in part to a lack of funds, there has been insufficient enforcement of the rules pertaining to off leash dogs, use of glass containers, smoking, littering, and beach fires.

The northern section of Pacifica State Beach is recognized as historically prime habitat area for over wintering population of Western Snowy Plovers. To our chagrin, many beach walkers, without enforcement, have been turning the plover habitat into a dog park.

Paid parking would provide our fiscally-challenged city with a dedicated source of revenue to help enforce the rules for use of the beach.

Sincerely,



Noel Blincoe
Chair, Pacifica Shorebird Alliance

cc:

Stephen Rhodes, Pacifica City Manager
Michael Perez, Director of Pacifica Parks, Beaches and Recreation.
City Council