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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number.....**2-10-039 (Land's End Seawall)**

Applicant.....Land's End Associates, LLC

Project location .....Along the bluff top, bluff face, and base of bluff, seaward of 100 and 101 Esplanade Avenue in Pacifica, San Mateo County (APNs 009-023-070 & 009-024-010).

Project description.....Consolidated coastal development permit (CDP) application to authorize temporary emergency development constructed pursuant to two Coastal Commission emergency CDPs (2-10-007-G and 2-11-005-G) and one City of Pacifica emergency CDP (CDP-328-10) to allow: 1) a 670-foot long, 35-foot high and 28-inch thick semi-vertical contoured concrete tie-back seawall; 2) riprap incorporated at each end and along the base of the seawall (approximately 11,000 tons of riprap); and 3) a 670-foot long buried caisson (30-inch diameter and 65-foot deep) and grade beam retaining wall system in the upper bluff. The project also proposes: (4) to extinguish access previously required by CDP and a Grant of Easement to the City and replace some of that access with new alternative access; and 5) drainage, landscaping, and related development, including benches, signage & interpretive kiosk

File documents.....Coastal Commission Emergency CDPs 2-10-007-G and 2-11-007-G; Coastal Commission CDP 3-83-015; City of Pacifica Emergency CDP CDP-328-10; City of Pacifica certified Local Coastal Program (LCP); and project reports by RJR Engineering Group: *Seawall/Retaining Wall Structural Calculations and Specifications for Lands End Apartments* (November 2010), *Seawall and Bluff Stabilization Plans* (April 2011), *Seawall and Public Access Engineering Plans – Coastal, Civil and Structural Sheets* (January 5, 2011), *Emergency Repair Applications Proposed Bluff Stabilization Lands End Multi-Family Development, 100 Esplanade, City of Pacifica* (January 31, 2010 and August 5, 2010); *Addendum #3 Exisiting Rip Rap Assessment*; and *Addendum #4 Mitigation Measure Proposal.*

Staff recommendation ...**Approval with Conditions**

A.Staff Recommendation

1. Summary of Staff Recommendation

Staff is recommending approval of the subject shoreline protection development pursuant to Section 30235 of the Coastal Act because the applicant has demonstrated that the shoreline protection is: (1) required to protect existing blufftop residential structures that are in danger from erosion; and (2) designed to mitigate adverse impacts on visual resources, public access and shoreline sand supply.

The proposed project is located seaward of the apartment complex property known as Land's End at 100-101 Esplanade Avenue in the Edgemar neighborhood in the northern area of Pacifica. This site is located adjacent to the ocean with the Land's End apartments set back from the bluff with the nearest building's foundations located approximately 40 feet from the presently exposed bluff.[1] Between July 2007 and May 2010, aerial photos have shown bluff erosion rates have increased dramatically during storm events and led to the loss of between 53 and 90 feet of bluff in some areas. Consequently, the public access stairway and apartments are in jeopardy as a result of coastal bluff erosion.

This project is for the construction of a 670-foot long vertical concrete sea wall and a proposal to relocate a a public access pathway system along the bluff, in order to provide lateral access, and re-establish vertical access to the beach, as required by an existing public access easement. The Coastal Act requires public access to the shoreline to be maximized. The project, as conditioned, would protect public access by restoring blufftop lateral and vertical access to the beach that is required by an existing public access easement, ensuring such access is maintained, and providing public access enhancements, such as an educational kiosk, signage, sitting benches and look-outs. The project also proposes to extinguish a previously required sandy beach easement and pay an in-lieu payment of $157,000 to mitigate for the associated impacts of the development on regional sand supply for 20 years. In addition, the Applicant is proposing an in-lieu payment of $100,000 for mitigation of impacts on the public beach related to the retention of the buried riprap revetment.

Staff is recommending approval with conditions that address the direct impacts of the proposed seawall and the proposed revisions to the previously required access easement on coastal resources, such as scenic quality, public access and recreation opportunities, shoreline sand supply and the direct, indirect and long-term effects on the adjacent public access easement and the public beach area within that easement that results from armoring the bluffs. Due to the uncertainties inherent in providing shoreline protection in a dynamic environment, including the unknown effects of climate change and sea level rise, staff is recommending that the proposed shoreline protection only be authorized for 20 years from the date of its CDP approval, June 15, 2012. Other conditions require an in-depth alternatives analysis for future reauthorization of the shoreline protection devices; measures to address the appearance of the seawall; removal of the unauthorized buried riprap revetment; maintenance and monitoring programs, as

[1] According to geo-technical analysis report email from RJR Engineering dated August 10th 2010

well as other conditions to address the proposal to extinguish and relocate portions of a previously required access easement. In order to ensure that any future redevelopment of these properties is consistent with Chapter 3 of the Coastal Act, this permit also requires that no redevelopment of the bluff-top properties can rely upon this shoreline protection to determine site suitability for such redevelopment to be approved.

Therefore, staff recommends that the Commission approve a CDP for the proposed project, along with mitigations for the impacts of the project, including: 1) authorization of the seawall for a period of twenty years; 2) provisions to ensure that the project emulates and evokes natural bluff landforms as much as possible; 3) a continuing commitment to ensure that all components of the previously required access are maintained and available for public use for as long as the seawall or blufftop residential development is present, including future modifications to the public access path in response to sea level rise; 4) restrictions on future development at the project site and property; 5) removal of the 670-foot long buried rock riprap revetment temporarily authorized under emergency permit 2-10-005-G and subsequently proposed as toe scour protection; 6) removal of all unpermitted riprap on the project site; 7) requirements for other agency approvals; 8) payment of in-lieu fees to mitigate the impacts of lost beach values on public access and recreation and beach ecology; 9) monitoring and maintenance of the as-built project; 10) a revised landscaping plan to include only low-growing native blufftop plants to provide additional visual mitigation on the bluff and on the reconstructed bluff face; 11) appropriate best management practices to protect water quality and public access during construction; 12) recordation of an amended easement to ensure the on-going provision of a revised vertical, lateral and shoreline public access easement; 13) recordation of a deed restriction against the property governed by this permit and 14) assumption of risk, waiver of liability and indemnity agreements for coastal hazards by the property owner.

As conditioned, staff recommends that the Commission find the proposed project can be found consistent with the hazards, public access, visual, marine resources, and water quality requirements of the Coastal Act, and approves a CDP with conditions for the project. The motion to act on this recommendation is found directly below.

2. Staff Recommendation on CDP Application

Staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below.

Motion: I move that the Commission approve coastal development permit number 2-10-039 pursuant to the staff recommendation. I recommend a yes vote.

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.

Report Contents

B.Findings and Declarations

The Commission finds and declares as follows:

1. Project Location, Background and Description

A. Location

The proposed project is located in the northern end of the City of Pacifica in the City's Edgemar neighborhood. The Applicant's site is approximately 9.33 acres that is developed with the Land's End

apartment complex[2] made up of eleven 2-story structures with 260 units and underground parking at 100 and 101 Esplanade (APNs 009-023-070 and 009-024-010). It is bounded by Palmetto Avenue to the east, with Highway 1 further to the east, and it is split by Esplanade Avenue, with 100 Esplanade on the seaward side of the road, and 101 Esplanade on the inland side of the road (see Exhibit A). The seaward portion of the Land's End property slopes down from Palmetto Avenue and Esplanade Avenue to a steep coastal bluff that is approximately 100 feet high. The development proposed in this application affects the area along the blufftop, the bluff, and base of the bluffs seaward of the apartment buildings, the apartment building driveway, and Esplanade Avenue.

In addition to the proposed project armoring (see project description below), a downcoast revetment installed under an emergency CDP extends onto the Land's End site from the neighboring apartment complex property at 310 - 340 Esplanade.[3] Further south, much of the Pacifica coastline is also armored, as a result of Pacifica's Shoreline Protection Project[4] from the 1980s, which provided armoring for areas such as the Sharp Park Golf Course (1,000 feet of riprap), the Beach Boulevard shoreline (2,500 feet of riprap and a reinforced earth seawall), the Pacific Skies RV park located at 1300 Palmetto Avenue (850 feet of riprap) and the San Francisco RV park at 700 Palmetto Avenue. The Pacifica coastline to the north of the project site is mostly unarmored, except for sections of riprap located at the base of the bluffs fronting the neighboring Pacific View Villas condominium complex (27 condos) at 200 - 224 Palmetto Avenue [5] and fronting the historic residential home just past Pacific View Villas known as "Dollar Radio" [6] at 100 Palmetto Avenue.[7] North of the City limits is a large revetment site (2,600 linear feet) fronting the City of Daly City's Mussel Rock landfill site.[8]

See Exhibit A for project location maps and Exhibit D for site photographs.

B. Background

Site Development and Permit History

The Land's End apartments were originally permitted and built around 40 years ago, with permitting in 1972 and construction through 1974.[9] Therefore, the project was not subject to the coastal permitting

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2 Previously known as Points West apartments, and originally constructed in the 1970s.

3 Installed pursuant to emergency CDP 2-03-001-G and currently the subject of pending CDP application 2-03-018.

4 Pursuant to CDP 3-83-172

5 Originally authorized in 1982 (CDP 3-82-228) and augmented in 2010 with 1,000 tons of riprap (CDP waiver 2-10-012-W) .

6 The Dollar radio site, also known as KTK/6XBB, was the location of an early radio communication site and designated as historic by the City of Pacifca Ordinance number 770 C.S. on May 13, 2010.

7 CDP application number 2-11-034 currenty under review.

8 The City of Daly City has applied for a CDP (CDP application 2-11-024) to repair, reconstruct, and augment the armoring at this location, and that application should be scheduled for Commission action in the short term.

9 In March 1972, the City of Pacifica conditionally approved a Use Permit (UP-157-72) and Permit for Site Development (PSD-66-72), City Grading and Building Permits were granted in October 1972, to allow construction of eleven buildings for 260 apartment units, plus underground parking and a recreational building including a gazebo, at the property, which was then known as Points West Villa. The grading was completed in February 1973, and County records show the development was completed in 1974.

requirements of Proposition 20 (The Coastal Initiative) or the Coastal Act because it was permitted and underway prior to the effective date of either (i.e., prior to February 1973). The City required that a staircase be constructed to provide public coastal access, along with a pathway system along the bluffs, all to be available for general public use and maintained by the property owners.

In 1981, the City approved an application for a condominium conversion for the apartment complex. This approval included additional requirements specific to the public access stairway, predicated on additional coastal permitting by the Commission (i.e., because the City's LCP was not then certified). In 1983, the Coastal Commission approved a CDP for the condominium conversion (CDP 3-83-015). This CDP included blufftop setback and erosion control requirements, and also required three Offers to Dedicate (OTD) public access easements: 1) an OTD for public shoreline access extending along the shoreline the width of the property from the base of the bluff to the mean high tide line (MHTL); 2) an OTD for public vertical access from Esplanade Avenue to the beach, including the stairway; and 3) an OTD for public lateral/blufftop access path, a minimum of 5 feet wide, to provide public access from Esplanade Avenue to the stairway, and along the blufftop to connect with the neighboring public access coastal trail at the adjacent (northern) property, Pacific View Villas, (APN 099-023-030).

In July 1983, the property owner recorded a subdivision map for the condominium conversion for both of the project parcels, vesting the CDP, but did not record the required OTDs. In 1988, the City approved a CDP for a "reversion to acreage" (i.e., to return the condominiums to apartment rental units by merging the parcels) at the site, and required the recordation of the three OTDs associated with CDP 3-83-015 that were still outstanding. The OTDs were subsequently recorded on November 17, 1988 (see Exhibit E), and in 1989, the Commission approved an amendment to CDP 3-83-015 to account for the conversion back to apartments (CDP amendment 3-83-015-A1).

In February 2004, the City issued a CDP (CP-239-03) to repair the stairway[10] and relocate the vertical public access area to account for changes in the bluff caused by ongoing erosion. Conditions of approval included ensuring ongoing maintenance of the public access way, as was previously required through the Commission permit, and displaying public access signage. In addition, the City's CDP required the recorded OTDs to be re-recorded so that they would protect the new location of the vertical access way. In May 2006, a new combined public access easement document was recorded that combined the public access OTDs into one easement area, recognized the public's right to access these areas in perpetuity, and required the property owner to maintain the improvements in the public access areas over that same period (see Exhibit E). Because the new combined easement grant of easement to the City provided for blufftop, vertical, and beach public access areas as required by the Commission's CDP 3-83-015, the Commission extinguished the 3 original separate OTDs in October 2006.[11]

In 2010 and 2011, the Commission issued emergency CDPs for armoring at the site. The first emergency

[10] As a result of erosion and deterioration caused by the ocean, a portion of the staircase became unusable.

[11] California Coastal Commission consented to extinguishment of three irrevocable OTDs October 13, 2006 as recorded by County of San Mateo (2006-154688) .

CDP, 2-10-007-G (see page 1 of Exhibit C), was issued on February 16, 2010. At that time, the City of Pacifica had declared a state of emergency as a result of severe cliff erosion and subsidence following El Nino storm conditions (see page 12 of Exhibit C). The emergency CDP authorized a temporary rock riprap revetment to be installed along the length of the project site at the base of the bluff and the construction of a temporary construction access road, including excavation of an approximately 5 foot deep and 35 foot wide keyway to be dug into weakly cemented marine terrace sand. However, as shown on the proposed project plans, instead of excavating the keyway in sand materials, the Applicant excavated the keyway into the bedrock (sandstone). Such excavation was not authorized pursuant to the emergency permit. In addition, the emergency permit expressly stated that the emergency work was temporary and subject to removal unless and until a CDP permanently authorizing the development was approved. After beginning construction of the riprap revetment, the Applicant requested to change the project from a riprap revetment to a concrete vertical seawall. Initially, this request was denied because it was determined that the revetment already authorized under emergency procedures was adequate to abate the identified emergency, and because a separate and different emergency situation did not exist at the time. Therefore, the Applicant submitted a regular CDP application for their preferred proposed semi-vertical seawall (i.e., this CDP application, 2-10-039).

However, shortly after submitting the application, in November 2010, there was a significant decrease in slope stability.[12] The Applicant requested a second emergency CDP to construct a more extensive vertical concrete seawall to run along the entire length of the project site. Ultimately, a second emergency CDP 2-11-005-G (see page 6 of Exhibit C), was issued on January 25, 2011. This CDP authorized construction of: a 670-foot long by 17.5-foot high tie-back semi-vertical seawall with public access stairs; the placement/retention of the minimal amount of rock necessary for toe scour protection associated with the rock placed under the first emergency CDP; the removal of any existing rock not needed for toe scour protection; and the construction of public access features (including blufftop trail, and stairway and vertical trail). Thus, the temporary riprap revetment originally authorized under the first emergency CDP was never completed, but a portion of it was allowed to be used to provide necessary toe scour protection for the vertical seawall associated with the second emergency CDP. As discussed above, the revetment that was constructed included excavating a trench into the bedrock (sandstone) approximately five feet deep, 35 feet wide and 670 feet long, although this trench was authorized by the first emergency CDP to be constructed in sand materials, not bedrock. Within this keyway trench, rock riprap was originally placed to an elevation of approximately +12, except for 100 feet of the most northerly section, and backfilled with sand. When the emergency project shifted to a semi-vertical wall, the Applicant made use of the same trench for riprap, except that rock was not placed up to +12 feet high as originally authorized under the first emergency CDP, but rather extended to +3 to +4 feet tall within the trench area. Emergency CDP 2-11-005-G required the removal of riprap not necessary for project scour protection, including in relation to rock on the site that had not been

[12] According to the Applicant's surveyor the slope was failing and threatening Lands End infrastructure, including exposing drainage features, due to undermining and weakening of the slope, including as evidenced by cracks in the ground.

permitted.[13] Other conditions included the necessary adjustment of the current public access easement in order to reestablish previously required public access ways; field verification; and various BMPs (again, see Exhibit C).

In addition to the Commission's emergency permits, the City issued an emergency CDP for installation of a buried piers and grade beam retaining wall system and sidewalk (CDP 328-10) on September 28, 2010. According to the local application, the nature and cause of the emergency was identified as being related to the continual erosion of the bluffs. The applicant maintained that it was necessary to stabilize the upper bluff due to excess erosion which the Applicant proposed could threaten the stability of the buildings, driveway and utilities at Lands End.

The current CDP application is to authorize the construction of the concrete tie-back seawall and related elements instead of the riprap revetment that was originally authorized under the first emergency CDP (2-10-007-G). In addition, the Applicant proposes to remove excess riprap (20,250 tons) that is no longer required for the project, some of which was authorized and some of which is unpermitted. The Applicant is also proposing to retain some of the riprap material (11,690 tons) placed under the first emergency CDP for toe scour protection for the seawall. However, this toe scour protection was originally intended to be located directly adjacent to the seawall, and the Commission's second emergency permit only allowed for necessary toe scour protection to remain in the final project. The loss of additional bluff between the time of construction of the riprap keyway and the vertical wall led to an approximately 25 to 40 foot gap between the landward edge of the riprap and the seaward edge of the vertical wall (see proposed sections in Exhibit B). As a result, the proposed riprap is not necessary for toe scour protection because it is located significantly seaward (out on the beach) of the base of the seawall.

Enforcement/Violation History

There have been several alleged violations at the project site and three violation cases have been opened by the Commission related to armoring, emergency permit requirements, and public access. In terms of access, there have been issues over time at this site related to ensuring that the access required (blufftop, beach, and vertical) is open and available for public use. In terms of vertical access specifically, the property owner is required to keep open and maintain the public staircase and related path elements, but it has been closed several times over past decades. The stairway was damaged during the 1980's and 1990's, in 2003, in 2008, and 2009, and has been periodically closed to public access as a result.

In February 2004, the City approved CDP 239-03 to repair the stairway and relocate the public access. The approval was conditioned for "ongoing maintenance" of the access, similar to the way in which the Commission's 1983 CDP required ongoing maintenance.[14] However, the property owner asserted it was

[13] Unpermitted rock on the site included riprap placed for drainage; at the foot of the original stairs; and riprap that had spilled over from the upcoast Pacifica View Villas and downcoast apartment building sites onto the Land's End site.

[14] According to the CDP 3-83-015 special condition which stated "the applicant shall guarantee the stability and permanent maintenance in a safe condition of the stairwell".

not responsible for the repairs and stated that if the City did not accept responsibility then Land's End would restrict access to apartment residents only. In July 2004, the Commission opened an enforcement case related to this assertion (V-2-04-08). The Applicant relented and the stairs were rebuilt in 2004. However, they were washed away again in 2008. Following a complaint that the public access stairs had been closed since September 2008, the Commission opened another violation case (V-2-08-022) in November 2008, at the same time that the City was pursuing its own enforcement action. The Applicant's position was that a revetment was necessary to stabilize the bluffs before the stairway could be repaired. Although the Applicant ultimately agreed to submit a CDP application for stairway repairs, their geotechnical evaluation in 2009 indicated that wave related erosion had removed the lower portions of the public access trail, leaving a 10 to 15 foot vertical drop at the terminus of the trail. Subsequently, the two above-described Coastal Commission emergency CDP projects unfolded. Thus, the stairs were closed between 2008 through 2010, when they were rebuilt under the emergency CDPs.

In June 2010, the Commission's Enforcement Unit opened another violation file (V-2-10-11) because of non-compliance with the terms and conditions of the first emergency CDP (2-10-007-G), including with respect to the requirements for a plan to use the construction access road as an interim measure for pedestrians to access the sandy beach from the blufftop to the south (past the neighboring apartments) until such time that a permanent access alternative could be authorized. The Applicant subsequently developed a plan, it was approved, and the access was reopened July 16, 2010.

As noted, there have been a number of violations that relate to unpermitted public access closures and the failure to satisfy emergency permit requirements. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been solely based upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regards to any alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

C. Project Description

The proposed project includes components in both the Commission's and the City's CDP jurisdiction and, as described above, components related to both Commission and City emergency CDPs. The City, the Applicant, and the Commission have all agreed to a consolidated CDP review for the proposed project, as allowed by Coastal Act Section 30601.3. As a result, this CDP application constitutes the required regular follow up CDP application both for the City's emergency CDP as well as the Commission's emergency CDP, and the proposed project reflects all of these components. Because this is a follow-up CDP for development already in place, existing conditions are described where applicable. However, the development was only authorized on a temporary basis, and this report evaluates it as if it weren't there, and thus it is described below as "proposed" even though it is now physically in place.

The proposed project includes the following: 1) a 670-foot long, 40-foot high and 28-inch thick semi-vertical curvilinear contoured concrete seawall supported by lateral horizontal anchors that consist of grouted tie backs that extend between 60 and 90 foot into the bluff; 2) placement of 10 to 15 foot

sections of riprap (60 tons) at each end of the seawall to provide endwall protection; 3) a 530-foot long buried caisson (30-inch diameter and between 40 to 65-foot deep) and 3.5 foot wide and 3 foot deep grade beam retaining wall system located between 15 and 35 foot from the edge of the bluff; 4) a 5-foot wide public access pathway atop the grade beam system connected to a public access trail and a concrete stairway encased in the seawall connecting to the beach; 5) the proposed relocation of previously required vertical and blufftop lateral access easements; 6) the proposed extinguishment of existing public access easements and 7) drainage, landscaping, and related development, including public access signage, benches and lookouts. The seawall is designed to mimic the natural bluff face and is located at the base of the bluff seaward of the apartments. The wall is essentially flush with the face of the bluff, is angled similar to the natural bluff profile (at approximately 70 degrees), and designed to stand alone. The seawall includes coloring and mottling to approximate natural bluffs, and includes the stairway beach access incorporated into the wall at the downcoast end of the project site. The exposed (i.e., above typical summer beach sands) portion of the seawall is approximately 20 feet high (from elevations +15 to +35), with another approximately 20-foot section below the level of the beach sand.

Seaward of the seawall there is an approximately 20 - 25-foot wide and 15-foot deep trench that runs the length of the seawall at a distance of 23 to 45-foot distance away, that is partially filled with riprap up to +5 to +8 feet elevation on its inland edge, and the trench is backfilled with sand. This buried riprap trench is proposed for scour protection for the seawall. In addition, the project includes sections of riprap at both the northern and southern ends of the seawall to reduce outflanking and provide additional protection for the ends of the seawall (adding 10 to 15 feet and 60 tons of rock at each end). In addition to the semi-vertical seawall and buried riprap placed in the trench between 23 and 45 feet from the base of the bluff and seaward of it, the project also includes a buried caisson and grade beam retaining wall made up of 54 buried concrete piles (2.5-foot diameter each and between 40 and 65-foot deep) with a 3 foot wide by 4.5-foot deep grade beam tying the piles together at intervals of 10 feet along 530 feet of bluff, approximately 15 feet inland at the closest point and up to 35 feet from the blufftop edge. The grade beam system is directly underneath the 5-foot wide public access path which extends from Esplanade Avenue and connects with the public access on the adjacent property at Pacific View Villas.

The project includes the relocation of a previously required public access trail system from Esplanade extending down the bluff face to the beach, via a concrete stairway encased in the seawall nearest the beach itself. The concrete stairs extend down to elevation +5 (MHT) and are backfilled to conform to the existing beach grades (+18 to +20). The 5-foot wide pathway descends at a gradual slope at a 10 to 20 percent gradient to extend down the 100-foot bluff, switching back multiple times before reaching the stairway. The path is an earth trail made up of decomposed granite with a series of water bars for erosion and is lined with a large diameter rope and pole railing system. The bluffs in this area have been engineered and reconstructed at a fairly steep slope (about 1:1) that is contoured, graded and landscaped with native plants to blend into the bluff and be more resilient to erosion and winter storm events.

Proposed design plans show benches and outlooks to be installed up and down coast. Other amenities include, but are not limited, to public access signage, and a coastal information kiosk. Finally, the project includes a proposal to remove riprap debris that has migrated from previous projects on the site

and from neighboring properties.

See Exhibit A for site photographs and Exhibit B for proposed project plans.

1. Coastal Development Permit Determination

A. Standard of Review

As described above, this is a consolidated CDP application. Thus, pursuant to Coastal Act Section 30601.3, the standard of review is Chapter 3 of the Coastal Act, with the City's LCP providing non-binding guidance. As such, applicable Coastal Act policies are cited in the analysis that follows, as well as certain LCP policies for guidance as relevant.

B. Geologic Conditions and Hazards

1. Applicable Policies

Coastal Act Section 30235 addresses the use of shoreline protective devices:

> **Section 30235 Construction altering natural shoreline**
>
> *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Coastal Act Section 30253 addresses the need to ensure long-term structural integrity, minimize future risk, and to avoid landform altering protective measures in the future. Section 30253 provides, in applicable part:

> **Section 30253 Minimization of adverse impacts**
>
> *New development shall do all of the following:*
>
> *(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or 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. …*
>
> *(e) Where appropriate, protect special communities and neighborhoods that because of their unique characteristics, are popular visitor destination points for recreational uses.*

In addition, the following certified City of Pacifica Land Use Plan (LUP) language and Implementation Plan (IP) standards, although not the standard of review, provide additional information regarding geologic hazards and shoreline protection:

(LUP Page C-24 and C-25) – West Edgemar/Pacific Manor Neighborhood – GEOLOGY. *As with bluff-top lands to the north of the "Dollar Radio Station" residence, coastal bluffs in this area are subject to a high rate of wave erosion. This average rate is exceeded during winter storm conditions when high wave run up and heavy rains are present. During these periods, sloughage of the face of bluffs occurs typically in the form of vertical slabs.*

The City's Seismic Safety and Safety Element requires the bluff setback to be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions. The setback should be adequate to protect the structure for its design life. The appropriate setback for each site will be determined on a case-by-case basis, depending on the site specific circumstances and hazards.

A Seismic Safety and Safety Element policy prohibits the approval of projects which require seawalls as a mitigation measure. The policy also states that projects should not be approved which eventually will need seawalls for the safety of the structures and residents.

(LUP Page C-26) - COASTAL ISSUES – West Edgemar/Pacific Manor Neighborhood - *The major coastal planning issues in this neighborhood are: 1. The effect of geologic conditions on the use of undeveloped property along the bluffs…*

(LUP Pages C-29 and C-30) – SEAWALLS*…In the future, property owners may want to construct protective structures which are more resistant to wave action. Should property owners desire a more substantive seawall, the cumulative effect on beach sand replenishment should be determined. Because beaches in this area are extremely narrow and exist only during low tide, seawall structures should be designed to minimize beach scour in the area as much as possible. Preferred structures would be those which provide the minimum amount of effective protection with a minimum reduction in beach sand. The preferred structure to achieve this result will likely be rock rip-rap rather than a concrete wall. Seawalls shall not extend beyond the mean high tide line.*

(LUP Page C-68) – 3. Points West Apartments…Topography - *Natural Environment: High bluffs of unconsolidated deposits. The area between the street and the stairs is open; grass maintained by the apartment complex.*

(LUP Page C-105) SHORELINE PROTECTION AND DRAINAGE STRUCTURES. *Erosion is a primary problem along the Pacifica coast. Studies by the U. S. Army Corps of Engineers indicate that in many cases shoreline structures are not economically justified. (See LCP Background Report, Geology; General Plan Background Report, Geology). There are, however, a few areas in the City where shoreline protection may be necessary to protect major beach access or highly sensitive habitat. (See LCP Access Component Report, Local Beach Resources*

and Management). For these areas, and other areas where protection from hazards may be needed in the future, the following conclusions are suggested: Dumping and other un-engineered erosion protection shall be prohibited. Existing unauthorized rubble or protective devices shall be removed prior to any additional development in such areas. A qualified expert shall be engaged to analyze the impacts of proposed structures and prescribe appropriate mitigation, if necessary, prior to issuance of a permit. Impact evaluation shall include methods to minimize alteration of natural migration and deposition of sand on shorelines within the littoral cell, sufficient engineering to protect threatened area, lateral and if appropriate) vertical beach access, and structures as well as other impacts.

IP Section 9-4.4308(d)(5): Permanent Environmental Protection. *(d) Development Standards. The following standards shall apply to new development in areas identified in Section 9-4.4404(b)… (5) Consistent with the City's Seismic Safety and Safety Element, new development shall be set back from the coastal bluffs an adequate distance to accommodate a 100-year event, whether caused by seismic, geotechnical, or storm condition, unless such a setback renders the site undevelopable. In such case, the setback may be reduced to the minimum extent necessary to permit economically viable development of the site, provided a qualified geologist determines that there would be no threat to public safety and health.*

IP Section 9-4.4405(c): Grading and Drainage*… (c) Development Standards. (1) The following standards shall apply to new development. (i) Alteration of natural topography and removal of existing trees shall be minimized to the maximum extent feasible so as to maintain the natural surface drainage system; … (iii) Cut-and Fill surfaces shall be stabilized by planting low maintenance, native ground cover and shrubs; … (viii) Removal of sands characteristic of the Pacifica shoreline shall be minimized; (2) The following standards shall apply to ensure long term grading and drainage management of the project site: (i) Grading of environmentally sensitive habitat areas shall occur only when necessary to protect, maintain enhance, or restore the habitat; (ii) Areas of soil or landform disturbance shall be identified, and shall be revegetated with low maintenance, native ground cover and shrubs to reduce erosion potential; (iii) Subgrade drainage of all wet soils shall be discharged into natural surface drainage, where feasible; (iv) Adequate drainage facilities, including grease and silt traps where necessary to minimize pollutants entering runoff water, shall be provided; (v) Potential impacts as identified in the grading and drainage plan shall be mitigated to a level of insignificance; and (vi) Mitigation measures identified in the grading and drainage plan shall be considered and made conditions of project approval.*

IP Section 9-4.4406: Shoreline Protection. *(a) Intent. The provisions of this Section shall apply to all new development requiring a coastal development permit in the CZ District and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to minimize erosion and to stabilize the shoreline in areas along the coastal bluff where ocean wave and tidal action create potentially hazardous or damaging conditions. (b) Required Survey. A site stability survey, prepared by a qualified soils engineer or engineering geologist, shall be required for new development proposed on coastal bluffs. (c)*

> *Development Standards. The following standards apply to all new development along the shoreline and on coastal bluffs. (1) Alteration of the shoreline, including diking dredging, filling, and placement or erection of a shoreline protection device, shall not be permitted unless the device has been designed to eliminate or mitigate adverse impacts on local shoreline sand supply and it is necessary to protect existing development or to serve coastal-dependent uses or public beaches in danger from erosion or unless, without such measures, the property it issue will be rendered undevelopable for any economically viable use; (2) Consistent with the City's Seismic Safety and Safety Element, new development which requires seawalls as a mitigation measure or projects which would eventually require seawalls for the safety of the structures shall be prohibited, unless without such seawall the property will be rendered undevelopable for any economically viable use; (3) Required shoreline protection devices shall be designed and sited to consider and reflect: (i) Maximum expected wave height; (ii) Estimated frequency of overtopping; (iii) Normal and maximum tidal ranges; (iv) Projected erosion rates with and without a shoreline protection device; (v) Impact on adjoining properties; (vi) Design life of the device; (vii) Maintenance provisions, including methods and materials; and (viii) Alternative methods of shoreline protection, including "no project." (4) The impact on beach scouring and sand replenishment shall be minimized; (5) Water runoff from beneath existing seawalls shall be minimized; (6) Existing unauthorized rubble or protective devices shall be removed prior to the approval of additional development in such areas; and (7) A geotechnical engineer shall certify that the shoreline protection device will withstand storms comparable to the major winter storms of 1982 and 1983 along the California coast. (8) The seawall shall be designed to minimize impacts upon existing lateral and vertical access and in any case shall not result in the blocking of an access way. In cases where it is possible to engineer a wall without blocking access, then appropriate mitigation measures shall be incorporated into the design. These measures can include a stairway over the seawall to provide continuous vertical access or a platform over the seawall to provide continuous later access.*

Thus, Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, with the exception of new coastal dependent uses, Section 30235 limits the construction of shoreline protective works to those required to protect existing structures or public beaches in danger from erosion. 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, natural landforms, and overall shoreline beach dynamics on and off site, including ultimately resulting in the loss of beach.

In addition, the Commission has generally interpreted Section 30235 to apply only to existing principal structures. The Commission must always consider the specifics of each individual project, but has generally found that accessory structures (such as patios, decks, gazebos, stairways, etc.) are not required to be protected under Section 30235, or can be protected from erosion by relocation or other means that do not involve shoreline armoring. The Commission has at times historically permitted at-grade structures within geologic setback areas, recognizing that they are expendable and capable of being removed rather than requiring a protective device that would alter natural landforms and processes

along bluffs, cliffs, and beaches.

These Coastal Act policies are reflected in the City's LCP policies in similar ways, including in terms of requiring that landform alteration be minimized, and that development be setback an adequate distance as to provide stability over the project lifetime, and no less than 100 years. In terms of armoring, the LCP likewise reflects Coastal Act tests for considering armoring, including in terms of required mitigation for allowable armoring, including explicitly in terms of providing public access.

Under Coastal Act Section 30235, shoreline protective structures may be approved if: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline altering construction is required to protect the existing threatened structure; and (4) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply. The first three questions relate to whether the proposed armoring is necessary. The fourth question applies to mitigating some of the impacts of armoring.

2. Analysis

A. Existing Structures to be Protected

For the purposes of shoreline protective structures, the Coastal Act distinguishes between development that is allowed shoreline armoring, and development that is not. Under Section 30253, new development is to be designed, sited, and built to allow the natural process of erosion to occur without creating a need for a shoreline protective device. Coastal development permittees for new shorefront development are thus making a commitment to the public (through the approved action of the Commission, and its local government counterparts) that, in return for building their project, the public will not lose public beach access, offshore recreational access, sand supply, visual resources, and natural landforms, and that the public will not be held responsible for any future stability problems.

Coastal Act 30235 allows for shoreline protection in certain circumstances (if warranted and otherwise consistent with Coastal Act policies) for "existing" structures, including structures that are in place prior to the effective date of the Coastal Act. Coastal zone development approved and constructed prior to the Coastal Act went into effect was not subject to Section 30253 requirements. Although some local hazard policies may have been in effect prior to the Coastal Act, these pre-Coastal Act structures have not necessarily been built in such a way as to avoid the future need for shoreline protection (in contrast to those evaluated pursuant to Section 30253 and similar LCP policies since).

In this case, the existing Land's End apartment complex at the site location was originally permitted in 1972 and was under construction prior to February 1973, predating the enactment of 1972's Proposition 20 (the Coastal Initiative).[15] The apartment complex was also completed prior to the enactment of the 1976 Coastal Act.The apartment complex thus qualifies as an existing structure for the purposes of Section 30235.

B. Danger from Erosion

[15] Proposition 20's coastal permitting requirements began in February 1973.

The Coastal Act allows shoreline armoring to protect existing structures in danger from erosion, but it does not define the term "in danger." There is a certain amount of risk involved in maintaining development along a California coastline that is actively eroding and can be directly subject to violent storms, large waves, flooding, earthquakes, and other geologic hazards. These risks can be exacerbated by such factors as sea level rise and localized geography that can focus storm energy at particular stretches of coastline. As a result, some would say that all development along the immediate California coastline is in a certain amount of "danger." The Commission evaluates the immediacy of any threat in order to make a determination as to whether an existing structure is "in danger." While each case is evaluated based upon its own particular set of facts, the Commission has generally interpreted "in danger" to mean that an existing structure would be unsafe to occupy within the next two or three storm season cycles (generally, the next few years) if nothing were to be done (i.e., in the "no project" alternative).

In this case, the apartment complex is located on the coastal blufftop and the property extends north and south along the blufftop, and slopes relatively gently inland up from the edge of the blufftop. In 1972, the average annual bluff retreat rate at the project site was estimated at 2 feet per year (according to an Army Corps study conducted in this area at the time), and the City's LCP (certified in 1984) estimates an average annual bluff retreat rate of 1-3 feet per year. However, erosion does not typically occur in this area as small incremental amounts each year, but more often as several feet to tens of feet of retreat that can occur during a significant winter storm and perhaps smaller amounts of retreat during other years. Coastal bluffs in this area are subject to a high rate of wave erosion, particularly during winter storm conditions when high wave run up and heavy rains are present. During these periods, erosion of the bluff typically occurs in the form of vertical slabs eroding from the bluff face. In 2003, a blufftop gazebo was removed from the site after it became unsafe due to storm damage, and the stairs have washed away due to storm events several times since they were first installed in the early 1970s.

In its 1972 approval of the project, City permit conditions required that the buildings be set back 150 feet from the blufftop edge, and required that the landscaped area along the blufftop be set back 50 feet from the bluff edge.[16] Today, the nearest building's foundations are located about 30 feet from the blufftop edge.[17] Between July 2007 and May 2010, aerial photographs show that bluff erosion was significant, leading to a loss of between 50 to 90 feet of bluff during this relatively short time period. Given the relatively low degree of cohesion in the bluff materials, and as indicated by recent erosion events, it is clear that the current apartment building setbacks are insufficient to protect these structures from erosion.

The Applicant's geotechnical report indicates that the existing residences (and the public access walkway and stairway) are in immediate danger from erosion and wave attack, and that the remaining

[16] The turfed area atop the bluff was a well irrigated lawn, which was routinely used by the public for active and passive recreation. In recognition of the potential for irrigation to contribute to sloughing of the bluff, the City's condition disallowed turf within 50 feet of the blufftop edge. In 1983 when the Commission granted the CDP to allow conversion of the apartments to condominiums (CDP 3-83-015), the 50-foot setback from the then bluff was reapplied, and all existing lawn within the 50-foot setback area was required to be removed.

[17] According to the Applicant's geotechnical report (RJR Engineering, August 10, 2010).

setback area could be lost in one or two storm cycles. The Commission's Senior Engineer and Senior Geologist concur. Therefore, the existing structure is "in danger from erosion" as that term is understood in a Coastal Act context, and thus the project meets the second test of Section 30235 of the Coastal Act.

C. Feasible Protection Alternatives

The third Section 30235 test that must be met is that the proposed armoring must be "required" to protect the existing threatened structure. In other words, shoreline armoring shall only be permitted if it is the only feasible alternative capable of protecting the existing endangered structure.[18] Other alternatives typically considered include: the "no project" alternative; abandonment of threatened structures; relocation of threatened structures; sand replenishment programs; drainage and vegetation measures on the blufftop; and combinations of each.

Because this application is for follow-up recognition of the existing seawall, the "no project" alternative is in this case the "remove the seawall" alternative. As indicated above, there are existing structures in danger from erosion (per Coastal Act Section 30235) at this location. The 'no-project, remove the seawall' alternative would not provide any protection to the endangered apartments or the blufftop walkway and stairway that provides public access to the beach, and cannot alone suffice as the approvable alternative in this case.

Abandonment and relocation of the threatened apartment structures inland is another alternative typically considered. Relocation is a reasonable and feasible alternative to consider in some cases, particularly where the relocation envisioned is relatively minor in relation to the structure and the site. In this case, the site is fully developed with apartment buildings (including being surrounded by complementary amenities including pathways, driveways, parking areas, and mature landscaping) (see Exhibit D). It might be possible to remove a portion of the development, such as the most seaward row of apartment buildings on the upcoast parcel, while maintaining the economic use of the parcel, through the remaining units. However, due to the extremely unstable nature of the bluffs at this location, it is possible that tens of feet of bluff area could continue to erode during single storm seasons, so that even moving an entire row of apartment buildings would have little effect on the eventual need for shoreline protection. Thus, there is no feasible location on site to relocate the endangered apartment buildings that are closest to the bluff edge. Outright removal would serve to abate the danger for a short period of time, but would not eliminate the need for shoreline protection.. Also, removal of the stairway would preclude access to the beach at this site. Therefore, in this case, based on the site constraints and the existing development present on site and infeasibility to abate the danger for an extended period of time through removal or relocation, an abandonment or relocation option is not a feasible alternative for protecting the existing endangered apartments.

Improved drainage and landscaping atop the bluffs is another option that is typically considered. Appropriate drainage measures coupled with planting long-rooted native bluff species can help to stabilize some bluffs and extend the useful life of setbacks. This option can be applied as a stand alone

[18] Coastal Act Section 30108 defines feasibility as follows: "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

alternative, but it is most often applied in tandem with other measures. In this case, the relatively unconsolidated nature of the bluff materials and the level of erosion indicate that drainage and landscaping alone is unlikely to be able to protect existing structures in danger at this site. These kinds of measures are appropriate adjuncts to other alternatives because they will help increase stability in all cases, and must be applied here regardless.

Another option often considered is planned or managed retreat. This option has been long debated and discussed more generally as well as in terms of specific individual sites like this. This concept posits that instead of allowing continued armoring, the shoreline should be allowed to retreat naturally. In this way, as the shoreline naturally erodes and sea level rises, new beaches can form. Beach formation in this respect is partly assisted by the sand-generating material in the bluffs as they erode, but more importantly there is space for the natural equilibrium between the shoreline and the ocean to establish itself and for beaches to form naturally. Over the longer run, a more comprehensive strategy to address shoreline erosion and the impacts of armoring may be developed (e.g. planned or managed retreat, relocation of structures inland, abandonment of structures, etc.). However, including as discussed above, such options appear not to be feasible at this location at this time.[19]

Thus, there do not appear to be feasible non-armoring alternatives that could be applied in this case to protect the existing structures in danger. In terms of armoring alternatives, there are a variety of measures that could be used. One common option often considered is a riprap revetment, such as was originally proposed under emergency CDP 2-10-007-G. These structures can be quickly installed and can provide base of bluff protection. However, they also require significant maintenance to ensure they continue to function in the approved state, leading to resource impacts each time. Migrating boulders can lead to isolated impacts over time, and cumulatively can lead to larger impacts. In addition, revetments occupy significant areas of beach. Thus, while feasible, a revetment would lead to worse impacts than other hard armoring options and is not preferred here.

The proposed project includes a semi-vertical seawall and a buried pier and grade beam system. In terms of the latter, it appears reasonable in this case to provide for a buried, upper bluff retaining wall system as opposed to a full bluff seawall. This is because it provides the same sort of upper bluff stability that a full bluff seawall would, and it appropriately responds to the physical setting that would make a full bluff seawall difficult, especially the lack of cohesion in the upper bluff materials, which limits the effectiveness of seawall tiebacks. As such, the upper bluff retaining wall system is an appropriate alternative for the upper bluffs, provided its visual impacts over time can be mitigated (see also Visual findings).

In terms of the seawall, it has been designed to reduce impacts on coastal resources by limiting its footprint, limiting its height as much as possible (while still addressing expected wave/storm runup), avoiding a wave return feature at its top (which can look decidedly unnatural), and by contouring and surfacing the face of the seawall to mimic the natural bluffs in appearance and shape, including being

[19] Of course, if, in the future, the State or even local governments embrace planned retreat as a strategy, the removal of a hard armoring structure at the project location would be a small part of that program inasmuch as many miles of hard armoring would need to be removed and other shore-fronting development retired to allow for the strategy to work comprehensively.

"laid back" or semi-vertical to more closely approximate natural bluff conditions at this location. In this case, the seawall is the most appropriate hard armoring alternative.

In addition to the concrete tie-back seawall, the proposed project includes riprap placed at both ends of the seawall to address potential scour and undermining of the seawall itself at both ends of the wall. When seawalls are constructed in areas of harder rock, such measures are often not necessary, or can be accommodated by "wing wall" portions of the seawall, or by tying the seawall into natural indentations in the bluff in such a way as to provide end protection more naturally. In this case, though, the nature of the bluff materials is such that there aren't any natural harder bluff indentations to utilize, and potential wing walls would be relatively fixed when the shoreline is eroding quickly, leading to high probability of being outflanked and requiring substantive structural modifications in even the near term. The riprap end sections in this case can provide end protection that is flexible and that can more readily adapt to the changing erosion framework at this location better than other options. The riprap end sections present their own issues (including in terms of its footprint, and maintenance over time), but are appropriate here. The riprap end sections have been limited as much as possible (60 tons at each end). They are necessary to prevent end effects and provide additional protection to the seawall so that it will protect the existing development, as intended. The Commission's Senior Engineer reviewed the riprap end sections and agrees that it is appropriate and will ensure that the seawall appropriately connects to the adjacent natural landform at the northern and southern edges, both to avoid creating an erosion "hotspot" in the notch area where the riprap is proposed, and to ensure there is a seamless transition between the concrete seawall, riprap and the natural bluff.

However, the Applicant also proposes a trench (670 feet long, about 35 feet wide, and 15 feet deep) cut into the bedrock shore platform to be filled to +3 or +4 feet with a buried riprap revetment (approximately 11,000 tons) that is identified for toe scour protection. This riprap was originally installed under the first emergency permit. It runs the length of the project site (670 feet), and is currently partly exposed (see Exhibit D). Because the seawall was constructed inland of the riprap trench due to bluff failures that occurred after the trench was initially constructed, the landward edge of the trench is now between approximately 23 and 45-foot seaward of the foot of the seawall, leaving a large gap between the riprap trench and the vertical wall. As such, the riprap in the trench does not serve as toe scour protection as originally intended. In fact, the concrete seawall was keyed into the same bedrock shore platform materials, and thus has been constructed with its own integral toe protection, making the riprap trench unnecessary in this respect. The trench and riprap within it do not offer much more than an impediment in the beach area, both in terms of slowing down wave and storm energy to a certain degree, but also in terms of beach use when exposed or located just below the surface, as it currently is. Furthermore, the riprap trench serves little effective protection purpose, while presenting a hazard to beach users. In short, the riprap trench, with all its attendant impacts, some of which are exacerbated by being located seaward of the seawall, is located within a sandy beach public access easement area, is no longer able to provide toe scour protection, is unnecessary as per Section 30235, and results in inappropriate coastal resource impacts. Thus, Special Condition 2 requires the riprap to be removed, and the trench that was previously excavated into the sandstone bedrock to be filled with

materials that match the surrounding bedrock platform,[20] and covered with beach sand in order to restore the beach to its natural state. Special Conditions 2 implements the requirements of the emergency permit which expressly stated that all emergency work was temporary and subject to removal unless and until a CDP permanently authorizing the development was approved.

Finally, as described in the Project Description section, the Applicant proposes to remove the riprap debris present at the site remaining from previous armoring efforts.

Given all the above, the proposed project, as conditioned to remove all of the riprap from within the trench and restore the trench and beach area, is the least environmentally damaging alternative "required" to protect the existing endangered apartment complex, and thus meets the third test of Section 30235 of the Coastal Act.

D. Beach and Sand Supply Impacts

The fourth test of Section 30235 (previously cited) that must be met in order to allow Commission approval is that shoreline structures must be designed to eliminate or mitigate adverse impacts to local shoreline sand supply.

Shoreline Processes

Beach sand material comes to the shoreline from inland areas, carried by rivers and streams; from offshore deposits, carried by waves; and from coastal dunes and bluffs, becoming beach material when the bluffs or dunes lose material due to wave attack, landslides, surface erosion, gullying, et cetera. Coastal dunes are almost entirely beach sand, moderately and weakly compacted, and wind and wave action often provide an ongoing mix and exchange of material between beaches and dunes. Many coastal bluffs are marine terraces – ancient beaches that formed when land and sea levels differed from current conditions. Since the marine terraces were once beaches, much of the material in the terraces is often beach-quality sand or cobble, and is a valuable contribution to the littoral system when it is added to the beach. While beaches can become marine terraces over geologic time, the normal exchange of material between beaches and bluffs is for bluff erosion to provide beach material. Bluff retreat and erosion is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse of caves, saturation of the bluff soil from groundwater causing the bluff to slough off, and natural bluff deterioration. When the back-beach or bluff is protected by a shoreline protective device, the natural exchange of material either between the beach and dune or from the bluff to the beach will be interrupted and, if the shoreline is eroding, there will be a measurable loss of material to the beach. Since sand and larger grain material are the most important components of most beaches, only the sand portion of the bluff or dune material is quantified as sandy beach material.

These natural shoreline processes affecting the formation and retention of sandy beaches can be

[20] This may take the form of well consolidated and compacted similar soils, or a very lean erodable concrete mix, or even a soil mix to which concrete stabilizers have been added. Given the weakly consolidated nature of the bedrock platform, the materials will need to be tested and the best option for matching their strength and cohesion applied (see Special Condition 2).

significantly altered by the construction of shoreline armoring structures because bluff retreat is one of several ways that beach quality sand is added to the shoreline, and is also one of the critical factors associated with beach creation/retention. Bluff retreat and erosion are natural processes that result from the many different factors described above. Shoreline armoring directly impedes these natural processes.

The project site is located in Pacifica where average annual bluff erosion rates are generally estimated to at between 1 foot to 3 foot per year. However, as previously indicated, this is an average annualized rate; actual erosion is more episodic, and can increase dramatically as a result of winter storm events and sections of bluff material can slough off in tens of feet at a time. This sandy beach material is carried off and redistributed through wave action along the shoreline and serves to nourish the beaches.

Some of the effects of engineered armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or are difficult to distinguish from all the other actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline structure may have on natural shoreline processes can be quantified, however, including: (1) the loss of the beach area on which the structure is located; (2) the long-term loss of beach that will result when the back-beach location is fixed on an eroding shoreline; and (3) the amount of material that would have been supplied to the beach if the back-beach or bluff were to erode naturally.[21]

Encroachment on the Beach

Shoreline protective devices are all physical structures that occupy space. When a shoreline protective device is placed on a beach area, the underlying beach area cannot be used as beach. This generally results in a loss of public access as well as a loss of sand and/or areas from which sand generating materials can be derived. The area where the structure is placed will be altered from the time the protective device is constructed, and the extent or area occupied by the device will remain the same over time, until the structure is removed or moved from its initial location. The beach area located beneath a shoreline protective device, referred to as the encroachment area, is the area of the structure's footprint.

In this case, the proposed project will cover approximately 18,225 square feet of sandy beach area. This coverage includes both the area that is occupied by the base of the concrete wall (2,925 square feet), as well as the riprap at the ends of the seawall (450 square feet), and the riprap in the trench (14,850 square feet). After the riprap trench is removed, the area of coverage is 3,375 square feet.[22]

The loss of a square foot of beach area can be roughly converted to the volume of sand that would be required to nourish an equivalent area of beach. There is a rough rule of thumb that it takes between 0.7

[21] The sand supply impact refers to the way in which the project impacts creation and maintenance of beach sand. Although this ultimately translates into beach impacts, the discussion here is focused on the first part of the equation and the way in which the proposed project would impact sand supply processes.

[22] The removal of the riprap in the trench and the restoration of this area reduces coverage impacts significantly, by nearly 17,000 square feet or nearly half an acre.

to 1.5 cubic yards of sand to establish 1 square foot of dry beach through nourishment.[23] The Commission has not been able to establish an actual conversion factor for the Pacifica vicinity. However, if a 1.0 conversion factor is used that assumes that the active range of sand transport is at the lower limit of the expected range (i.e., the low end of the spectrum of values typically assumed by coastal engineers), a conservative estimate of the cubic yards needs to create some square feet of beach sand can be calculated.[24] Using the conversion factor, the sand volume equivalent for the direct loss of beach due to 3,375 square feet of encroachment by the proposed project would be 3,375 cubic yards of beach-quality sand.[25].

Fixing the back beach

Experts generally agree that where the shoreline is eroding and armoring is installed, the armoring will eventually define the boundary between the sea and the upland. On an eroding shoreline, a beach will exist between the shoreline/waterline and the bluff as long as sand is available to form a beach. As bluff erosion proceeds, the profile of the beach also retreats and the beach area migrates inland with the bluff. This process stops, however, when the backshore is fronted by a hard protective structure such as a revetment or a seawall. While the shoreline on either side of the armor continues to retreat, shoreline in front of the armor eventually stops at the armoring. This effect is also known as passive erosion. The beach area will narrow, being squeezed between the moving shoreline and the fixed backshore. Eventually, there will be no available dry beach area and the shoreline will be fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the armor.

In addition, sea level has been rising slightly for many years. Also, there is a growing body of evidence that there has been an increase in global temperature and that acceleration in the rate of sea level rise can be expected to accompany this increase in temperature (some shoreline experts have indicated that sea level could rise 4.5 to 6 feet by the year 2100[26]). Mean sea level affects shoreline erosion several ways,

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[23] This conversion value is based on the regional beach and nearshore profiles, and overall characteristics. When there is not regional data to better quantify this value, it is often assumed to be between 1 and 1.5, the basis being that to build a beach seaward one foot, there must be enough sand to provide a one-foot wedge of sand through the entire region of onshore-offshore transport. If the range of reversible sediment movement is from -30 feet msl to +10 feet msl, then a one-foot beach addition must be added for the full range from -30 to +10 feet, or 40 feet total. This 40-foot by 1-foot square parallelogram could be built with 1.5 cubic yards of sand (40 cubic feet divided by 27 cubic feet per cubic yard). If the range of reversible sediment transport is 27 feet, it will take 1 cubic yard of sand to rebuild one square foot of beach; if the range of reversible sediment transport is larger than 40 feet, it will take more than 1.5 cubic yards of sand to rebuild one square-foot of beach.

[24] A 1.0 conversion factor has typically been applied by the Commission in cases where site specific values have not been identified,

[25] Per the Commission's methodology, this is calculated as a one-time encroachment impact as opposed to a yearly impact.

[26] The California Climate Action Team has evaluated possible sea level rise for the California coast and, based on several of the Intergovernmental Panel on Climate Change (IPCC) scenarios, projected sea level rise up to 1.4 meters (4.5 feet) by 2100. In 2011, the Ocean Protection Council adopted interim guidance on sea level rise that recommends state agencies consider similar amounts of sea level rise for deliberations on coastal projects (http://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20110311/12.SLR_Resolution/SLR-Guidance-Document.pdf, last consulted April 16, 2012). These projections are in line with 2007 projections by Stefan Rahmstorf ("A Semi-Empirical Approach to Projecting Future Sea-Level Rise", *Science*; Vol 315, 368 – 370) and by Vermeer and Rahmstorf ("Global sea level linked to global temperature", PNAS; 106 no. 51, 21527-21532). Research by Pfeffer et al. ("Kinematic Constraints on Glacier Contributions to 21st-Century Sea-Level Rise", *Science*, Vol, 321, 1340 – 1343) projects up to 2 meters of sea level rise by 2100.

and an increase in the average sea level will exacerbate all these conditions. On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore. This, too, leads to loss of the beach as a direct result of the armor as the beach is squeezed between the landward migrating ocean and the fixed backshore.

Such passive erosion impacts can be calculated over the time the proposed armoring is expected to last. In this case, the Applicant indicates that the proposed seawall will protect the inland development for many years. However, it has been the Commission's experience that a lifespan of shoreline armoring projects more than a few decades often needs major maintenance or modifications, or entire redevelopment of an armoring structure. In this case, the proposed seawall can be expected to be subject to heavy wave action on a fairly regular basis. This wave action can only be expect to be exacerbated by sea level rise over time, with resultant impacts to the strength and integrity of the seawall.

Despite the Applicant's hope that the armoring will last, without additional modifications, for many decades, it has been Commission's experience that shoreline armoring, particularly in such a significantly high-hazard area as this project, tends to be augmented, replaced, and/or substantially changed within about twenty years. Rising sea levels and attendant consequences will tend to further delimit such a time period in the future, potentially dramatically depending on how far sea level actually rises. A twenty-year period better responds to such potential changes and uncertainties, including to allow for an appropriate reassessment of continued armoring and its effects at that time in light of what may be differing circumstances than are present today, including with respect to its physical condition after twenty years of hard service. In addition, with respect to climatic change and sea level rise specifically, the understanding of these issues should improve in the future, given better understanding of the atmospheric and oceanic linkages and more time to observe the oceanic and glacial responses to increased temperatures, including trends in sea level rise. Such an improved understanding will almost certainly affect CDP armoring decisions, including at this location. Of course it is possible that physical circumstances as well as local and/or statewide policies and priorities regarding shoreline armoring are significantly unchanged from today, but it is perhaps more likely that the baseline context for considering armoring will be different – much as the Commission's direction on armoring has changed over the past twenty years as more information and better understanding has been gained regarding such projects, including their effect on the California coastline.

For these reasons, the Commission uses a design life of 20 years for the proposed seawall in these findings, and implements the 20-year period through conditions (see Special Condition 4).

The Commission has established a methodology for calculating passive erosion, or the long-term loss of beach due to fixing the back beach. This impact is equivalent to the footprint of the bluff area that would have become beach due to erosion and is equal to the long-term average annual erosion rate multiplied by the width of property that has been fixed by a resistant shoreline protective device.[27] In this case, the proposed seawall runs along the length of the site at the base of the bluff upon which the apartment

[27] The area of beach lost due to long-term erosion (Aw) is equal to the long-term average annual erosion rate (R) times the number of years that the back-beach or bluff will be fixed (L) times the width of the property that will be protected (W). This can be expressed by the following equation: Aw = R x L x W. The annual loss of beach area can be expressed as Aw' = R x W.

complex sits. The proposed seawall will also cover areas of sandy beach and for purposes of determining the impacts from fixing the back beach, it is assumed that new beach area would result from landward retreat of the bluff.

The shoreline is irregular, but the area affected by passive erosion can be approximated as a 670-foot-long curvilinear bluff, including the riprap end wall protection which is proposed to be altered by shoreline armoring. The Applicant's geotechnical consultant estimated the average bluff recession for this site at 2 feet per year, which is within the regional range of 1 to 3 per year. Therefore the average impacts from fixing the back beach will be the annual loss of 1,340 square feet of beach. Over the 20-year permit horizon, this would result in a loss of 26,800 square feet of beach that would have been created if the back beach had not been fixed by the proposed seawall. Using the same conversion factor applied earlier, this translates to 26,800 cubic yards of sand.

Retention of Potential Beach Material

If natural erosion were allowed to continue (absent the existing revetment and the proposed seawall), some amount of beach material would be added to the beach at this location, as well as to the larger littoral cell sand supply system fronting the bluffs. Because littoral drift at this location travels in a north to south manner (i.e., towards the downcoast area of Pacifica) the impact would be relatively more towards Pacifica State Beach than upcoast along the Mussel Rock area. The volume of total material that would have gone into the sand supply system over the lifetime of the shoreline structure would be the volume of material between (a) the likely future bluff-face location with shoreline protection; and (b) the likely future bluff-face location without shoreline protection. Since the main concern is with the sand component of this bluff material, the total material lost must be multiplied by the percentage of bluff material which is beach sand, giving the total amount of sand that would have been supplied to the littoral system for beach deposition if the proposed device were not installed. The Commission has established a methodology for identifying this impact.[28] The Applicant indicates (and the Commission's Senior Coastal Engineer concurs) that this impact is roughly equal to 1,725 cubic yards of sand per year for the proposed concrete semi-vertical seawall. Over the course of the identified 20-year horizon, this equates to a retention impact of about 34,493 cubic yards of beach quality sand. This calculation addresses impacts from the semi-vertical concrete seawall, but does not address impacts related to the buried upper bluff retaining wall system, because the retaining wall will not prevent sand from naturally entering the littoral system until the bluff in front of the retaining wall erodes enough to expose it. When

[28] The equation is Vb = (S x W x L) x [(R x hs) + (1/2hu x (R + (Rcu - Rcs)))]/27. Where: Vb is the volume of beach material that would have been supplied to the beach if natural erosion continued (this is equivalent to the long-term reduction in the supply of bluff material to the beach resulting from the structure); S is the fraction of beach quality material in the bluff material; W is the width of property to be armored; L is the design life of structure, if assumed a value of 1, an annual amount is calculated; R is the long term average annual erosion rate; hs is the height of the shoreline structure; hu is the height of the unprotected upper bluff; Rcu is the predicted rate of retreat of the crest of the bluff during the period that the shoreline structure would be in place, assuming no seawall were installed (this value can be assumed to be the same as R unless the Applicant provides site-specific geotechnical information supporting a different value); Rcs is the predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming the seawall has been installed (this value will be assumed to be zero unless the Applicant provides site-specific geotechnical information supporting a different value); and divide by 27 (since the dimensions and retreat rates are given in feet and volume of sand is usually given in cubic yards, the total volume of sand must be divided by 27 to provide this volume in cubic yards, rather than cubic feet).

the retaining wall becomes exposed, it will prevent sand from entering the littoral system, resulting in additional sand supply impacts. However, pursuant to Special Condition 14 , as discussed further in the Visual Resources section, if the upper bluff retaining wall system becomes exposed during the 20-year authorization period of the permit (see Special Condition 4), the Applicant is required to return to the Commission for a CDP amendment to address the impacts of the retaining wall on coastal resource impacts, including sand supply, public access, and visual resources. The Applicant expects the upper bluff retaining wall to remain buried for approximately 50 years, and therefore, it is possible that such a CDP amendment would not be necessary.

Beach and Sand Supply Impacts Conclusion

The proposed project would result in quantifiable shoreline sand supply impacts. There would be beach sand loss due to: 1) placement of a concrete vertical seawall and riprap end walls onto approximately 3,375 square feet of sandy beach that otherwise would be available for public use (converted to a sand volume of 3,375 cubic yards); 2) fixing of the back beach location, resulting in the loss of 26,800 square feet of sandy beach that would have been created over the 20-year horizon (1,340 square feet of loss annually, and a total of 26,800 cubic yards over 20 years when converted to a sand volume); and 3) retention of about 34,493 cubic yards of sandy material over the 20-year horizon (about 1,725 cubic yards of sand per year). When combined, those impacts sum to 64,668 cubic yards over twenty years. If these impacts were to be mitigated through a beach nourishment effort, the impacts would be comparable to the deposition of 6,440 cubic yards of beach quality sand at the start of the project to offset year 1 impacts (or roughly 640 large truck loads), and about 3,065 cubic yards (or roughly 300 large truck loads) of beach-quality sand annually.

During the emergency permit process for CDP 2-11-005-G, and in accordance with conditions, the Applicant worked with Commission staff, including the Commission's Senior Engineer and Geologist, who conducted a site visit prior to construction of the seawall to view the stakes marking the proposed location of the base of the proposed seawall at the bluff face that existed at the time of construction, which was inland of the bluff face that existed when the first emergency permit was issued. Emergency permit conditions required the wall to follow the natural contours of the bluff (Exhibit C).

At the site visit, Staff saw that the proposed stakes were placed seaward of the natural base of the bluff, in an area of colluvium, which is loose material from the eroding bluff, and that the steel mesh that identified the proposed slope of the wall was far too horizontal (about 45 degrees) to match the natural and more vertical bluff profile. Staff identified, just prior to construction, that the lower bluff profile was partially hidden due to the colluvium, which had fallen to the beach as the bluff eroded and that covered the base of the bluff. The Applicant initially indicated that the seawall face would follow the contour of the materials that had eroded way from the bluff and collected at its base, and not the bluff itself. Staff indicated that the seawall needed to follow the natural contour of the bluff more closely, as required by the conditions of the emergency permit, including the steeper profile that was partially obscured by the materials that had fallen. In addition to beach coverage issues, staff was concerned that the low angle of a seawall that encased the deposited materials (and that didn't conform to the actual bluff behind) could serve as a wave ramp to allow waves to reach the upper, unprotected bluff face during certain wave

conditions when waves would break on the seawall. In addition, it would not replicate the natural landform of the site.

Consistent with the requirements of the emergency permit, the stakes were relocated approximately 10 feet farther inland, towards the base of the bluff, which also increased the slope of the wall to approximately 70 degrees. The Applicant's engineer now maintains that in order to complete the relocation of the seawall, it was necessary to excavate up to 30 feet into the bluff face. However, the relocation of the wall inland in order to be closer to the natural base of the bluff did not require excavation into the bluff face. Further, as evidenced by the geotechnical information that has been provided about the site to date, as well as the conditions observed at this and subsequent site visits, the lower bluff area was cleared of the existing colluvium deposits in order to locate the base of the seawall against the base of the bluff, leading to a more vertical alignment for the concrete tied-back seawall. Finally, the approximately 71,250 cubic yards of fallen bluff material that entered the littoral cell immediately after construction, was already destined to enter the littoral cell, due to naturally occurring erosion events already in process, and the construction activities, at most, hurried the process along, but did not provide additional sand nourishment, beyond what was naturally about to occur.

Thus the project impacts are losses of beach area – 3,375 square feet of beach lost due to encroachment, 26,800 square feet of beach area that will be "lost" through passive erosion of fixing the back beach, and 34,493 cubic yards of sand that would be retained behind the seawall, translating into 64,668 cubic yards over twenty years, as described above. It has proven difficult over the years to identify appropriate mitigation for such impacts. Partly this is because creating an offsetting beach area is not an easy task, and finding appropriate properties that could be set aside to become beach area over time (through natural processes, including erosion) is difficult both due to a lack of such readily available properties and the cost of such coastal real estate more broadly. As a proxy, other types of mitigation typically required by the Commission for such direct sand supply impacts have been in-lieu fees and/or beach nourishment, and in some cases compensatory beach access improvements.

With regards to beach nourishment, a formal sand replenishment strategy can introduce an equivalent amount of sandy material back into the system over time to mitigate the loss of sand that would be caused by a protective device over its lifetime. Obviously, such an introduction of sand, if properly planned, can feed into the offshore system to mitigate the impact of the project. However, as opposed to other areas with established programs (e.g., SANDAG in San Diego) there are not currently any existing beach nourishment programs directed at this beach area. Absent a comprehensive program that provides a means to coordinate and maximize the benefits of mitigation efforts in the area now and in the future, the success of piecemeal mitigation efforts, such as an Applicant-only project to drop equivalent amounts of sand over time at this location, is questionable.

With respect to using beach access improvements to offset impacts, such mitigation is typically applied by the Commission to public agencies that are in the beach management business when they have

applied for armoring projects.[29] It is more difficult to put the burden for a public project on a private applicant and thus such mitigation is atypical.[30] However, in this case, the proposed project includes the proposed relocation of a previously required blufftop and vertical access easement and the deletion of a sandy beach easement area through the recordation of a new public access easement over these areas. However, the proposed stairway and vertical access trail simply put back in place the access that has previously been required via past permit actions. The proposed relocation of the blufftop and vertical easements cannot be used to mitigate for a portion of the current project impacts.[31] This issue is described in more detail below, in the Public Access findings. Finally, the Applicant's agent has met with the City of Pacifica to discuss the potential for "in-kind" mitigation for improving and restoring coastal access south of the project site. However, the City's regulations require that any public works projects must go through their bidding process and prevents any additional "in-kind" proposals as being acceptable at this time.

As an alternative mitigation mechanism, the Commission oftentimes uses an in-lieu fee[32] when in-kind mitigation of impacts is not available to fully offset a project's impacts.[33] In situations where ongoing sand replenishment or other appropriate mitigation programs are not yet in place, the in-lieu mitigation fee is deposited into an account until such time as an appropriate program is developed, and the fees can then be used to offset the designated impacts. When mitigation funds are pooled in this way for multiple projects in a certain area, the cumulative impacts can also be better addressed in as much as the pooled resources can sometimes provide for a greater mitigation impact than a series of smaller mitigations based on individual impacts and fees.

In this case, and as described below in the Public Access finding, it is appropriate to mitigate for the loss of beach area (i.e. encroachment and loss due to passive erosion) through an in-lieu fee that is based on the cost of nearby land values, as opposed to beach nourishment costs. It is less clear whether the mitigation fee for the beach area may also reasonably substitute for the lost sand supply caused by the project. The Commission has frequently used an in-lieu fee for the impacts due to sand retention on the cost of providing such sand, because it is directly related to the impact. In this case, based on an

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[29] For example, as recently required with respect to public access improvements along the shoreline south of 400 Esplanade at the RV park in Pacifica of San Mateo County as part of the Commission's approval of a seawall fronting the apartment complex at 380 Esplanade (CDP 2-08-020)

[30] Although the Commission has applied such a requirement for this type of impact before (see, for example, CDP 3-02-107, Podesto).

[31] All of the proposed project elements need to be appropriately recognized via the Commission's standard approach for such measures, particularly the legal documents (see the Public Access findings for more detail).

[32] The Commission's approach to mitigation for the loss of beach area has evolved over the years and has been undertaken on a case-by-case basis to address conditions specific to the project site. While in-kind mitigation would be most appropriate and provide the greatest benefit, as noted above, this is not often possible. In the mid-1990's the Commission developed an In-Lieu Beach Sand Mitigation Fee which uses the cost of beach nourishment as mitigation of lost sand beach. This approach was first applied in San Diego where the San Diego Association of Governments (SanDAG) was actively undertaking regional beach nourishment, and where the Commission and SanDAG have a Memorandum of Agreement for the use of In-Lieu Beach Sand Fees for beach nourishment. The Commission has used this approach for many shoreline protection projects and there is an In-Lieu Mitigation Fee report that describes this basic approach in detail.

[33] See, for example, CDP A-3-SCO-06-006 (Willmott), CDP A-3-SLO-01-040 (Brett), CDP 3-98-102 (Panattoni) and CDP 3-97-065 (Motroni-Bardwell).

estimated range of costs for beach quality sand ranging from $10 to $40 per cubic yard delivered (or possibly more), an in-lieu fee to address this sand supply impact (which is a total of 34,493 cubic yards over the 20-year authorization period) would range from $344,930 to about $1.4 million or more when applied to the 34,493 cubic yards of impact associated with lost sand supply only. The applicant has identified several local sand sources with prices ranging from $5.53 to $9.50 per cubic yard delivered. At $5.53/cubic yard, the in-lieu beach sand mitigation for 34,493 cubic yards of sand would be $190,746 or $327,684 at $9.50/cu yd. for the twenty year authorization of the project impact. In other words, there could be quite a range, depending on actual costs. In cases of uncertainty like this, the Commission typically allows the Applicant to submit three bids for the cost of delivered beach quality sand, and allow the payment to be adjusted to the average for these three bids.

As discussed above, the Commission also recognizes that the Coastal Act concern for sand supply is based on concern for the maintenance of beaches that provide many resource benefits, including public access and recreation, habitat value, and aesthetic, socio-economic, and cultural value. As discussed below, these lost values can be mitigated at least partially through an in-lieu fee based on the value of the land in question here, on the theory that this value represents the value of the beach land area that will be lost due to project. Inasmuch as this approach is based on the value of creating new beach area, including the lost sand supply, the Commission finds that the sand supply impact in this case is adequately addressed through the more encompassing in-lieu fee required by Special Condition 10. This mitigation approach is similar to that taken by the Commission in the Ocean Harbor House case in the City of Monterey (see below). A similar approach was also utilized by the Commission in the Li permt (CDP 6-07-133). In June 2010, the Commission approved construction of a 57 ft. long seawall fronting a single-family house in Encinitas which was estimated to impact 801 sq. ft. of beach area over a 20 year period. To mitigate the adverse impacts of the seawall on public access and recreational opportunities, and in lieu of purchasing a comparable area of beach, the Commission required the applicant to pay a mitigation fee based on a current per sq. ft. real estate appraisal of the blufftop lot (without improvements) multiplied by 801 sq. ft. of lost public beach. This method was selected due to a lack of specific recreational empirical data necessary to determine the value of the lost public beach. While the value of the public beach is likely to be higher than the value of a blufftop parcel because of the public benefit derived from its use, the Commission determined that the unimproved blufftop appraisal was appropriate until a more accurate method of determining economic value of the loss to public access and recreational opportunities is feasible.

Finally, with respect to the upper bluff retaining wall portion of the project, it also raises sand supply impact issues, because in the future, when it becomes exposed, it will prevent sand from naturally eroding onto the beach and contributing to the local littoral system. However, the Applicant's engineer designed the retaining wall to be buried for approximately 50 years, and therefore, these impacts may not occur over the 20-year authorization period called for in Special Condition 4. Further, Special Condition 14, as described below in the Visual Resources section, requires the Applicant to return to the Commission for a CDP amendment if the retaining wall becomes exposed during the 20-year period. Any impacts to sand supply from the upper bluff retaining wall would be addressed through such a future CDP amendment, or through future CDPs issued after the initial 20-year authorization period. Therefore, future potential sand supply impacts from the upper bluff retaining wall do not need to be

addressed at this time.

In conclusion, the project's shoreline sand supply impacts translate directly into degradation of public access to and along the beach, and to the surf area offshore.[34] As such, shoreline sand supply mitigation targeted toward these access impacts is appropriate in this case. Thus, as conditioned, the project satisfies the Coastal Act Section 30235 requirements regarding mitigation for sand supply impacts, and thus also meets all Section 30235 tests for allowing such armoring.

E. Long-Term Stability, Maintenance, and Risk

Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. For the proposed project, the main Section 30253 concern is assuring long-term stability. This is particularly critical given the dynamic shoreline environment within which the proposed project would be placed. Also critical to the task of ensuring long-term stability, as required by Section 30253, is a formal long-term monitoring and maintenance program. If the seawall, including the public access path or stairway, were damaged in the future (e.g. as a result of flooding, landsliding, wave action, storms, etc.) it would lead to a degraded public access condition as has happened in the past. In addition, such damages could adversely affect nearby beaches by resulting in debris on the beaches and/or creating a hazard to the public using the beaches or the offshore surfing area. Therefore, in order to find the proposed project consistent with Coastal Act Section 30253, the proposed project must be maintained in its approved state. Further, in order to ensure that the Applicant and the Commission know when repairs or maintenance are required, the Applicant must regularly monitor the condition of the approved project, particularly after major storm events. Such monitoring will ensure that the Applicant and the Commission are aware of any damage to or weathering of the armoring, public access features, and other project elements and can determine whether repairs or other actions are necessary to maintain the project in its approved state before such repairs or actions are undertaken. To assist in such an effort, monitoring plans should provide vertical and horizontal reference distances from armoring structures to surveyed benchmarks for use in future monitoring efforts.

To ensure that the proposed project is properly maintained to ensure its long-term structural stability, Special Condition 12, requires monitoring and reporting programs. Such programs shall provide for evaluation of the condition and performance of the proposed project and overall bluff stability, and shall provide for necessary maintenance, repair, changes or modifications. Special Condition 13 allows the Applicant to maintain the project in its approved state, subject to the terms and conditions identified by the special conditions. Such future monitoring and maintenance activities must be understood in relation to clear as-built plans. Therefore, Special Condition 11 of this approval requires the submittal of as-built plans In terms of recognizing and assuming the hazard risks for shoreline development, the Commission's experience in evaluating proposed developments in areas subject to hazards has been that development has continued to occur despite periodic episodes of heavy storm damage and other such occurrences. Development in such dynamic environments is susceptible to damage due to such long-

[34] See also Public Access finding below for further discussion.

term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the Applicant to assume all risks for developing at this location (see Special Condition 16).

To ensure that future property owners are properly informed regarding the terms and conditions of this approval, this approval is also conditioned for a deed restriction to be recorded against the property involved in the application (see Special Condition 6). This deed restriction will record the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

F. Geologic Conditions and Hazards Conclusion

In this case and for this site and this fact set, the proposed project, as conditioned, can be found consistent with Coastal Act Sections 30235 and 30253.

C. Public Access and Recreation

1. Applicable Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road (Palmetto Avenue). Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

> ***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.*
>
> ***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.*
>
> ***30212.*** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects*
>
> ***30213.*** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. …*
>
> ***30221.*** *Oceanfront land suitable for recreational use shall be protected for recreational use and*

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

30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Coastal Act Section 30240(b) also protects parks and recreation areas, such as the adjacent beach area. Section 30240(b) states:

30240(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.*

These overlapping policies clearly protect the beach (and access to and along it) and offshore waters for public access and recreation purposes, particularly free and low cost access.

In addition, the following certified LCP provisions, although not the standard of review, can provide pertinent information and guidance:

(LUP Page C-26) COASTAL ISSUES – West Edgemar/Pacific Manor Neighborhood: *The major coastal planning issues in this neighborhood are: … 4. The extent and nature of public access improvements and the City's role in developing new and maintaining existing public access and parking facilities.*

(LUP Pages C-30 and C-31) COASTAL ACCESS - *Three beach access points are existing or proposed to be developed and maintained in this area. The first is an existing wooden stairway down the face of the bluffs near the Points West Apartments. This structure is located within an easement for public access. However, the stairway itself is currently privately maintained. The approach to the stairs from Esplanade is connected to a private bluff-top trail behind that portion of Point West Apartments along Palmetto Avenue. Conditions of approval for the condominium conversion required dedication and maintenance of the stairway and the bluff-top path by Homeowner's Association, in addition to dedication of the beach. Documents have been recorded irrevocably offering to dedicate the easements to a public agency. The bluff-top trail connects to a trail located behind the adjacent condominium project…*

The City also has the opportunity to develop a system of bluff-top trails in the neighborhood extending from the Daly City boundary to the Points West stairway. The trail would begin at the view point at the north City boundary, traverse portions of the bluff tops to a point north of the "Dollar Radio Station" residence, proceed around this property along Palmetto Avenue a short distance, loop behind condominium units adjacent and south of the residence and continue west of the Points West Apartments to Esplanade Avenue and the stairway. Except for the coastal neighborhood north of this area, easements have been offered for dedication to the City to

complete the trail connections. Most of the improvements are, or will, soon be in place. This will perhaps be the only area in the City where this type of coastal bluff trail is desirable or possible. Improved trails in this neighborhood will form a promenade connected to beach access and unimproved trails within the bluff area to the north. This will provide a variety of access facilities unique in Pacifica and capable of serving diverse coastal recreation needs.

(LUP Page C-68) – 3. Points West Apartments…Existing Access: *A wooden stairway to the beach about 100 feet below is owned and maintained by the apartment complex, but available to the public. There is a problem with vandalism to the stairway.*

IP Section 9-4.4407 - Public Shoreline Access. (a) Intent. *The provisions of this Section shall apply to all new development requiring a coastal development permit in the CZ district and where public shoreline access is required in the Access Component of the LCP Land Use Plan, and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to maximize public access to and along the shoreline, while protecting the established rights of private property owners.* ***(b) Development Standards.*** *The following development standards shall apply to all required access provisions. (1) To provide separation between shoreline access and residential uses and to protect the privacy and security of residents and homes, any required access easements shall comply with the following setbacks, where feasible: (i) The inland edge of lateral shoreline trails shall be at least twenty-five (25) feet from any occupied or proposed residence. However, in the event a 25' access buffer will not provide adequate lateral public access in compliance with the access provisions of the Coastal Act or with the Access Component of the LCP Land Use Plan, a narrower access buffer may be required. In no event shall the lateral access way extend any closer than 10' from the residence in question; and (ii) The edge of vertical shoreline trails shall be at least ten (10) feet from any existing or proposed residence. (2) Public shoreline access through environmentally sensitive habitat areas shall comply with the provisions established in Section 9-4.4403, Habitat Preservation and the California Coastal Act, Section 30212; (3) Public shoreline access improvements such as trails, ramps, railings, viewing areas, restrooms, and parking facilities shall be sited and designed to be accessible to people of limited mobility to the maximum extent feasible; (4) Public shoreline access improvements such as trails, stairs, ramps, railings, viewing areas, restrooms, and parking facilities shall be sited and designed to be compatible with the natural character of the shoreline; (5) Public shoreline access signage identify access location, destination areas, environmentally sensitive habitat, and hazardous conditions, and be compatible with the natural appearance and character of the shoreline by using appropriate color, size, form, and material; and (6) Any required vertical trail easement shall be at least ten (10') feet wide. Any required lateral access easement shall be at least twenty five (25') feet wide. However, in the event such an easement width would prohibit private use of the real property or render use or development of the site economically infeasible, a narrower access width may be required. In no event shall the lateral access width be less than ten (10') feet. (7) With respect to lateral bluff top access, the easement shall be adjusted inland from the current bluff edge if it recedes inland, but in no event shall the trail be closer than ten (10') feet to an occupied or proposed residence. Such an inland adjustment shall not occur in the event it would prohibit*

private use of a site or would render use or development of the site economically infeasible.

2. Analysis

As discussed in the finding above, shoreline structures can have a variety of negative impacts on coastal resources including adverse effects on beaches and sand supply, which ultimately result in the loss of the beach with associated impacts to public recreational access. The proposed project's impact to beach area and sand supply, and ultimately to public access and recreation, were identified in the preceding finding. These impacts would result from the placement of the seawall onto the beach and the resulting impacts to sand supply and beach area, as discussed above.

The beaches in the vicinity of the project area are a mix of open and moderately accessible beaches, serving the dense residential development in the adjacent neighborhood, as well as visitors, including those staying at the nearby RV park.[35] The beach in the area is hampered in many areas by placement of rock revetments and other armoring, and the bluffs are high and steep in some places and extremely fragile. The stairway at 100 Esplanade was originally constructed at the same time as the apartment complex to provide public access in an area in Pacifica of high density development. Other than this vertical access, the nearest formal public access to the beach is to the north at Fort Funston, which is approximately 5 miles away, and to the south near the Pacifica Pier, which is approximately 1.5 miles away. There are several informal public accessways that are closer to the site, but which are very difficult to traverse, including to the south, at the 400 and 500 blocks of Esplanade, where the access ways are extremely steep and difficult to maneuver, and to the north at Mussel Rock in Daly City, where you must first cross the large landfill site, and then scramble down a large riprap revetment in order to access the beach. Therefore, the beach at the project site is an important public access area because it is located within a densely populated urban area, and because many of the surrounding beaches are extremely difficult to access, making the stairway at this location critical.

Both the City and the Commission have previously recognized the importance of maintaining access to the beach via this stairway including through the City's original conditions for a building permit, the City's LUP (Coastal Access Section), the Commission's 1983 CDP (CDP 3-83-015) for conversion of the apartment buildings to condominiums, and the City's 1988 approval of the reversion of the condominiums back to apartments. The City's 1972 building permit required the public access stairway to be constructed. The LCP, on page C-30, describes the existing wooden stairway at the time the LCP was adopted (1980) and explains the need to maintain public access permanently in front of the Lands End apartments. In addition, conditions of approval for the Commission's permit 3-83-015 required the permittee to provide vertical and lateral access to the beach adjacent to the project site. The Commission's permit required this access to be provided through the recordation of an Irrevocable Offer to Dedicate (OTD) for vertical public access to the shoreline and required that the applicant guarantee the stability and permanent maintenance of the safe condition of the stairwell. In addition, the Commission required the recordation of OTDs for lateral public access along the shoreline and the bluff top. These OTD requirements were also made a condition of the City's approval of the subsequent

[35] The San Francisco RV Resort is located several blocks south of the project site, at 700 Palmetto Avenue.

reversion to acreage, which converted the condominiums back to apartment buildings in 1988.[36] The City found that the required public access OTDs had to be included in the reversion to acreage because they were "necessary for present or prospective public purposes as specified in the Pacifica Subdivision Ordinance."[37] After the City's approval, the Commission issued an immaterial amendment to the original permit (3-83-015), in 1989, which authorized the reversion to acreage project for CDP purposes.

The three required OTDs were recorded in 1988 and later combined (2006) into one Public Access Easement granted in fee by the Lands End property owner to the City of Pacifica. The Commission agreed to the recordation of this Public Access Easement that replaced the three required OTDs and agreed to the extinguishment of the underlying OTDs, because the 2006 Public Access Easement would fulfill the conditions of 3-83-015 to provide public access at the site in perpetuity.

The 2006 Public Access Easement provides for three types of access, as required by the approvals discussed above: vertical access from Esplanade Avenue to the beach; blufftop lateral access, extending the width of the property; and beach lateral access extending the width of the property, from the base of the bluff to the mean high tide line (MHTL). The easement agreement specifically contemplates that catastrophic failures could occur and contains a maintenance provision requiring the Applicant to be responsible for all maintenance activities necessary to keep the three easement areas and the improvements within the easement areas in a serviceable and safe condition for public use. The easement also acknowledges that the location of the vertical access trail may change in order to provide safe public access at the site. The beach lateral access component of the easement is also described as ambulatory, located between the mean high tide line and the ambulatory base of the bluff. Therefore, much of the proposed project, and the entire proposed seawall is located within the property subject to the 2006 Public Access Easement.

Vertical Access Portion of Existing Easement

As discussed, the applicant has been required for some time to keep the staircase opened and maintained. The 2006 Public Access Easement includes this requirement, but also describes the area within which the access should be located. When the easement was recorded, the vertical access was configured as a staircase along the upper bluff, and a trail along the lower bluff. The easement acknowledged the changing nature of the bluff, and allowed for the trail to ambulate within a defined area. Although the property owner may change the location of the vertical trail, the property owner is required through the easement to amend the easement unless the vertical access would remain within the prescribed easement area. However, as described above, the applicant is proposing to replace the vertical staircase with a newly configured vertical access, consisting of a trail along the upper bluff and a staircase at the lower bluff. If the original Grant of Easement is amended, this proposed relocation can be considered consistent with the terms of the easement because it results in a vertical access that is relocated within the easement area. Further, the proposed vertical access is equivalent in time, place and

[36] Condition of approval in the City of Pacifica Resolution 3-88 (1988)
[37] Id, page 1.

manner to the previously required easement and achieves the vertical access set forth in existing permit requirements. The vertical access includes a switchback pedestrian path along the upper bluff and a concrete staircase along the lower bluff that is encased and protected by the concrete seawall structure. In addition, although the proposed vertical access is located landward of the existing vertical access easement area, because the bluff collapse resulted in the bluff moving landward, this relocation landward is necessary to provide the vertical access that is required. Thus, the proposed vertical accessway is an acceptable replacement of the previously existing location of the vertical accessway.

The Applicant asserts that because the proposed vertical access configuration is outside of the easement area and covers a larger land area than the previous easement, it should be considered as mitigation, offsetting the public access impacts of the project. However, as discussed above, the proposed vertical access merely fulfills existing requirements to provide vertical access, and therefore, may not be used as credit towards the project's overall mitigation of the future impacts of the seawall to beach resources, including public access.

To ensure this existing public access obligation continues to be implemented consistent with all applicable permits, Special Condition 5 requires that the Property Owner execute and record an amended public access easement so that the vertical access trail is maintained in perpetuity, and can be relocated within the Easement Area, if necessary due to further bluff erosion. In addition, Special Condition 7 requires a Public Access Management Plan to implement the vertical access trail in a manner consistent with this permit and the amended Access Easement, including a requirement that signs be located, at a minimum, at specified locations.

Sandy Beach Area of the Existing Easement

In addition, the applicant asserts that the project has a beneficial effect on the beach lateral access area that should be considered as mitigation for the project's impacts. As described in the Geologic Conditions and Hazards finding, above, the applicant believes that they excavated into the base of the bluff to place the seawall, and that as a result, they 'created' new beach area.

However, and as further described above, the seawall was placed at the natural base of the bluff, and therefore, the ambulatory easement, which extends from the base of the bluff to the mean high tide line, was already in existence when construction started. The Grant of Easement that continues to protect in perpetuity the sandy beach area is specifically defined as "that portion of the property extending the width of the Property parallel to the shoreline from the base of the bluff to the mean tide line." The map depicting that area states that both the base of the bluff and and the MHTL, "by their very nature [are] ambulatory geographic features and subject to change over time." The grant of easement requires the Applicant to continue to own and maintain the Easement Area and not take any action inconsistent with the Easement. It also prohibits the City from abandoning any portion of the Easement except upon amendment of all of the permits requiring the Grant of Easement. Further, the Grant of easement states that the Grant of Easement may only be amended with the written consent of the property owner, the City and the Commission. Therefore, the project does not have any benefit on the public beach area. In fact, the placement of the wall, which extends approximately 28" from the base of the bluff seawards,

for the entire length of the wall, has a direct adverse impact on the area of available public beach within the sandy beach easement. Thus, it is not appropriate to consider these project elements as mitigation for any public access impacts. Special Condition 7 requires that all project plans be revised to delete any proposed extinguishment of any portion the existing Grant of Easement.

Blufftop Portion of Existing Easement

As described above, the existing blufftop lateral access easement is in a fixed location which is now located on the sandy beach, due to the bluff collapse. Thus, the existing blufftop easement area is no longer available. However, the Grant of Easement requires the Applicant to continue to own and maintain the Easement Area and not take any action inconsistent with the Easement. It also prohibits the City from abandoning any portion of the Easement except upon amendment of all of the permits requiring the Grant of Easement. Further, the Grant of Easement contemplated that catastrophic events could impair the Easement and required the repair and reconstruction of the Easement. The City officially declared the collapse of the bluff at this location as such a catastrophic event and declared a state of emergency on Feb. 16, 2010 pursuant to Section 4-2.05 of the Pacifica Municipal Code. The applicant is proposing to replace the previous blufftop lateral access with a new 5-foot wide, approximately 670-foot long sidewalk, with public access amenities, including benches, and an informational kiosk. These proposed blufftop improvements would replace the sidewalk that collapsed, and because such replacement was both contemplated and required by the Existing Grant of Easement, the relocated blufftop lateral access should not be considered mitigation that offsets the project's adverse impacts on public access and recreation.

However, the proposed blufftop lateral access will replace the existing blufftop lateral access so that the public's ability to access the shoreline at this location is not diminished from what is currently required. The proposed blufftop lateral access, although relocated inland, would be 5-feet wide, and is supported by an upper bluff retaining wall system, which will ensure its stability over time.

To ensure this proposed public access is carried out, Special Condition 5 requires that the Property Owner Execute and Record an amended public access easement so that the blufftop trail is maintained in perpetuity, and can be relocated inland, if necessary due to further bluff erosion. In addition, Special Condition 7 requires a Public Access Management Plan to implement the blufftop trail in a manner consistent with this permit and the amended Access Easement, including a requirement to clearly indicate where signs would be located and requiring signs to be located, at a minimum, at either entrance to the blufftop lateral trail.

Project's Impacts on Existing Sandy Beach Easement Area and Public Beach Access

The project's impacts to beach area and shoreline sand supply translate directly into degradation of public access to and along the beach, and to the loss of public beach area. The project's impacts on shoreline sand supply are discussed above, in the Geologic Conditions and Hazards finding. However, the Commission has long recognized that while sand supply mitigation can address some of the losses that are directly attributable to seawall projects, the provision of beach area through nourishment does

not adequately address the long-term and persistent impacts from encroachment and fixing the back of the beach. A primary coastal resource concern for these impacts arises from the losses in recreational use and recreational value that result from the loss of available shoreline area. These impacts to public access and recreational value must also be mitigated. The most appropriate mitigation for the subject development would be the replacement of the 30,175 sq. ft. of beach that would be lost (due to encroachment and the effects of passive erosion) with an identical area of beach in close proximity to the eliminated beach area. However, most, if not all, of the beach areas in Pacifica are already in public ownership such that there is not private beach area available for purchase. And, in contrast to the Aimco apartment site downcoast where a shoreline structure was recently authorized (CDP 2-08-020), there is no "private" beach area available for dedication, as the beach at this location is already subject to public dedication. There is no doubt that the loss of almost ¾ acre of sandy beach in an urban area such as Pacifica represents a significant impact to public access and recreation, including a loss of the social-economic value of this recreational opportunity. This sandy beach area is especially significant given its proximity to the existing vertical access and the lack of any nearby vertical access in the area. Therefore, an in-lieu fee based on the value of the beach is the most appropriate way to mitigate the project's impacts on sandy beach area. In the past, the Commission has looked at several ways to value beach areas to determine appropriate in-lieu mitigation fees, including determining the beach recreational value of the land in terms of the larger economy, as well as the real estate value of the land that will be taken from public use.

In terms of the beach recreational value, the Commission has recognized that in addition to the more qualitative social benefits of beaches (recreational, aesthetic, habitat values, etc.), beaches provide significant direct and indirect revenues to local economies, the state, and the nation. Most people recognize that the ocean and the coastline of California contribute greatly to the California economy through activities such as fishing, tourism, recreation, and other commercial activities. There is also value in just spending a day at the beach and having wildlife and clean water at that beach, the aesthetics of an ocean view, and being able to walk along a stretch of beach. Over the past few decades, economists have developed tools and methods to value many of these market commercial and "non-market" environmental resources, to quantify their values, and to include these values in cost-benefit equations. The results of a number of studies to quantify the economic value of beaches to the state have been published in recent years.[38]

Since physical impediments are adversely impacting public access and creating a private benefit for the property owners, a public benefit must arise through mitigation conditions in order for the development to be found consistent with the public access policies of the Coastal Act. As mentioned previously, the

[38] Pendleton, L. 2001. Managing Beach Amenities to Reduce Exposure to Coastal Hazards: Storm Water Pollution. Coastal Management 29:239-252; Lipton, D. January/February 2001. How Much is This Beach Worth? Calculating the Value of the Environment. NOAA Coastal Services Magazine; Houston, J.R. 2002. The Economic Value of Beaches – A 2002 Update. Shore & Beach 70-1:9-12; King, P. 1999. The Fiscal Impact of Beaches in California. San Francisco State University: Public Research Institute; Chapman, D. & W. M. Hanemann. 2001. Environmental Damages in Court: The American Trader Case. The Law and Economics of the Environment 319-367; Leeworthy, Vernon R. & Peter C. Wiley. March 1993. Recreational use value for three southern California beaches. NOAA Strategic Environmental Assessments Division, Rockville, MD. Office of Ocean Resources & Conservation; Lew, Daniel. 2002. Valuing Recreaton, Time, and Water Quality Improvements Using Non-Market Valuation: An Application to San Diego Beaches. Doctoral Dissertation, University of California, Davis.

most appropriate mitigation for the subject development would be the creation of additional public beach area in close proximity to the impacted beach area. However, there is no private beach area available for purchase, so that direct form of mitigation is unavailable. If a private beach area of comparable size were available for purchase, the Commission might have a better way of approximating the appropriate mitigation fee based on the purchase value of the beach area. Instead, the Commission relies on a real estate value estimate for the beach area that will be occupied over the next 20 years. According to public records, the applicant's blufftop parcel is assessed at a tax value for the unimproved land of $17,081,569. The County of San Mateo Tax Assessor identifies the blufftop lots as being 299,867 sq. ft. in size. Based on the tax value, this equates to $56.96 per sq. ft of unimproved land. While the value of the public beach is likely to be far higher than the value of an unimproved blufftop parcel because of its location on the beach and the public benefit derived from its use, the Commission believes that until a more accurate method of determining the economic value of the loss to public access and recreational opportunities is feasible, a per sq. ft. real estate value of the blufftop parcel can be applied to the beach area. If the County property tax value of the property being protected by the seawall and which is precluded from eroding by the seawall were used to determine the value of the blufftop lot ($56.96 per sq. ft.), then the loss of 30,175 sq. ft. of the public beach resulting from the placement of the seawall over 20 years would equate to a fee of $1,718,768 ($56.96 x 30,175 sq. ft.).

In this case, the use of the unimproved value of the land being protected by the seawall and which is precluded from eroding as the basis for an in-lieu mitigation fee is most appropriate, because it is directly related to the value of land that would need to be acquired in order to create the amount of beach area that could have been used for public recreational purposes but not for the seawall. As described above, because most of the sandy beach in Pacifica is in public ownership, there is no private sandy beach available that could be purchased and opened to the public to mitigate the impacts of this project. Therefore, the most proportional mitigation is the cost of creating the same square footage of new sandy beach area impacted by the seawall and making that beach available for public use. One potential way to accomplish that would be to purchase an unimproved, unprotected blufftop lot and allow it to erode for the 20 year authorization period, directly converting the bluff top land to new sandy beach area. Given the high rate of erosion (2 feet per year) along this stretch of coastline, providing an unprotected blufftop lot for public use, and allowing it to erode, could potentially result in providing a 40 foot wide sandy beach area over the permit's 20 year authorization period. However, a blufftop lot that could be used for this purpose has not been identified, and therefore, an in-lieu fee that could be used to purchase such a lot, or that could be combined with additional funding sources to purchase such a lot, is appropriate. This methodology ensures that the fee is roughly proportional to the square footage of impacts to sandy beach attributable to the proposed seawall for the length of its authorization. The methodology provides a means to quantify the sandy beach easement area that would have been available for public use but for the presence of the seawall. Thus, requiring the described in-lieu fee as mitigation is both reasonably related and roughly proportional to the anticipated impact of the seawall on the sandy beach easement area because the amount of the fee is related to the square footage of beach lost by the project's twenty years of impacts on the sandy beach easement area.

Using the tax assessed value, this would result in a fee of $1,718,768 ($56.96 x 30,175 sq. ft.). However, although the County Tax Assessor provides a general estimate of the property value, a current appraised

value of the subject blufftop lot (unimproved) would be more accurate, but is not available at this time. In this case, to determine a more accurate per sq. ft. value of the unimproved blufftop property, a real estate appraisal is necessary. Special Condition 10 requires that the applicant provide a current appraisal of the blufftop property in order to determine the appropriate per sq. ft. mitigation impacts of the proposed seawall. Special Condition 10 requires the applicant to pay the in-lieu fee to offset the 30,175 square feet of beach impact area, based on the appraised land value of the blufftop property. The in-lieu fee shall be deposited into an interest-bearing account to be established and managed by the State Coastal Conservancy, or another appropriate entity. The sole purpose for which the funds in the account may be used is for public beach recreational access acquisitions and/or improvements at beaches within Pacifica's city limits (including potentially acquiring beachfront property, providing blufftop access trails both up and downcoast of the site, public access improvements, etc.). Consistent with current Commission practice regarding shoreline protective devices, the project and mitigation is based on a twenty year period, and thus either a permit amendment or a new permit and the need for a new fee (or other mitigation) would be evaluated at that time.

In conclusion, the proposed project would have significant impacts on public access and recreation. However, as proposed and conditioned, the project would mitigate those impacts consistent with Coastal Act requirements, by providing substitute vertical and lateral access areas within a defined public access easement area, as well as by paying in-lieu fees to mitigate sand supply impacts and loss of beach area. Finally, as described in the preceding finding, this approval is valid for 20-years, and this time frame ensures that the public access context, including any potential changes and uncertainties associated with it over time, can be appropriately reassessed at that time (see Special Condition 4).

Redevelopment of the Site

Special Condition 17 limits redevelopment of the site. The intent of this conditions is to limit further encroachment within public resources and to allow for potential removal of the approved seawall when it is no longer necessary to protect the development that required the seawall. The conditions are also to put the property owners on notice that redevelopment of the parcels should not rely on bluff or shoreline protective works for stability and such alternatives as removing the seaward portion(s) of the structure, relocation inland, and/or reduction in size should be considered to avoid the need for bluff or shoreline protective devices in this hazardous area. Such options are all feasible for new development and would stop the perpetuation of development in non-conforming locations that would eventually lead to complete armoring of the bluffs and long-term, adverse impacts to the adjacent public beach and State tidelands. In addition, Special Condition 17 recognizes that the proposed seawall is being approved under Section 30235 to protect *existing* structures in danger from erosion. Any future redevelopment of the affected properties will re-evaluate current conditions and new development should be sited safely, independent of any shoreline protection.

Special Condition 17 defines redevelopment to include additions and expansions, or any demolition, renovation or replacement which would result in alteration or reconstruction of 50 percent or more of an existing structure. The condition indicates that the preferred alternative to shoreline or bluff protective devices includes such options as relocating all or portions of the structures inland. The applicants have

chosen to pursue a seawall at this time over the options that would revise the blufftop development to decrease the risks over the remaining life of these structures. However, new or redevelopment of these parcels that would rely on the approved seawall for protection is not consistent with Section 30253. The condition acknowledges future development on the site beyond repair and maintenance to the existing structures must meet the requirements of Section 30253 and not require bluff or shoreline protective devices that alter the natural landform of the bluffs. The condition also defines redevelopment to include additions and expansions, or any demolition, renovation or replacement which would result, cumulatively, in alteration or reconstruction of 50 percent or more of an existing structure. Thus, this condition requires that if an applicant submits an application to remodel 30% of the existing structure, then, for example, 5 years later seeks approval of an application to remodel an additional 30% of the home, this would constitute redevelopment, triggering the requirement to ensure that the redeveloped structure is sited safely, independent of any shoreline protection.

Construction Impacts

With respect to construction impacts, this project required the movement of large equipment, workers, materials, and supplies on the adjacent undeveloped public access property, as well as in and around Esplanade and the beach area, resulting in the temporary loss of recreational beach and other public access use areas to the construction zone. These public recreational use impacts were minimized through the Applicant's proposed BMPs, which are extensive, and were further contained[39] through the special conditions of the emergency permits issued by Commission staff, which included construction parameters that limit the area of construction and for work to take place in a time and manner to minimize any potential damages to resources, including intertidal species; to minimize beach disturbance and limit construction to lowest possible tides; prohibit construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and marine environment; keeping beach area, and areas used for construction staging and access, free of debris and trash; limit the times when work can take place (to avoid both weekends and peak summer use months when recreational use is highest); prohibit construction equipment or materials to be stored on the beach; and to immediately stop work in the event of marine mammals being located on or seaward of the project site; to display copies of the signed emergency permits; to clearly fence off the minimum construction area necessary; to keep equipment out of coastal waters and require off-beach equipment and material storage during non-construction times; to minimize impacts to public access and clearly delineate and avoid to the maximum extent feasible public use areas, and restore all affected public access areas at the conclusion of construction; as well as being responsible for removing or re-depositing any rock or other material dislodged after completion of the temporary construction authorized by emergency permit as soon as possible after such displacement occurs.

In addition, prior to commencement of any additional construction activities (including the removal of the riprap from within the trench), the Applicant is required to submit for review and approval a Construction Plan with Best Management Practices (BMPs), similar to those described above, that

[39] By condition to implement the Applicant's BMPs and include those typically applied by the Commission in the manner the Commission typically applies them to cases like this one.

would serve to protect public access during construction (Special Condition 3).

Conclusion

The project would cause significant adverse impacts to public access and recreation, including through impacts to local sand supply and the loss of a significant area of sandy beach that is held in a public access easement. However, project conditions avoid and minimize these impacts, including by requiring the repair and maintenance of existing public accessways, the removal of unnecessary riprap (including the riprap from within the trench), and payment of in-lieu mitigation fee to offset unavoidable impacts to public access and recreation, As conditioned, the project is consistent with the Coastal Act access and recreation policies sited above.

D. Public Views

1. Applicable Policies

Coastal Act Section 30251 states:

> ***Section 30251: Scenic and Visual Qualities***
>
> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Coastal Act Section 30240(b), previously cited, also protects the aesthetics of beach recreation areas such as those located directly adjacent to and at the project site. Section 30240(b) states:

> ***Section 30240(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.*

In addition, the following certified City of Pacifica LUP language and IP standards, although not the standard of review, can provide pertinent information and guidance regarding the protection of coastal zone visual resources:

> ***LUP Page C-104 – Preservation of Coastal Views, Viewsheds and Vegetation:*** *New development within the viewshed shall not destruct the views to the sea from public roads, trails, and vista points. Methods of achieving this could include: …maximizing vies of the sea in aligning new roadways, bicycle and pedestrian paths… Locations which offer open views of the coast shall be developed for public coastal viewing if this can be accomplished without excessive*

damage to the moderately sensitive vegetation. Trails and beach accesses across native coastal vegetation shall be designed to protect the vegetation from trampling and scarring.

IP section 9-4.4408 - Coastal View Corridors: *(a) Intent. The provisions of this Section shall apply to all new development subject to a coastal development permit in the CZ District and within a coastal view corridor as designated in the LCP Land Use Plan. The intent of these provisions is to: (1) Protect public views toward and along the ocean and scenic areas; (2) Provide visual compatibility with the surrounding character; and (3) Restore and enhance visual quality in visually degraded areas. (b) Development Standards. The following standards shall apply to new development within coastal view corridors. (1) Structures shall be sited in order to minimize alteration of natural topography and landforms, tree removal, and grading only to the extent necessary to construct buildings and access roads; (2) Structures shall be sited on the least visible area of the property and screened from public view using native vegetation, as feasible; (3) Structures shall incorporate natural materials and otherwise shall incorporate natural materials and otherwise shall blend into the natural setting; (4) New development shall be consolidated or clustered within the slopes of the natural topography, as feasible; (5) Landscape screening and restoration shall be required to minimize the visual impact of new development; and (6) New utility and transmission lines shall be placed underground. Development of overhead lines will be considered only if such undergrounding is determined to be infeasible and is approved by the Planning Commission.*

2. Analysis

Much of the bluff along the Pacifica coastline has been armored at its base, primarily by rock riprap and several soil nail walls, many of which have not been camouflaged to replicate the look of a natural bluff face. Upcoast of the project site, there are two areas with sections of riprap armoring: there is approximately 3,000 tons of unpermitted rock that has been placed at the base of the bluff at the property known as Dollar Radio and approximately 1,000 tons in front of the adjacent property known as Pacific View Villas. [40],[41] The properties to the south include 310 - 340 Esplanade with approximately 2500 tons and 350 linear feet of unpermitted riprap; and further to the south 360 and 380 Esplanade has an authorized rock riprap revetment along the base of the bluff that is 475 feet long, and three soil nail wall segments totaling 5,006 square feet.[42]

Although the subject seawall introduces new massing into the viewshed as compared to the natural bluff face, it is encapsulated in a faux bluff design that is expected to approximate the look of natural bluffs in the vicinity. Provided the camouflaging treatment appropriately works, the project should result in a modest enhancement of the public view (see pages 4 - 6 of Exhibit D for site photos of the finished project). The Applicant proposed to design and construct the wall to mimic, blend and be compatible

[40] Currently the Dollar Radio application (2-11-034) is still pending.

[41] CDP 3-82-228 authorized riprap protection at time of construction and serves to protect drainage installations. In 2010 a permit waiver (2-10-012-W) was issued to place an additional 1000 tons of rip rap in front of the property at the base of the bluff but was not to exceed the original footprint.

[42] Subject of CDP 2-08-020.

with the surrounding natural landform to the maximum extent feasible, including in form, inclination, texture, and color to create the concrete facing of the proposed seawall to approximate natural bluffs. If done correctly, such sculpting can help to camouflage large slabs of concrete, although even then, there may be a significant change to the current natural aesthetic; when done poorly, however, it just reinforces the unnatural element present in the back beach area. This approval is conditioned to ensure that the seawall is made to mimic natural undulating bluff landforms in the vicinity in terms of integral mottled color, texture, and undulation to the maximum extent feasible (see Special Condition 1 A (4)). As shown by the current site photos, the vertical seawall construction is now complete and visually and effectively blends in with the existing natural bluff face, while the encased stairway remains hidden when viewed from the beach.

The concrete tied-back seawall stands 40 feet in total with approximately 20 feet that is currently visible above the sand. The remaining bluff face rising up to 100 feet at the top remains exposed and allowed to erode naturally to help cover and disguise the seawall. This could result in a negative public viewshed impact because the exposure at the upper bluff makes it more obvious that the seawall at the lower bluff is a concrete structure and not a natural bluff face. However, the bluff material, by being allowed to erode naturally, creates piles of talus and colluvium that could serve to hide the concrete seawall. In addition, the seawall is faced with a sculpted concrete surface that mimics natural undulating bluff landforms in the vicinity and is visually cohesive with the other elements of the seawall. Additional design enhancements include drainage areas that have been integrally incorporated into the seawall finish. These measures help to offset the negative viewshed impacts.

The proposed project is an improvement from the original project proposed under the first emergency permit to construct a larger rock riprap revetment of 45,000 tons that would have meant a greater impact on visual resources. The amount of riprap that is visible at the ends of the seawall is between 5 and 60 tons, and adds about 10 feet to the length of each end of the proposed seawall. Both ends of the seawall incorporate riprap rock contoured in a non-linear manner as opposed to a straight-line that would appear to describe a box-like and unnatural shape. All extraneous riprap and concrete debris adjacent to the seawall, and to the upcoast and downcoast bluffs, is required to be removed (Special Condition1 A (2)). Thus, the end walls do not cause as much of a significant impact on the viewshed. Furthermore, the downcoast riprap end wall may be removed in the near future when the neighboring property seeks approval for shoreline armoring, and potentially installs a concrete wall that would connect to this one.

Riprap Trench

The construction of the original riprap revetment was initiated under the first emergency permit and prior to issuance of the second emergency permit, which temporarily authorized construction of the vertical seawall. During this initial phase, an approximately 25-foot wide trench was carved out of the sandstone bedrock to create a keyway and rock was placed into it. When the project shifted to the vertical seawall construction, 20, 250 tons of riprap was removed from the trench and 11,690 tons of riprap was retained. This retained riprap was proposed to be used for toe scour protection for the seawall. However, following further collapses of the bluff and the final placement of the seawall adjacent to the bluff face that existed at the time of construction, the seawall is now located between 23

feet and 45 feet inland from the toe scour protection, leaving a gap of 23 to 45 feet between the edge of the riprap trench and the edge of the concrete seawall. The beach area is subject to wave erosion and winter storm events and therefore, there is a strong likelihood that the riprap trench could be exposed in the future. In fact, as described above, a substantial portion of the riprap from within the trench is already currently exposed (see pages 7 – 8 Site Photos in Exhibit D). Nonetheless, the Applicant maintains that it is unlikely that the riprap trench will become exposed, and proposes to retain it. The Applicant has asserted that the riprap trench will provide additional protection to the concrete seawall. However, the concrete seawall incorporates tie-backs (placed up to a depth of between 60 and 90 foot into the bluff face) for support, is founded into bedrock, and is designed to stand alone even if the wall is undermined. Further, according to the Commission's Senior Geologist, the toe scour protection is placed too far away from the foot of the wall to be effective, and that even though it may absorb some low wave energy at the site, it will also interfere with natural processes. Moreover, when the riprap trench is exposed, as it currently is, , there will be a significant negative visual impact on the beach. Thus, Special Condition 2 requires the Applicant to remove of the riprap and to fill the trench with sand to restore the area to pre-construction condition.

Upper Bluff Retaining System

The construction of the pathway system on the blufftop incorporates 54 concrete pilings (30' diameter) and between 40 and 65 feet deep to support the public access path. The upper bluff is designed to erode naturally and over time these pilings will likely become exposed. The Applicant estimates that such exposure will not occur for approximately 50 years. However, given the unstable nature of the bluffs, as described in the Geologic Conditions and Hazards section, above, it is possible that such exposure could occur much sooner. When exposed, the upper bluff retaining wall will have a significant adverse visual impact on views to the site from the public path and staircase and from the beach itself. Instead of natural bluff forms, the massive concrete pilings and grade beam system will be prominent in the view and detract from the natural setting. Therefore, in order to avoid and minimize these future visual impacts, Special Condition 14 requires the applicant to apply for a CDP amendment to address such visual impacts as soon as any portion of the upper bluff retaining system becomes exposed. This future CDP amendment would be required to incorporate a plan to cover or camouflage the exposed retaining system so as to avoid and minimize adverse impacts on visual resources.

Landscaping

The Commission typically requires landscaping designed to cascade over the top of armoring projects to partially screen the top of such projects from public view and to provide a more natural edge to the top of the wall as seen from above and below. In this case, however, most of the proposed seawall components are close to and flush with the existing natural bluff face, and thus there is no available area on the actual concrete seawall. The seawall only partially covers the bluff face, and thus the upper 70 feet approximately, remains as natural bluff face. The engineered slopes (maximum 1:1) surrounding the switchback pathway descending the bluff and connecting to the stairway incorporated into the seawall, provide large areas that can be landscaped and vegetated with native and non-invasive species. Similarly, the pathway system present on top of the bluff presents a large area available for landscaping.

Provided such landscaping consists only of native non-invasive blufftop plant species that are adapted to seaside locations and salt air, and provided all such landscaping is maintained in good growing conditions in such a way as to not block views from Esplanade and the public pathway at Lands End Apartments, (see Special Condition 1 A (6)), such landscaping should help offset visual impacts and improve and soften views of the project site as seen from the beach below and from the Esplanade corridor and project site above.

As conditioned, the Commission finds the project consistent with the above-cited Coastal Act public viewshed policies.

E. Marine Resources

The Coastal Act protects the marine resources and habitat offshore of this site. Coastal Act Sections 30230 and 30231 provide:

> ***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 30231.*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

In addition, the following certified City of Pacifica Implementation Plan section, although not the standard of review, can provide pertinent information and guidance:

> ***IP Section 9-4.4405(c): Grading and Drainage****… (c) Development Standards. (1) The following standards shall apply to new development. (i) Alteration of natural topography and removal of existing trees shall be minimized to the maximum extent feasible so as to maintain the natural surface drainage system; (iii) Cut-and Fill surfaces shall be stabilized by planting low maintenance, native ground cover and shrubs; (viii) Removal of sands characteristic of the Pacifica shoreline shall be minimized; (2) The following standards shall apply to ensure long term grading and drainage management of the project site: (i) Grading of environmentally sensitive habitat areas shall occur only when necessary to protect, maintain enhance, or restore the habitat; (ii) Areas of soil or landform disturbance shall be identified, and shall be revegetated with low maintenance, native ground cover and shrubs to reduce erosion potential; (iii) Subgrade drainage of all wet soils shall be discharged into natural surface drainage, where*

feasible; (iv) Adequate drainage facilities, including grease and silt traps where necessary to minimize pollutants entering runoff water, shall be provided; (v) Potential impacts as identified in the grading and drainage plan shall be mitigated to a level of insignificance; and (vi) Mitigation measures identified in the grading and drainage plan shall be considered and made conditions of project approval.

In accordance with emergency permit conditions, construction took place on the beach at low tides to ensure that equipment and construction activities did not enter the ocean. The proposed project plans include construction methods typically required by the Commission to protect water quality and marine resources during armoring construction, included maintaining good construction site housekeeping controls and procedures, the use of appropriate erosion and sediment controls, a prohibition on equipment washing, refueling, or servicing on the beach, etc. (see Exhibit B for emergency permit conditions regarding construction methods and details). Emergency permit 2-10-007-G Special Conditions 10 to 15, and emergency permit 2-11-005-G Special Conditions 17 to 22, included these construction requirements. The project is also conditioned to require review and approval from the US Army Corps of Engineers and the State Lands Commission (as per 2-11-005-G Special Condition 14 and 2-10-007-G Special Condition 8, now conditioned in this CDP 2-10-039 as 8 and 9).

In addition, prior to commencement of the remainder of construction, the Applicant is required to submit for review and approval a Construction Plan with Best Management Practices (BMPs) to avoid and minimize impacts to water quality and marine resources (see Special Condition 3).

As conditioned, the project is consistent with Coastal Act Sections 30230 and 30231 regarding protection of marine resources and offshore habitat.

C.Conditions of Approval

A. Standard Conditions

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

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

3. **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.

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

B. Special Conditions

1. Revised Final Plans.

A. WITHIN 90 DAYS OF THE COASTAL DEVELOPMENT PERMIT APPROVAL, the Permittee shall submit two full-size sets of Revised Final Plans to the Executive Director for review and approval. The Revised Final Plans shall be substantially in conformance with the plans submitted with the application (titled RJR Engineering Plans for Lands End - see Exhibit B Proposed Plans), except that they shall be revised and supplemented to comply with the following requirements:

(1) Property Lines and Easements. All property line and easement locations shall be revised to eliminate any proposed deletion or extinguishment of any portion of the Easement Area prescribed by the Grant of Easement between Lands End Associates and the City of Pacifica, Recorded in the County of San Mateo Recorder's Office on June 12, 2006 as Instrument No. 2006-087276 and generally depicted in the Easement document (see Exhibit E).

(2) Riprap Trench and Riprap/Concrete Debris Removal. All riprap not incorporated into the construction of the approved seawall and all concrete debris (e.g., abandoned concrete drain pipe, concrete debris, etc.) shall be removed from the site, including all riprap used in the riprap trench (see below Special Condition 2) and identified on the submitted plans at the upcoast and downcoast edges of the seawall and on the beach. The upcoast and downcoast edges of the seawall shall include a component that conforms to the coastal bluff and seamlessly connects the seawall to the bluffs in the area where the riprap (to be removed) is shown on the submitted plans.

(3) Public Access Easements and Improvements. All project plans shall be revised consistent with the Amended Easement Requirements contained in Special Condition 5 and the Approved Public Access Management Plan required by Special Condition 7.

(4) Concrete Surfacing. All concrete surfaces shall be faced with a sculpted concrete surface that mimics natural undulating bluff landforms in the vicinity in terms of integral mottled color, texture, and undulation to the maximum extent feasible, and seamlessly blends with the natural and existing bluff face. Any protruding concrete elements (e.g., corners, edges, etc.) shall be contoured in a non-linear manner designed to evoke natural bluff undulations. The color, texture, and undulations of the seawall surface shall be maintained throughout the life of the structure.

(5) Drainage. All drainage and related elements within the sculpted concrete shall be camouflaged (e.g., randomly spaced, hidden with overhanging or otherwise protruding sculpted concrete, etc.) so as to be hidden from view and/or inconspicuous as seen from the top of the bluffs and the beach.

(6) Landscaping. All new plants shall be native plant species that are tolerant of salt air and salt spray, and where bluff species capable of trailing vegetation that can screen the top of the

seawall as seen from the beach shall be included to provide as much screening as possible. All invasive and non-native species in the project area, including iceplant, shall be removed and shall not be allowed to persist. The plans shall include certification from a licensed landscape professional experienced with native species indicating that all plant species to be used are native and non-invasive. All plants shall be replaced as necessary to maintain the approved vegetation over the life of the project. The landscaping plan shall be implemented immediately following completion of the seawall, and all plantings shall be kept in good growing condition and replaced as necessary to maintain some visual screening of the wall over the life of the project. Regular monitoring and provisions for remedial action (such as replanting as necessary) shall be provided for and to ensure landscaping success.

(7) Irrigation. Drip irrigation system requirement to be tailored to reduce potential impacts contributing to bluff erosion.

(8) Trimming the Pipes. As the upper bluff visible from the top of the wall to the top of the bluff erodes, there are drainage pipes that will become evident that are no longer used but will continue to have visual impacts. These will need to be regularly cut in order to maintain and minimize visual impacts.

B. All requirements above, and all requirements of the approved Revised Final Plans, shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Revised Final Plans.

2. Removal of Riprap Revetment & Restoration of Keyway/Trench. **WITHIN 60 DAYS OF CDP APPROVAL**, or within such additional time as the Executive Director may grant for good cause, the Permittees shall remove all buried riprap revetment (approximately 11,690 tons) that was originally approved by emergency permit 2-10-07-G issued February 16, 2010, including rock placed into the 20 to 35 foot wide and 5 foot deep keyway, up to an elevation of +5 to +8. Following removal of buried riprap revetment (approximately 11,690 tons) that was originally approved by emergency permit 2-10-07-G issued February 16, 2010, including rock placed into the 20 to 35 foot wide and 5 foot deep keyway, up to an elevation of +5 to +8, the restoration of the beach to pre-revetment installation is required and shall include filling the keyway.

A. All boulders shall be removed from the keyway other than small rock (i.e., rock that is less than 2 feet in diameter) that is currently located in the keyway and that does not project above the top of the keyway. No rock shall be added into the keyway to fill voids or to avoid removing the rocks from the site.

B. After all rock (other than small rock not projecting above the keyway trench) has been removed from the keyway, the keyway shall be filled with a lean mix concrete that has a compressive strength and erodability comparable to the native materials comprising the keyway area. This material must be reviewed by a qualified engineering geologist and the Executive Director of the Coastal Commission before works commence. The keyway fill shall completely encase any small rocks left within the keyway and shall mimic the natural slope and topography of the

surrounding native materials.

C. No rock shall be placed in contact with beach sands, and any additional rock riprap present on the beach must be removed.

D. The area from which the revetment was removed shall be restored and smoothed over with comparable beach sand to approximate the natural beach conditions before the revetment extension was installed under temporary authorization by emergency permit 2-10-005-G.

E. Permission must be obtained in writing in order to use the City's access ramp at the 400 block of Esplanade Avenue. All staging areas and access ramp materials shall be completely removed and the staging and access ramp area restored to its original condition within 10 days of revetment removal.

F. No work shall take place during times when the waters of the Pacific Ocean are within the revetment removal area. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction area and no portion of the revetment removal operation shall be conducted below the mean high tide line unless tidal waters have receded from the authorized work areas.

G. The buried riprap revetment removal and restoration of the beach shall be completed within 60 days of the date that authorization to proceed is granted by the California Coastal Commission. If, for good cause, completion is not possible within 60 days, an exception to the 60 day completion deadline will be requested from the Executive Director of the Coastal Commission, and any such extension granted shall be in writing and shall specify a new completion deadline.

H. Within 60 days of completion of the project, a post-construction report shall be submitted for the review and approval of the Executive Director of the Coastal Commission documenting the as-built project and the restoration measures undertaken. The post-construction report shall be submitted with evidence of the review and approval by a qualified engineering geologist. At a minimum, the post-construction report shall include a narrative with a site plan and photographs identifying all restoration areas and any of the additional measures necessary, if any, to ensure restoration success.

3. Construction Plan.

A. PRIOR TO COMMENCEMENT OF REMOVAL OF RIPRAP the Permittee shall submit two sets of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

(1) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all public pedestrian access corridors. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on all publicly available pathways, the beach, and all beach access points, and to have the least impact on

public access.

(2) Construction Methods and Timing. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas (including using the space available on the blufftop portions of the Permittee's properties for staging, storage, and construction activities to the maximum extent feasible, and including using unobtrusive fencing (or equivalent measures) to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.

(3) Property Owner Consent. The Construction Plan shall be submitted with written evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to such use of their properties.

(4) Construction Requirements. The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- All work shall take place during daylight hours and lighting of the beach area is prohibited.
- Construction work or equipment operations shall not be conducted below the mean high tide line unless tidal waters have receded from the authorized work areas.
- Grading of intertidal areas is prohibited.
- Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only other exceptions shall be for erosion and sediment controls and/or construction area boundary fencing where such controls and/or fencing are placed as close to the base of the seawall/bluff as possible, and are minimized in their extent.
- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- No work shall occur during weekends and/or the summer peak months (i.e., from the

Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.

- Equipment washing, servicing, and refueling shall not take place on the beach, and shall only be allowed at a designated inland location as noted on the Plan. Appropriate best management practices shall be used to ensure that no spills of petroleum products or other chemicals take place during these activities.

- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).

- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.

- All public recreational use areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittees shall undertake development in accordance with the approved Construction Plan.

B. Construction Site Documents & Construction Coordinator. DURING ALL CONSTRUCTION:

(1) Construction Site Documents. Copies of the signed coastal development permit and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

(2) Construction Coordinator. A construction coordinator shall be designated to be contacted

during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

4. Twenty-Year Approval.

A. This CDP authorizes the seawall for twenty years from the date of this CDP approval June, 15 2012) (i.e., until June 15, 2032) or until the time when the currently existing structures warranting armoring are no longer present and/or no longer require armoring for such protection, whichever occurs first.).

B. No later than 19 years after the approval of this permit, the permittee or his successor in interest shall apply for and obtain an amendment to this permit that either requires the removal of the seawall or requires mitigation for the effects of the seawall on public access and recreation and other coastal resources for the expected life of the seawall beyond (but not including) the initial 20-year period of authorization.

C. If the Permittee intends to keep the seawall in place after that time, the Permittee must apply for a new CDP authorization to allow the seawall (including, as applicable, any potential modifications to it desired by the Permittee). The permittee is required to include in the permit application information concerning alternatives to the proposed bluff or shoreline protection that will eliminate impacts to scenic visual resources, recreation and shoreline processes, and other coastal resources as applicable. Alternatives shall include but not be limited to: relocation of all or portions of the principle structures that are threatened, structural underpinning, and other remedial measures capable of protecting the principal structures and providing reasonable use of the property, without constructing bluff or shoreline stabilization devices. The information concerning these alternatives must be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative, and whether each alternative is capable of protecting existing structures that are in danger from erosion.

D. As specified in Special Condition 17, any future replacement or redevelopment of the existing structures on the site shall be considered independent of the authorized seawall and shall not rely on the seawall to demonstrate Coastal Act and/or City of Pacifica LCP consistency.

E. No shoreline protective devices shall be constructed in order to protect ancillary improvements (patios, decks, fences, landscaping, etc.) located between the principal residential structures and the ocean

5. Amended Public Access Easement.

A. Development and Use Restriction. No development, as defined in Section 30106 of the Coastal Act, shall occur on the parcels within the Easement Area prescribed by the Grant of Easement between Lands End Associates and the City of Pacifica, Recorded in the County of Sam Mateo Recorder's Office on June 12, 2006 as Instrument No. 2006-087276 and generally depicted on Exhibits D-F of that Easement (see Exhibit E) except for development authorized by this coastal development permit as: (a) development necessary to allow public access and; (b) native landscaping, both as prescribed by Special Conditions 1 A (3) (Public Access Plan) and 1 A (6) (Landscaping).

B. Public Access Easement. WITHIN 90 DAYS OF CDP APPROVAL, or within such additional time as the Executive Director may grant for good cause, the landowner shall execute and record document(s) in a form and content reviewed and approved by the Executive Director, that amends the Grant of Easement Document between the owner of the property subject to the Grant of Easement and the City of Pacifica implementing the Easements for vertical, lateral and shoreline access as generally depicted in Exhibit E.

(1) The amended grant of easement shall include a legal description, and graphic depiction, prepared by a licensed surveyor of: (a) the entirety of the legal parcel(s) subject to this CDP; the easement area required by the 2006 Grant of Easement; and (c) the amended description of the locations of these Areas that currently comprise, or will substitute for, the Access previously required by the 2006 Grant of Easement.

(2) The legal descriptions shall ensure that all easements are ambulatory and as follows: (a) The blufftop easement shall be described to include the 5 foot walkway along the length of the property and adjoining the public access path at the northern property boundary, south to Esplanade Avenue, and shall be ambulatory so that it moves inland as the bluff erodes in order to retain public access; (b) the vertical access easement shall connect from the blufftop at Esplanade Avenue down to the sandy beach area; and (c) the sandy beach area shall continue to comprise the area between the MHTL and the base of the bluff, both of which by their very nature are geographic features subject to change over time.

C. All Easement Areas shall continue to be maintained by the owner consistent with the requirements of the Grant of Easement between Lands End Associates and the City of Pacifica, Recorded in the County of San Mateo Recorder's Office on June 12, 2006 as Instrument No. 2006-087276 and generally depicted on Exhibits D-F of that Easement (Exhibit E), as any Amendments thereto.

D. The amended easement shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. The amended easement shall run with the land, binding all successors and assigns. This amended easement shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Deed Restriction.

A. WITHIN 60 DAYS OF CDP APPROVAL, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit for Executive Director review and approval documentation demonstrating that the Permittee has executed and recorded against the subject property governed by this permit a deed restriction in a form and content acceptable to the Executive Director. The recorded document(s) described above shall reflect: 1) pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

B. The deed restriction shall include a legal description and graphic depiction of the entire parcel restricted by this condition and the area of the parcel restricted for public access. The restriction shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall run with the land, binding all successors and assigns. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. Public Access Improvements.

A. **WITHIN 60 DAYS OF CDP APPROVAL**, or within such additional time as the Executive Director may grant for good cause, the applicants shall submit, a Public Access Management Plan that demonstrates access will be implemented consistent with all special conditions of this permit, including the Amended Easement Condition, and shall also implement access consistent with the following:

1. All project plans shall be revised to eliminate any proposed deletion or extinguishment of any portion of the Access required by of the Grant of Easement between Lands End Associates and the City of Pacifica, Recorded in the County of Sam Mateo Recorder's Office on June 12, 2006 as Instrument No. 2006-087276 and generally depicted on Exhibits D-F of that Easement (Exhibit E).

2. All project plans shall further conform to the Amended Easement

3. The access plan shall ensure: (a) maintenance of the existing pathway along the blufftop situated on the seaward side of the Lands End property; (b) signage at the beginning of each of the three easement areas that identifies and directs that the area is available for general public use and that it leads to the beach, the adjacent public pathway connected to the neighboring property upcoast at Pacific View Villas, and interpretive/educational signage that describes Pacifica and the Pacific Ocean, issues related to shoreline erosion and sea level rise, and the City's and Commission's role in addressing these issues, and includes information about how to reach the beach, all of which is adequately sized and placed to be easily read by users; (c) that the pathway is limited to pedestrian and bicycle use only and will be available for general public use in perpetuity and not obstructed in any way, as identified in future amendments to the LCP and/or through CDP approvals, whichever

provides for more public recreational access; (d) that maintenance of these improvements is carried out in a structurally sound manner and in their approved state is required in perpetuity; (e) a prohibition on development in the pathway and within 10 feet of the pathway, other than appropriately permitted construction activities associated with construction, maintenance, and/or repair of the pathway, landscaping, irrigation, and associated structures shown on the approved plans such as directional signage and interpretive kiosk, provided it does not obstruct general public access use of the pathway, except for temporary closure pursuant to the public use parameters described above.

8. **State Lands Commission Authorization. WITHIN 90 DAYS OF CDP APPROVAL**, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit to the Executive Director for review a copy of the State Lands Commission permit, letter of permission, authorization, or equivalent for the approved project, or evidence that no State Lands Commission authorization is necessary for the approved project. Any changes to the approved project required by the State Lands Commission shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that an amendment is legally required.

9. **Army Corps of Engineers. WITHIN 90 DAYS OF CDP APPROVAL**, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit to the Executive Director for review a copy of the Army Corps of Engineers (ACOE) permit, letter of permission, authorization, or equivalent for the approved project, or evidence that no ACOE authorization is necessary for the approved project. Any changes to the approved project required by the ACOE shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that an amendment is legally required.

10. **Mitigation for Impacts to Public Access and Recreational Use**. **WITHIN 60 DAYS OF CDP APPROVAL**, or within such additional time as the Executive Director may grant for good cause, the applicant shall provide a real estate appraisal of the current unimproved market value of the ocean-fronting parcel of the project site (APN 009-023-070). The appraiser shall be identified by the applicant and concurred with in writing by the Executive Director prior to the appraisal.

    WITHIN 90 DAYS OF CDP APPROVAL, or within such additional time as the Executive Director may grant for good cause, the full mitigation fee to address adverse impacts to public access and recreational use based on an appraisal of the subject blufftop lot (without improvements) and thereby, the per sq. ft. value of the subject blufftop property applied to the per sq. ft. area of seawall impact, shall be deposited in an interest bearing account designated by the Executive Director, in-lieu of providing comparable area of beach that will be lost due to the impacts of the proposed protective structures and/or in-lieu of a specific public access/recreational improvement project. All interest earned by the account shall be payable to the account for the purposes stated below.

The required mitigation fee covers impacts only through the identified 20-year authorization period of the seawall. No later than 19 years after the approval of this permit, the permittee or his successor in interest shall apply for and obtain an amendment to this permit that either requires the removal of the seawall within its initial 20 year period of authorizationor requires mitigation for the effects of the seawall on public access and recreation for the expected life of the seawall beyond (but not including) the initial 20-year period of authorization. If, within the initial 20 year period of authorization, the permittee or his successor in interest obtains a coastal development permit or an amendment to this permit to enlarge or reconstruct the seawall or perform repair work that extends the expected life of the seawall, the permittee shall provide mitigation for the effects of the seawall on public access/recreation for the expected life of the seawall beyond (but not including) the initial 20-year period of authorization.

The purpose of the account shall be to mitigate lost beach values, including public access, recreational and ecological values. The fund shall be utilized to aid the Coastal Conservancy, or a Commission-approved alternate entity, in the provision, restoration or enhancement of public access and recreational opportunities along the shoreline in the City of Pacifica, including but not limited to, public access improvements, recreational amenities and/or acquisition of privately-owned beach or beach-fronting property for such uses. The funds shall be used solely to implement projects or purchase lands which provide public access or recreational opportunities along the shoreline, not to fund operations, maintenance or planning studies. The funds shall be released only upon approval of an appropriate project by the Executive Director of the Coastal Commission. The funds shall be released as provided for in a MOA between the Coastal Conservancy, or a Commission-approved alternate entity, and the Executive Director of the Commission, setting forth terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission. If the MOA is terminated, the Commission may appoint an alternate entity to administer the fund.

11. **As-Built Plans. WITHIN 60 DAYS OF CDP APPROVAL**, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit two copies of As-Built Plans showing all development approved as part of the project. The As-Built Plans shall be substantially consistent with the revised and approved final project plans described in Special Condition 1 above, including providing for all of the same requirements specified in those plans, and shall account for all of the parameters of Special Condition 12 (Monitoring and Reporting) and Special Condition 13 (Future Maintenance). 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 all components of the as-built project, and that are 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 representative viewpoints from the beaches located directly upcoast, downcoast, and seaward of the project site; and from the public access path upcoast and downcoast along Esplanade Avenue, Pacifica. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the seawall has been constructed in conformance with the approved final plans.

12. **Monitoring and Reporting.** The Permittee shall ensure that the condition and performance of the approved as-built seawall project is regularly monitored by a licensed civil engineer with experience in coastal structures and processes. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural or other damage requiring repair to maintain in a structurally sound manner and its approved state:

    A. The as-built seawall and associated riprap at the endwalls to ensure the structural and cosmetic integrity of the sea wall is maintained. This will include evaluating concrete, cracks, movement, and outflanking.

    B. The public access easement area across the bluff and down to the beach, including the stairs, and in such a way as to ensure that the path always connects with the stairs and to/from the beach and to/from adjacent areas of the site property and Esplanade Avenue, for as long as the seawall is present, even if that means modifying the path in light of sea level rise over time (e.g., raising the pathway elevation while still camouflaging the path consistent with the approved concrete surfacing parameters) to ensure that the path remains useable at higher tides (generally keeping the path elevation above mean higher high water (MHHW)).

    C. Monitoring reports prepared by a licensed civil engineer with experience in coastal structures and processes, and covering the above-described evaluations, shall be submitted to the Executive Director for review and approval at five year intervals by June 15 of each fifth year (with the first report due June 15 2017, and subsequent reports due June 15, 2022; June 15, 2027, and so on) for as long as the seawall exists at this location. The reports shall identify the existing configuration and condition of the seawall, public access pathways and stairs, and landscaping, and shall recommend actions necessary to maintain these project elements in their approved and/or required state, and shall include photographs taken from each of the same vantage points required in the As-Built Plans (Special Condition 11) with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan.

    Actions necessary to maintain the approved project in a structurally sound manner and its approved state shall be implemented within 30 days of Executive Director approval, unless a different time frame for implementation is identified by the Executive Director.

13. **Future Maintenance Authorized.** This coastal development permit authorizes future seawall maintenance and repair subject to the following:

    A. Maintenance. "Maintenance," as it is understood in this special condition, means development that would otherwise require a coastal development permit whose purpose is: (1) to maintain the seawall in its approved state; (2) to maintain the required public access path in its approved state; and (3) to maintain the required landscaping elements in their approved state (see Special Condition 1 for Revised Final Plans and Special Condition 12 for Monitoring and Reporting).

    B. Other Agency Approvals. The Permittee acknowledges that these maintenance stipulations do

not obviate the need to obtain permits from other agencies for any future maintenance and/or repair episodes.

C. Maintenance Notification. At least two weeks prior to commencing any maintenance event, the Permittee shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office. The notification shall include: a detailed description of the maintenance event proposed; any plans, engineering and/or geology reports describing the event; a construction plan that complies with all aspects of the approved construction plan requirements (regarding identification of a construction coordinator and his/her contact information i.e., address, phone numbers, etc.) as described previously (see Exhibit C); other agency authorizations; and any other supporting documentation (as necessary) describing the maintenance event. The maintenance event shall not commence until the Permittee has been informed by planning staff of the Coastal Commission's North Central Coast District Office that the maintenance event complies with this coastal development permit. If the Permittee has not been given a verbal response or sent a written response within 30 days of the notification being received in the North Central Coast District Office, the maintenance event shall be authorized as if planning staff affirmatively indicated that the event complies with this coastal development permit. The notification shall clearly indicate that the maintenance event is proposed pursuant to this coastal development permit, and that the lack of a response to the notification within 30 days constitutes approval of it as specified in the permit. In the event of an emergency requiring immediate maintenance, the notification of such emergency episode shall be made as soon as possible, and shall (in addition to the foregoing information) clearly describe the nature of the emergency.

D. Maintenance Coordination. Maintenance events shall, to the degree feasible, be coordinated with other maintenance events proposed in the immediate vicinity with the goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach and bluff area and beach access points. As such, the Permittee shall make reasonable efforts to coordinate the Permittee's maintenance events with other adjacent events, including adjusting maintenance event scheduling as directed by planning staff of the Coastal Commission's North Central Coast District Office.

E. Construction Site Documents and Construction Coordinator. All requirements set forth in Exhibit C (Emergency Permits) and Exhibit B (proposed project plans) shall apply to any maintenance event (see Special Condition 13).

F. Restoration. The Permittee shall restore all blufftop, beach, and rocky shore platform areas and all access points impacted by construction activities to their pre-construction condition or better. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach within three days of completion of construction. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office upon completion of beach-area restoration activities to arrange for a site visit to verify that all beach-area restoration activities are complete. If planning staff should identify additional reasonable measures

necessary to restore the beach and beach access points, such measures shall be implemented as quickly as reasonably possible.

G. Noncompliance Provision. If the Permittee is not in compliance with the terms and conditions of any Coastal Commission coastal development permits or other coastal authorizations that apply to the subject properties at the time that a maintenance event is proposed, then the maintenance event that might otherwise be allowed by the terms of this future maintenance condition shall not be allowed by this condition until the Permittee is in full compliance with those terms and conditions.

H. Emergency. In addition to the emergency provisions set forth in subsection (c) above, nothing in this condition shall serve to waive any Permittee rights that may exist in cases of emergency pursuant to Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).

I. Duration of Covered Maintenance. Future seawall and path maintenance under this coastal development permit is allowed subject to the above terms until June 15, 2032. Maintenance may be carried out beyond June 15, 2032 if the Permittee requests an extension prior to June 15, 2032, and if the Executive Director extends the maintenance term in writing. The intent of this permit is to regularly allow for 5-year extensions of the maintenance term up to the expiration of the permit (see Special Condition 13) unless there are changed circumstances that may affect the consistency of this seawall and path maintenance authorization with the policies of Chapter 3 of the Coastal Act and thus warrant a re-review of this permit.

14. Grade and Beam System and Pilings for Blufftop Pathway. In the event that the grade and beam system designed to support the public access blufftop pathway becomes exposed over time, the Permittee shall submit a CDP amendment application with a proposal to avoid and minimize the adverse impacts of the structures including visual and sand supply impacts. The proposed development method and mitigation shall be subject to Commission approval and will require a CDP amendment or depending on the extent of the proposed development a new CDP application.

15. Revetment Exposure. In the event that the buried excavated keyway (trench) that has been restored and filled as per Special Condition 2 becomes exposed, the permittee shall immediately submit an application to amend this CDP to address such exposure.

16. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. By acceptance of this permit, the Permittee acknowledges and agrees on behalf of himself and all successors and assigns:

A. That the site is subject to extreme coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, coastal flooding, landslides, bluff and geologic instability, and the interaction of same;

B. To assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development;

C. To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards;

D. To indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and,

E. That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

17. **Future Development of the Site.** Any future redevelopment of the blufftop residential parcels shall not rely on the permitted seawall to establish geologic stability or protection from hazards. Redevelopment on the sites shall be sited and designed to be safe without reliance on shoreline or bluff protective devices. As used in this condition, "redevelopment" is defined to include: (1) additions, or; (2) expansions, or; (3) demolition, renovation or replacement that would result in alteration to 50 percent or more of an existing structure, including but not limited to, alteration of 50 percent or more of interior walls, exterior walls or a combination of both types of walls, or; (4) demolition, renovation or replacement of less than 50 percent of an existing structure where the proposed remodel or addition would result in a combined alteration of 50 percent or more of the structure from its condition as of June 2012.

18. **Permit Expiration and Condition Compliance.** Because some [or all] of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

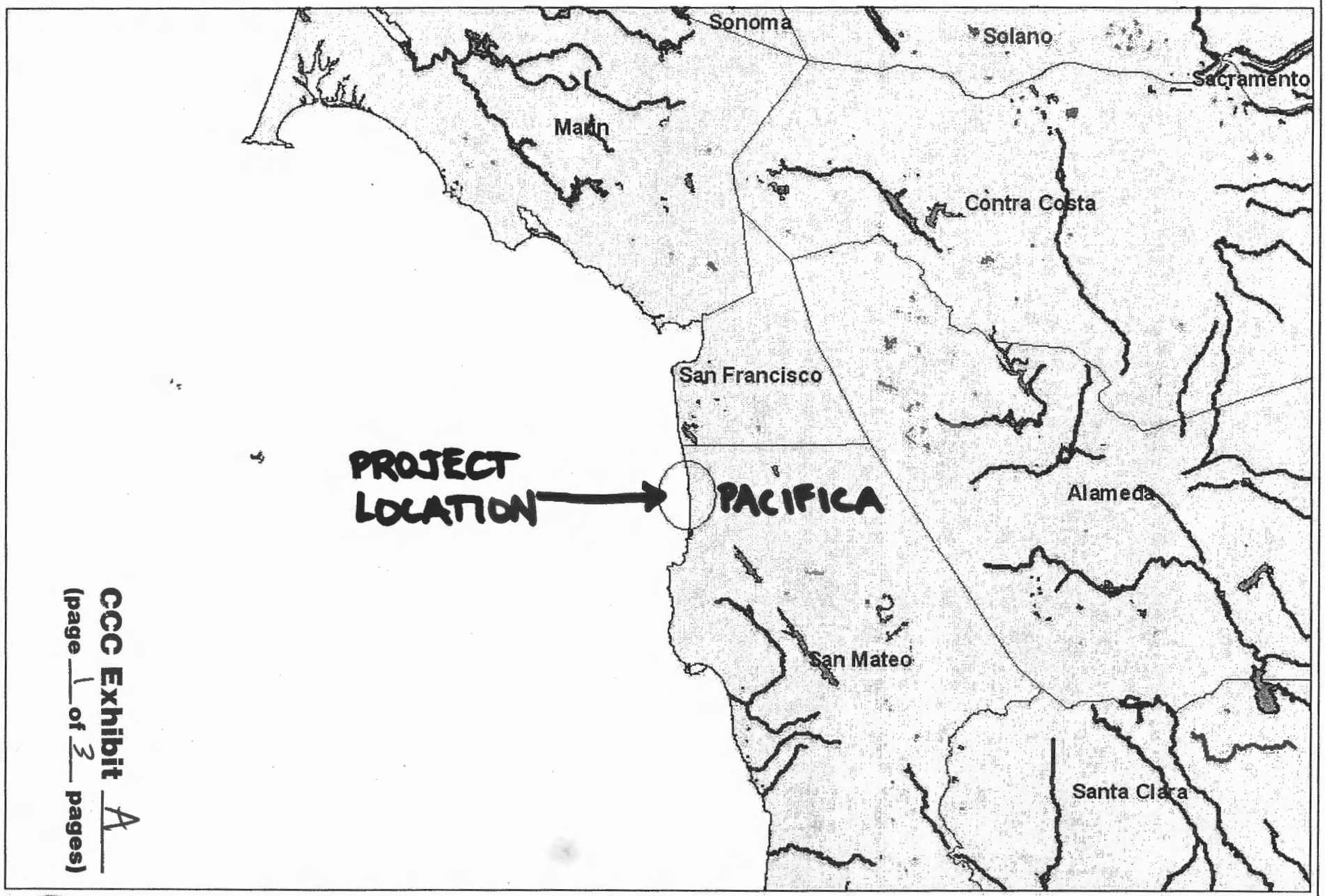
D.California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and

the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

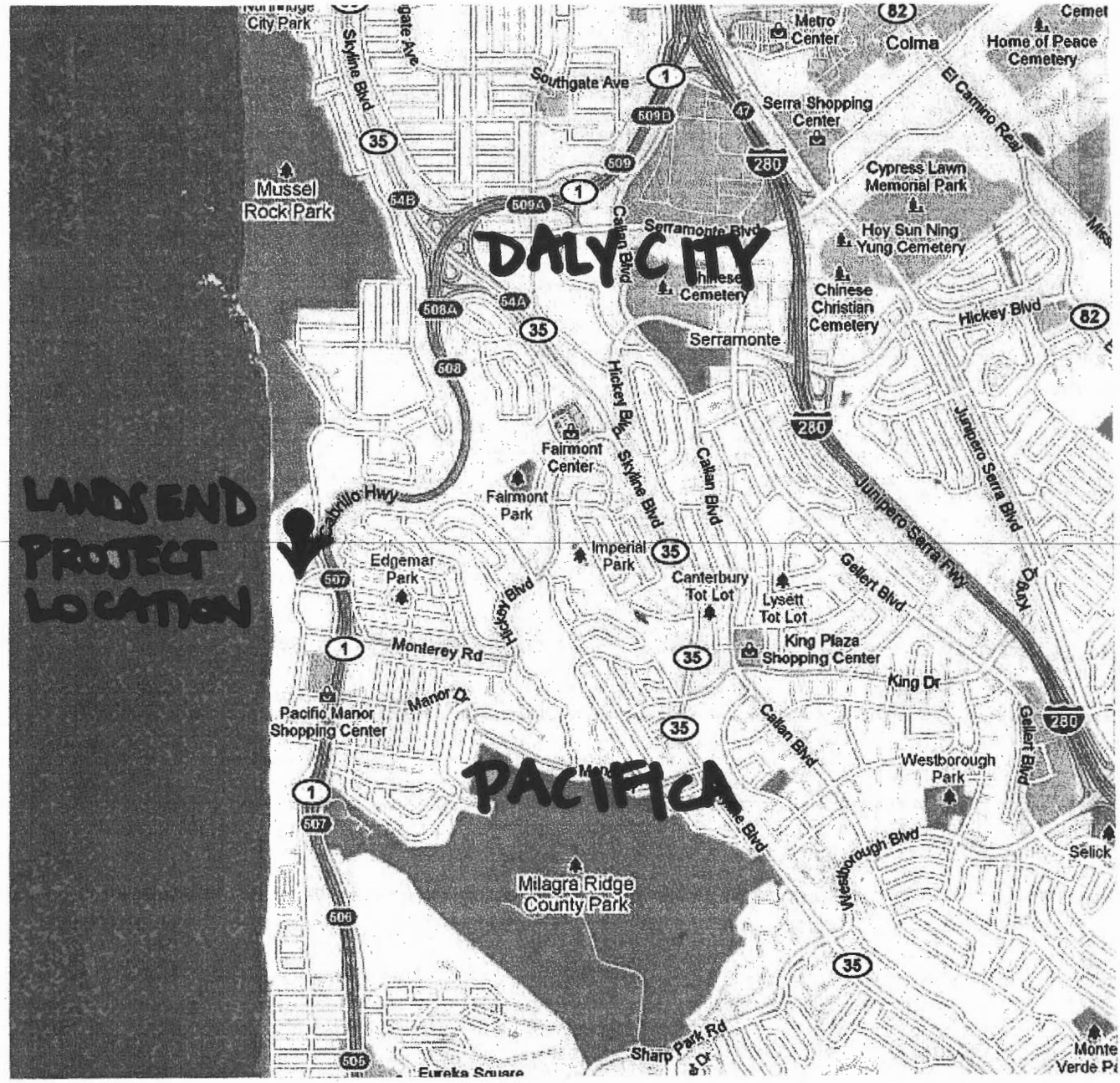
As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



CCC Exhibit A
(page 1 of 2 pages)

Locations approximate.
For illustrative purposes only.

RJR ENGINEERING



REFERENCE: Google Maps

PROJECT LOCATION

P.N. 1502.10

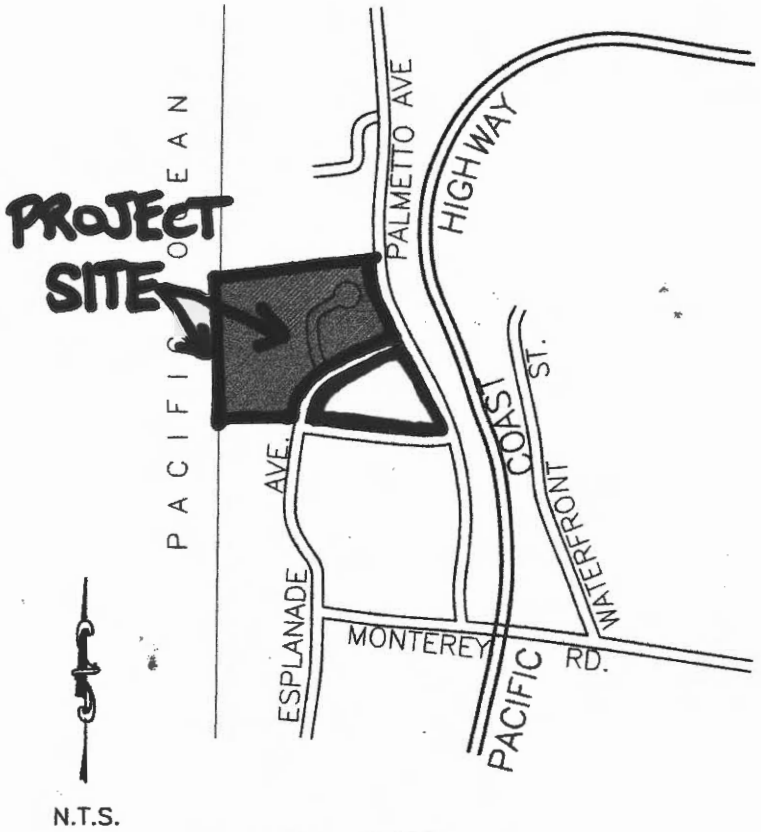
NORTH

100 ESPLANADE AVENUE
PACIFICA, CALIFORNIA

CCC Exhibit A
(page 2 of 3 pages)

22–23	PERMANENT TIE–BACK DETAILS
24	PILE STRUCTURAL DETAILS
25	PROPOSED PUBLIC ACCESS PATH
26	SITE EASEMENT PLAN

AS-BUILT C



REGISTERED PROFESSIONAL ENGINEER
ROBERT W. ANDERSON
C-058383
EXP. 12-31-12
CIVIL
STATE OF CALIFORNIA

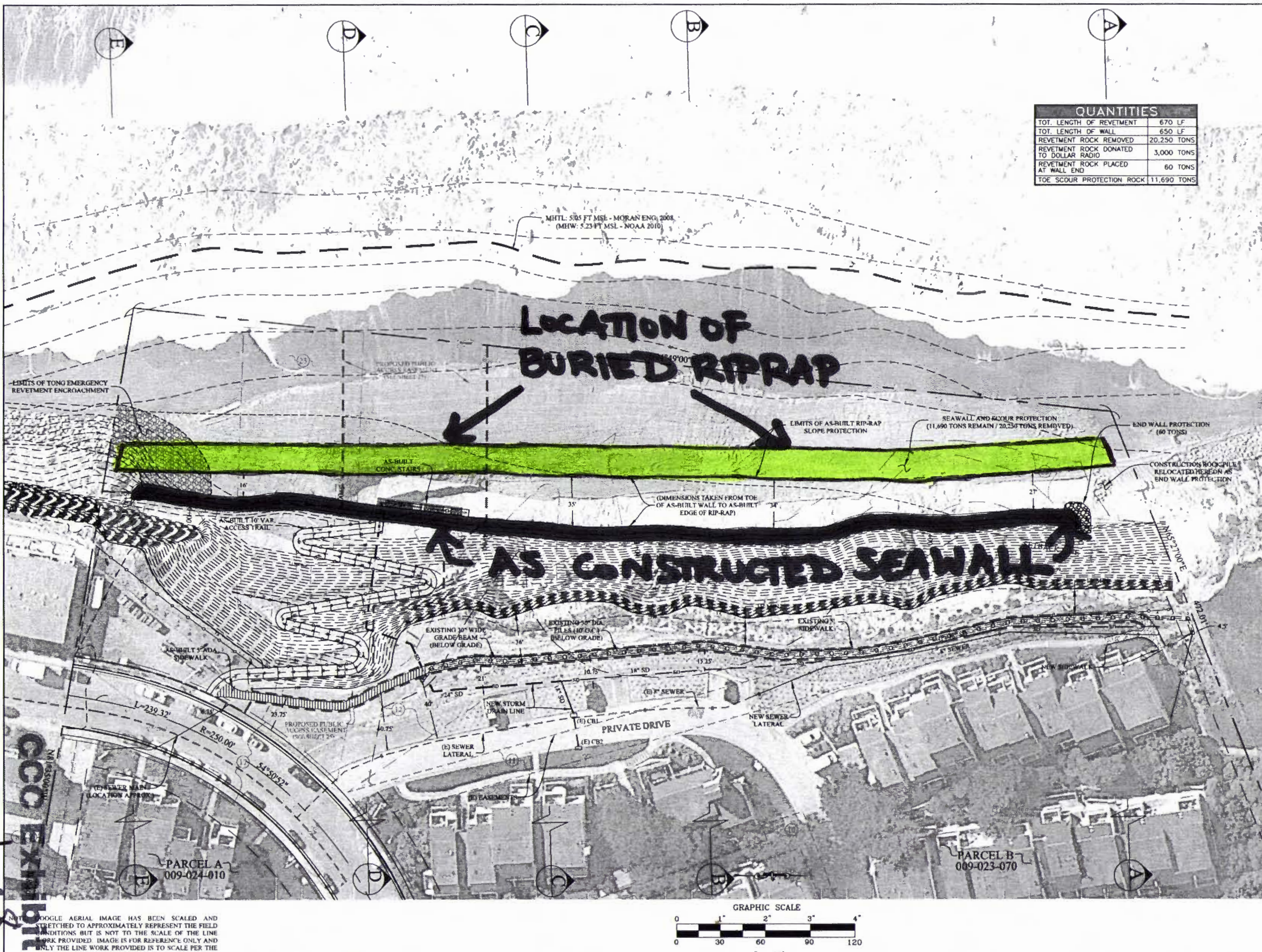
COASTAL COMMISSION PERMIT NO.: 2-11-005-G

AS-BUILT - COVER SHEET

FPA/BAF LAND'S END ASSOC., LLC
BLUFF STABILIZATION PLANS
100 ESPLANADE AVENUE
APN 009-023-070 & 009-024-010
PACIFICA, CA

SHEET 1
OF 26
DRAWING NO.

CCC Exhibit A
(page 3 of 3 pages)



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QUANTITIES

TOT. LENGTH OF REVETMENT	670 LF
TOT. LENGTH OF WALL	650 LF
REVETMENT ROCK REMOVED	20,250 TONS
REVETMENT ROCK DONATED TO DOLLAR RADIO	3,000 TONS
REVETMENT ROCK PLACED AT WALL END	60 TONS
TOE SCOUR PROTECTION ROCK	11,690 TONS

LEGEND

- AS-BUILT PILE AND GRADE BEAM
- EXISTING SEWER MAIN LINE
- EXISTING 8" SEWER LATERAL LINE (TO REMAIN)
- AS-BUILT 8" SEWER LATERAL LINE
- AS-BUILT 18" STORM DRAIN LINE
- AS-BUILT 24" STORM DRAIN LINE
- AS-BUILT KEYWAY SLOPE PROTECTION
- AS-BUILT 5' SIDEWALK
- AS-BUILT 10' BEACH ACCESS WALKWAY
- EXISTING SETBACK LINE
- EXISTING EASEMENT LINE

PILE DETAIL TABLE

PILE TYPE	PILE NUMBERS	DEPTH
A	1 THRU 25	65'
B	26 THRU 40	50'
C	41 THRU 54	40'

EASEMENTS

(6)	AN EASEMENT FOR PUBLIC BEACH ACCESS AND INCIDENTAL PURPOSES SHOWN OR DEDICATED ON THE MAP FILED OR RECORDED SEPTEMBER 14, 1972 IN BOOK 17 PAGE 48 OF MAPS FOR PUBLIC BEACH ACCESS AND INCIDENTAL PURPOSES.
(7)	A NON-EXCLUSIVE EASEMENT FOR NORTH COAST COUNTY WATER DISTRICT PURPOSES RECORDED MAY 22, 1973 AS INSTRUMENT NO. 36790-AG IN BOOK/REEL 6394, PAGE/IMAGE 139 OF OFFICIAL RECORDS.
(8)	A NON EXCLUSIVE EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER AND STORM DRAIN LINE PURPOSES RECORDED MAY 22, 1973 AS INSTRUMENT NO 36791-AG IN BOOK/REEL 6394, PAGE/IMAGE 141 OF OFFICIAL RECORDS.
(10)	AN EASEMENT FOR PACIFIC GAS AND ELECTRIC COMPANY PURPOSES RECORDED SEPTEMBER 6, 1973 AS INSTRUMENT NO 72049-AG IN BOOK/REEL6464, PAGE/IMAGE 554 OF OFFICIAL RECORDS.
(11)	AN EASEMENT FOR CONSTRUCTION MAINTENANCE AND REPLACEMENT FOR SANITARY SEWER PIPE LINE AND INCIDENTAL PURPOSES RECORDED MARCH 6, 1975 AS INSTRUMENT NO. 27463-AI IN BOOK /REEL 6975, PAGE/IMAGE 28 OF OFFICIAL RECORDS.
(12)	AN EASEMENT FOR PUBLIC ACCESS, OPEN SPACE, PUBLIC UTILITIES AND INCIDENTAL PURPOSES RECORDED AUGUST 18, 1983 IN BOOK 110, PAGES 41 THROUGH 53 OF SAN MATEO COUNTY RECORDS.
(17)	AN EASEMENT FOR PUBLIC STREET PURPOSES RECORDED, MAY 18, 1989 IN BOOK 119, PAGES 99 AND 100 OF MAPS.
(23)	THE TERMS PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "PUBLIC ACCESS EASEMENT" RECORDED JUNE 12, 2006 AS INSTRUMENT NO. 2006-087276 OF OFFICIAL RECORDS.

DESCRIPTION OF REVISION	RCE	APP.	DATE

Prepared by: RJR ENGINEERING GROUP

DESIGNED TTA | CHECKED RWA

PROJ. ENG. Robert W. Anderson

C-058383 | 4-24-12

REG. NO. | DATE

CITY OF PACIFICA

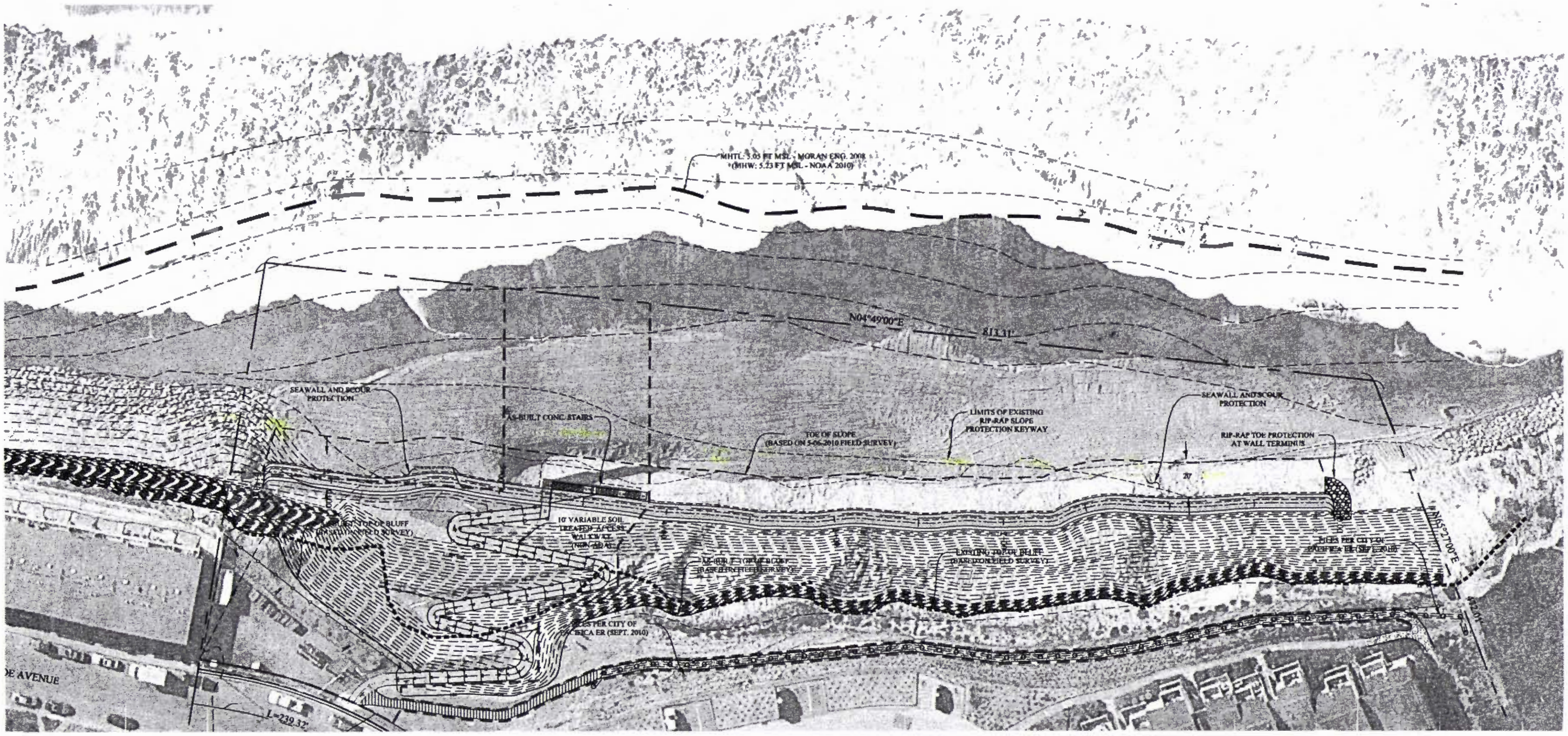
CALIFORNIA COASTAL COMMISSION

AS-BUILT – PROPOSED BLUFF REPAIR

BLUFF STABILIZATION PLANS
100 ESPLANADE AVENUE
PACIFICA, CA

SHEET 5 OF 25

CCC Exhibit B
(page 1 of 8 pages)



LEGEND

	APPROXIMATE TOP OF BLUFF (BASED ON FIELD SURVEY DATED MAY 6, 2010)
	APPROXIMATE TOE OF BLUFF (BASED ON FIELD SURVEY DATED MAY 6, 2010)
	AS-BUILT PILE AND GRADE BEAM
	AS-BUILT 5' SIDEWALK
	AS-BUILT 5' SOIL TREATED BEACH ACCESS WALKWAY
	EXISTING PROPERTY LINE
	AS-BUILT REVETMENT LIMITS
	AS-BUILT TIE-BACK SCOUR PROTECTION WALL

GRAPHIC SCALE

0 1" 2" 3" 4"

0 30 60 90 120

1" = 30'

NOTE: GOOGLE AERIAL IMAGE HAS BEEN SCALED AND STRETCHED TO APPROXIMATELY REPRESENT THE FIELD CONDITIONS BUT IS NOT TO THE SCALE OF THE LINE WORK PROVIDED. IMAGE IS FOR REFERENCE ONLY AND ONLY THE LINE WORK PROVIDED IS TO SCALE PER THE LATEST AS-BUILT FIELD SURVEY DATA.

	DESCRIPTION OF REVISION	RCE	APP.	DATE
E				
D				
C				
B				
A				

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PROJ. ENG. Robert W. Anderson

C-058383 4-13-12

REG. NO. DATE

CITY OF PACIFICA

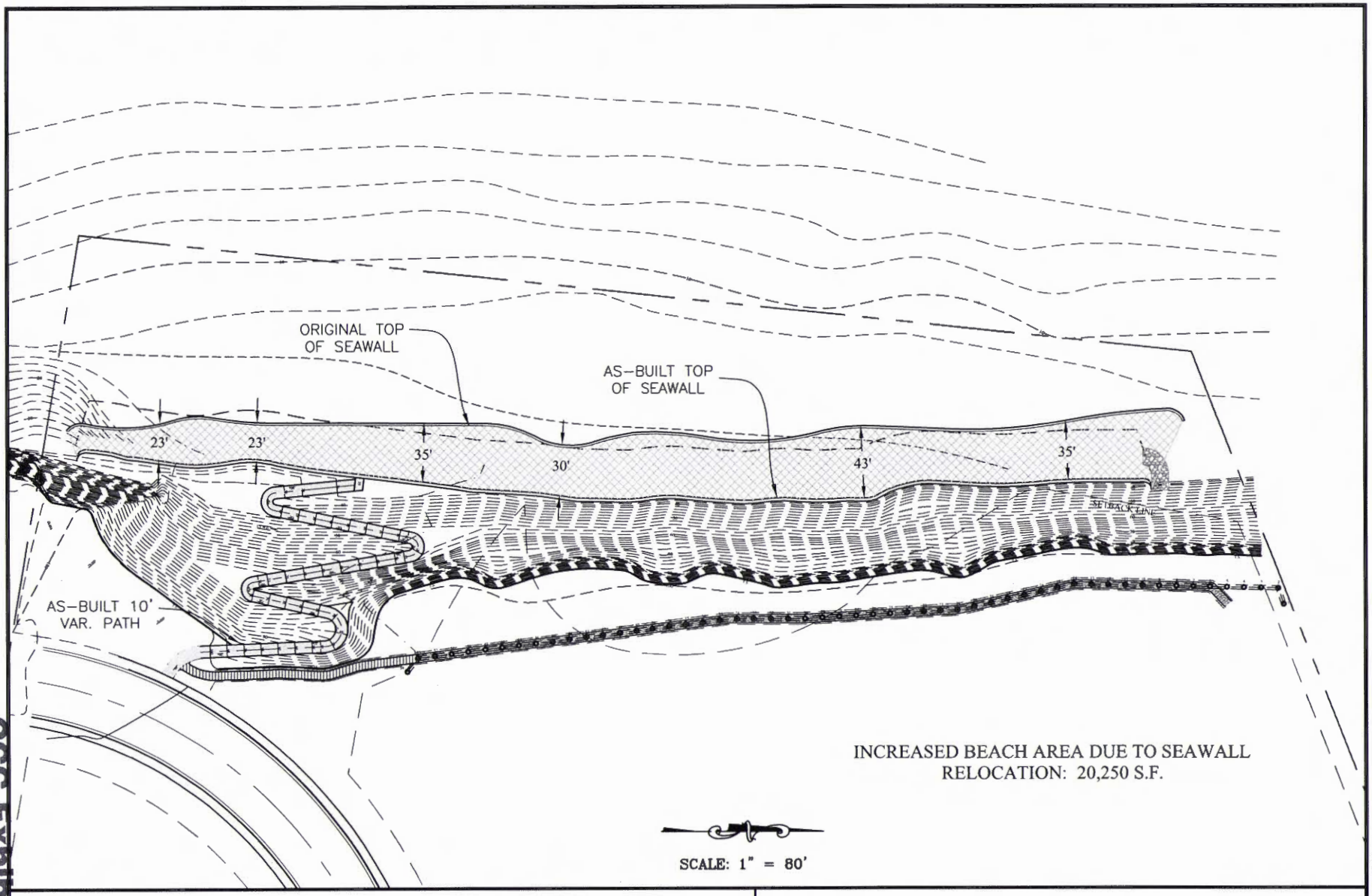
CALIFORNIA COASTAL COMMISSION

AS-BUILT - TOE STABILIZATION

BLUFF STABILIZATION PLANS
100 ESPLANADE AVENUE
PACIFICA, CA

SHEET 7 OF 25

CCC Exhibit B
(page 2 of 8 pages)



INCREASED BEACH AREA DUE TO SEAWALL
RELOCATION: 20,250 S.F.

SCALE: 1" = 80'

Prepared by:

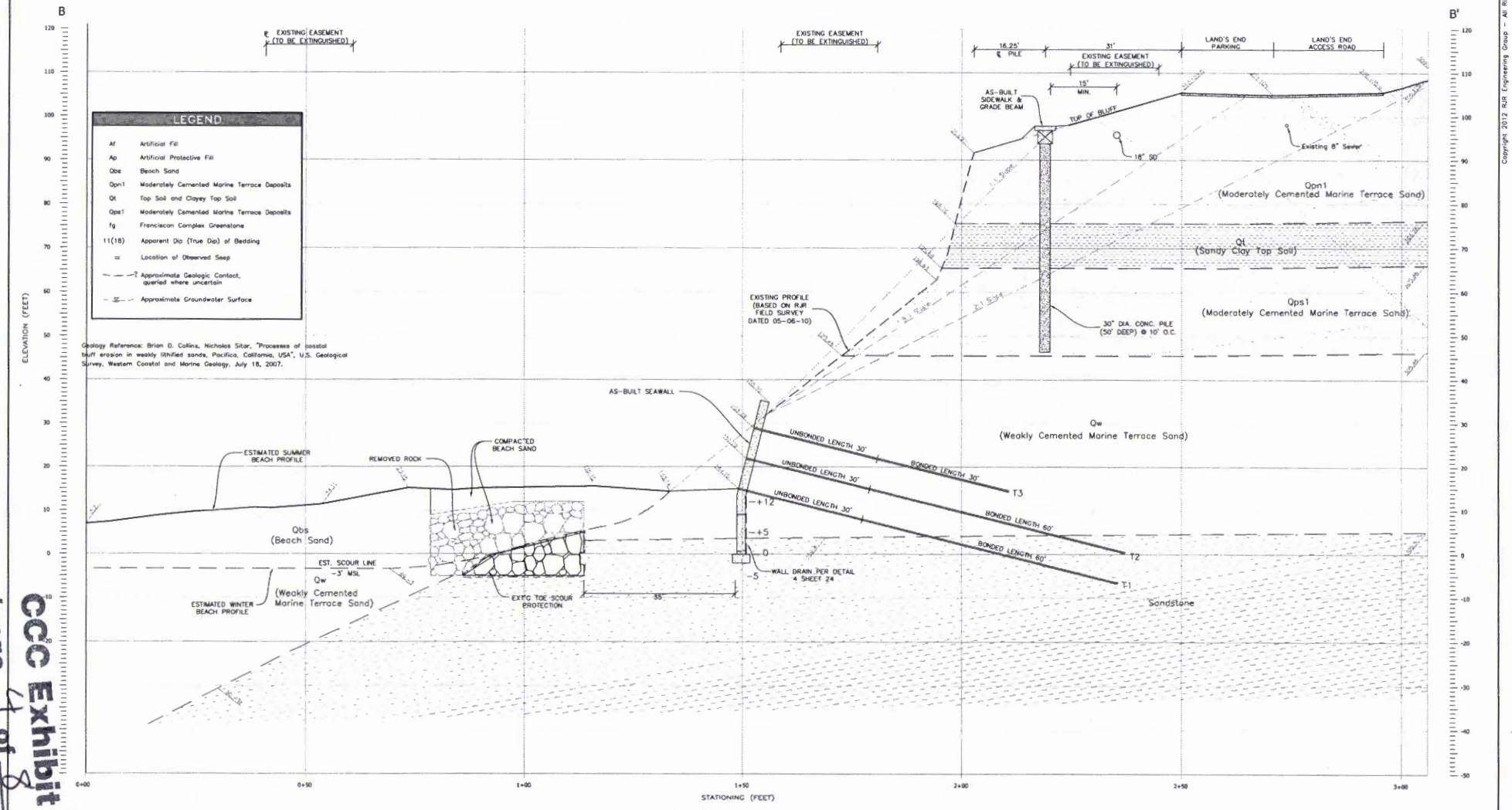
RJR ENGINEERING GROUP

Planning Civil Engineering · Flood Control/Hydrology
Geotechnical Engineering · Geology · Water Resources · Environmental
3500 Camino Ave. Suite 200, Oxnard, CA 93030
(805) 485-3935 (805) 485-6496 FAX
E-mail: rjr@rjreng.com

SEAWALL RELOCATION ASSESSMENT

100 ESPLANADE AVENUE
PACIFICA, CA

CCC Exhibit P (page 3 of 8 pages)



CROSS – SECTION B–B'
PROPOSED CONDITION

GRAPHIC SCALE
0 1" 2" 3" 4"
0 10 20 30 40
1" = 10'

AS-BUILT

DESCRIPTION OF REVISION	REC	APP.	DATE
C			
B			
A			
Δ			

Prepared by: RJR ENGINEERING GROUP
Planning · Civil Engineering · Flood Control Hydrology
Construction Engineering · Geology · Water Resources · Surveying
1646 Contra Ave., Suite 200, Concord, CA 94520
(925) 685-2220 (925) 685-6446 FAX
E-mail: rjr@rjreng.com

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PROJ. ENG. Robert W. Anderson
C-058383 4-24-12
REG. NO. DATE

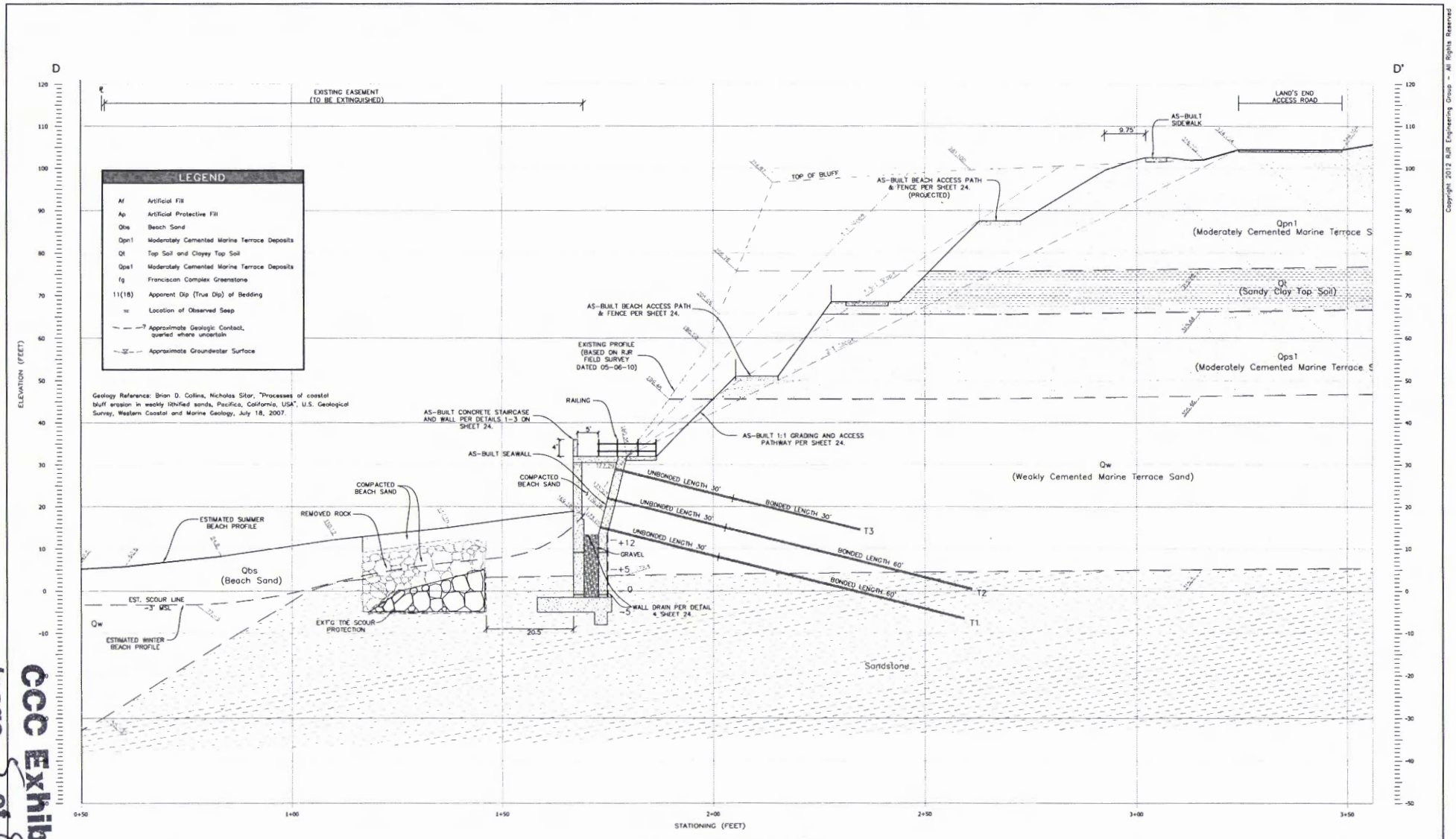
CITY OF PACIFICA

CALIFORNIA COASTAL COMMISSION

CROSS SECTION B–B' (PROPOSED)
BLUFF STABILIZATION PLANS
100 ESPLANADE AVENUE
PACIFICA, CA

SHEET 11 OF 25
DRAWING NO.

CCC Exhibit B (page 4 of 8 pages)



CROSS - SECTION D2-D2'
PROPOSED CONDITION

GRAPHIC SCALE
0 1" 2" 3" 4"
10 20 30 40
1" = 10'

AS-BUILT

E			
D			
C			
B			
A			
△	DESCRIPTION OF REVISION	RCE	APP.	DATE

Prepared by: RJR ENGINEERING GROUP

DESIGNED TTA CHECKED RWA
PROJ. ENG. Robert W. Anderson
C-058383 4-24-12
REG. NO. DATE

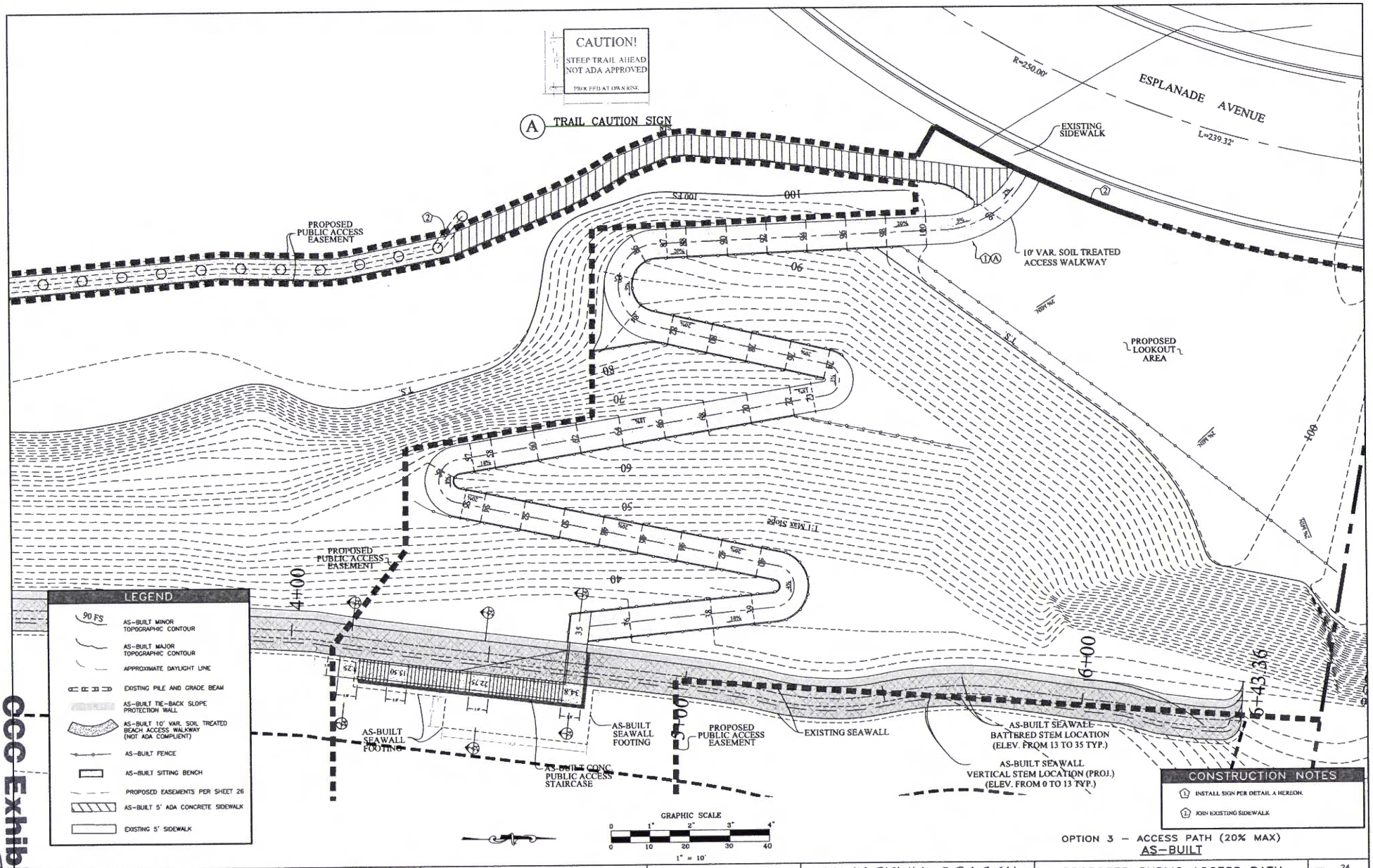
CITY OF PACIFICA

CALIFORNIA COASTAL COMMISSION

CROSS SECTION D-D' (PROPOSED)
BLUFF STABILIZATION PLANS
100 ESPLANADE AVENUE
PACIFICA, CA

SHEET 15 OF 25
DRAWING NO.

CCC Exhibit B (page 8 of 8 pages)



DESCRIPTION OF REVISION	RCE	APP.	DATE
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CITY OF PACIFICA

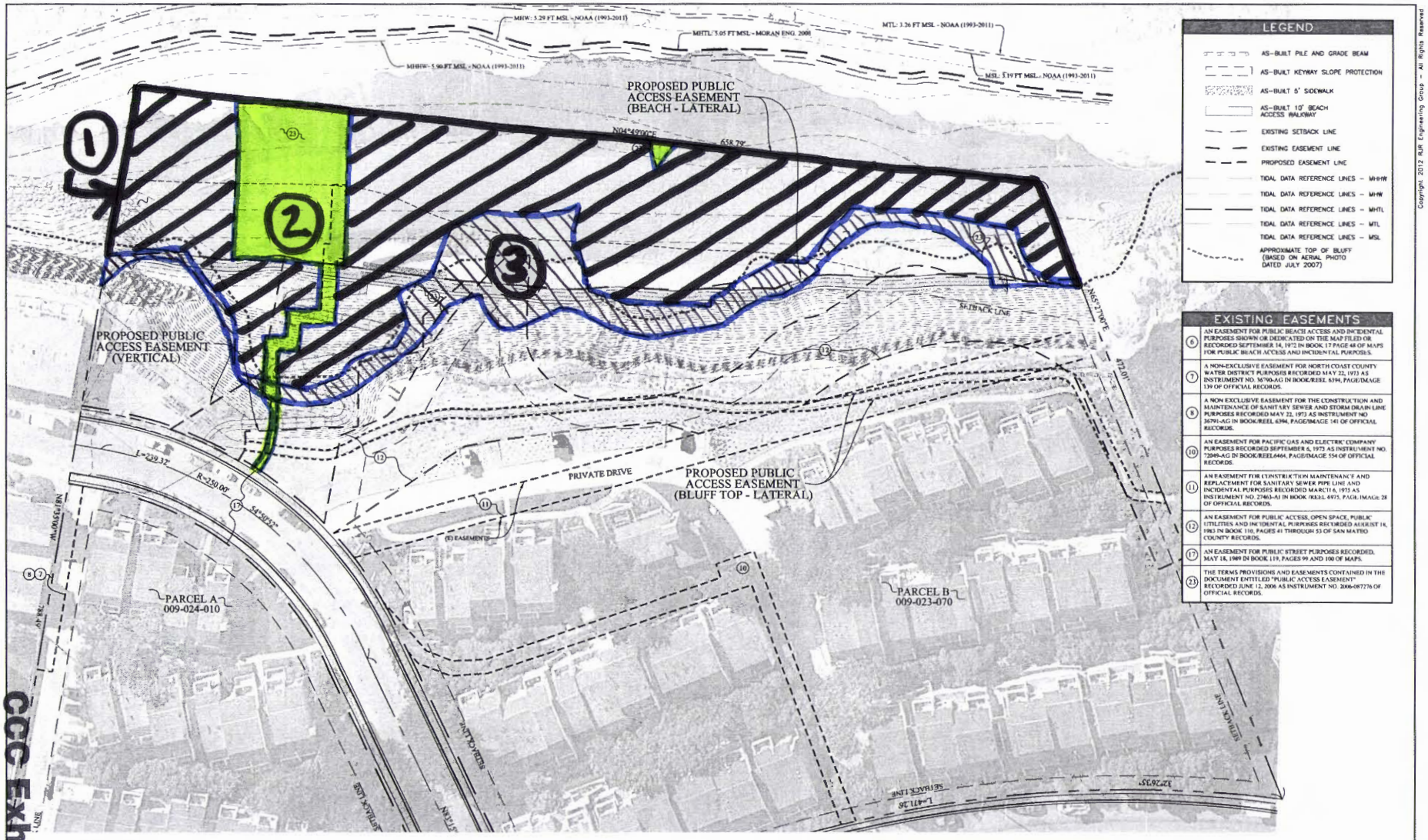
CALIFORNIA COASTAL COMMISSION

PROPOSED PUBLIC ACCESS PATH
BLUFF STABILIZATION PLANS
100 ESPLANADE AVENUE
PACIFICA, CA

SHEET 24
OF 25
DRAWING NO.

CCC Exhibit 8
(page 6 of 8 pages)

① Shoreline Access ② Vertical Access ③ Bluff Top Access



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SCALE: N.T.S.

DESCRIPTION OF REVISION	REF.	APP.	DATE
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Prepared by: RJR ENGINEERING GROUP

DESIGNED TTA | CHECKED RWA

PROJ. ENG. Robert W. Anderson

C-058383 | 4-24-12

RES. NO. | DATE

CITY OF PACIFICA

CALIFORNIA COASTAL COMMISSION

EASEMENT EXHIBIT

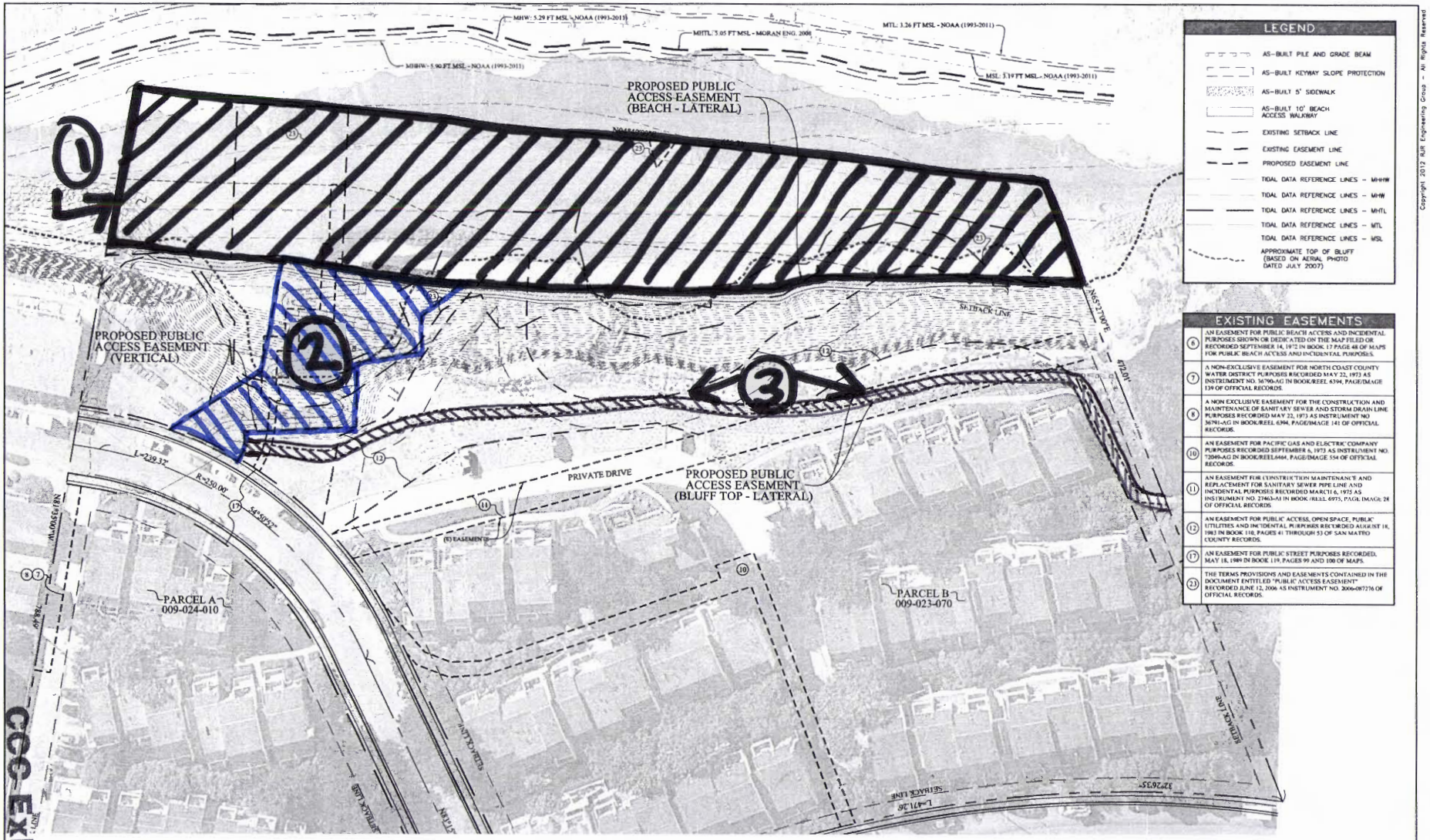
BLUFF STABILIZATION PLANS
100 ESPLANADE AVENUE
PACIFICA, CA

SHEET ____ OF ____

CCC Exhibit B (page 7 of 8 pages)

EXISTING EASEMENTS

① Shoreline Access ② Vertical Access ③ Blufftop Access



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SCALE: N.T.S.

DESCRIPTION OF REVISION	RCE	APP.	DATE
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B			
A			

Prepared by: RJR ENGINEERING GROUP

DESIGNED TTA | CHECKED RWA

PROJ. ENG. Robert W. Anderson

C-058383 | 4-24-12

REG. NO. | DATE

CITY OF PACIFICA

CALIFORNIA COASTAL COMMISSION

EASEMENT EXHIBIT

BLUFF STABILIZATION PLANS
100 ESPLANADE AVENUE
PACIFICA, CA

SHEET ____ OF ____

CCC Exhibit B (page 8 of 8 pages)

PROPOSED EASEMENTS

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904- 5400

EMERGENCY PERMIT

Rob Anderson
RJR Engineering
3500 Camino Avenue, Suite 200
Oxnard, CA 93030

Date: February 16, 2010
Emergency Permit No. 2-10-007-G

FPA/BAF Land's End Associates, LLC
4665 MacArthur Court, Ste. 200
Newport Beach, CA 92660

LOCATION OF EMERGENCY
100 Esplanade Avenue (Pacifica, San Mateo County) APN 009-023-070

EMERGENCY WORK
Construction of a temporary access road and installation of a riprap revetment on the beach along the length of the property, as shown in the project plans attached as Appendix 3 to the letter from RJR Engineering to Redwood Construction, dated January 31, 2010.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of accelerated bluff erosion posing a threat to the apartment complex requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

(a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and

(b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

PETER M. DOUGLAS
Executive Director

cc: Todd Stark, Redwood Construction
City of Pacifica

CCC Exhibit C
(page 1 of 14 pages)

Enclosure: Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the property owner and returned to our office **within 15 days**.

2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work shall be limited to that proposed in the emergency permit application, as shown in Appendix 3 of the letter from RJR Engineering to Redwood Construction, dated January 31, 2010. Any additional work requires separate authorization from the Executive Director.

3. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit, for review and approval by the Executive Director, a conceptual grading plan for construction of the temporary access road. Construction activities shall be carried out in general conformance with the approved grading plan. If significant changes to the approved grading plan are proposed, the applicant shall notify the North Central Coast District Office to determine if additional authorization from the Executive Director is required.

4. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.

5. The work authorized by this permit must be completed **within 60 days** of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.

6. The Permittee recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

7. In exercising this permit, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.

8. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to, California Department of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission. All work conducted under this emergency permit shall comply with the conditions and requirements of all necessary authorizations and/or permits.

9. Public access to and along the shoreline in the project area shall be permitted and provided to the maximum extent feasible, consistent with public safety.

Construction Responsibilities:

10. The beach and all other areas used for construction staging and access purposes shall be kept free from any debris or trash not needed for construction. Daily debris haul shall be implemented.

11. No construction equipment or materials shall be stored on the beach.

12. If, at any time while the work authorized by this Emergency Permit is occurring, any marine mammals are located on or seaward of the subject property, work must immediately stop and the Property Owner must immediately call the Marine Mammal Center in Sausalito, CA or the National Marine Fisheries Service to report that a marine mammal is located on the beach. Work must not commence until either the animal is removed by the Marine Mammal Center or the National Marine Fisheries Service, or until the animal returns to the ocean on its own without any harassment.

13. Construction activities and equipment shall avoid Pacific Ocean waters and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion.

14. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.

15. A copy of the signed Emergency Permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on

request. All persons involved with the construction shall be briefed on the content and meaning of the Emergency Permit, including all of its terms and conditions, prior to commencement of construction.

16. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, outfall discharge, other chemicals, etc.) from entering Pacific Ocean waters. A floating containment boom shall be placed around all active portions of the construction site where any floatable debris could enter the water. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

17. The construction site and staging area(s) shall be maintained with good construction housekeeping measures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; and remove all construction debris from the beach.

18. All hazardous materials located on the property (e.g., paint cans, solvents, household chemicals, etc.), shall be removed from the property and deposited at an authorized disposal and/or storage site.

Post-Construction Responsibilities:

19. All beach areas and all beach access points impacted by construction activities, except for the access road, shall be restored to their pre-construction condition or better **within three days** of completion of construction.

20. Any beach sand impacted by construction shall be filtered as necessary to remove all construction debris from the beach.

21. **Within seven days** of completion of the work authorized by the Emergency Permit, the Permittee shall submit photographic evidence of compliance with the Emergency Permit.

22. **Within 14 days** of issuance of this Emergency Permit, the Permittee shall submit, for review and approval by the Executive Director, a plan to restore the access road so that pedestrians may access the sandy beach from the bluff top at the southern end of the property, as an interim measure for public access, until such time that a permanent public access alternative is authorized. The Permittee shall implement the plan within 14 days of

approval by the Executive Director or within such additional time that the Executive Director grants for good cause.

23. **Within 30 days** of completion of the construction authorized by this Emergency Permit, the Permittee shall submit as-built plans and cross sections prepared by a certified civil engineer or engineering geologist, clearly identifying the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this Emergency Permit. The Permittee shall also provide records of the actual cost of completing the authorized work and the actual amount of rock placed, such as receipts from construction firms.

24. **Within 60 days** of the date of this Emergency Permit, the Permittee shall apply for a regular coastal development permit to have the emergency work be considered permanent. Such application shall include a complete analysis of alternatives to protect the structures that are in danger, including, but not limited to, re-location of the structure(s) out of harms way, beach nourishment, and/or a vertical seawall. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.

25. The Permittee shall be responsible for removing or re-depositing any rock or other material that becomes dislodged after completion of the temporary construction authorized by this Emergency permit as soon as possible after such displacement occurs. The Permittee shall contact the Coastal Commission North Central District Office immediately to determine whether such activities require a coastal development permit.

26. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY
EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904- 5400

EMERGENCY PERMIT

Rob Anderson
RJR Engineering
3500 Camino Avenue, Suite 200
Oxnard, CA 93030

Date: January 25, 2011
Emergency Permit No. 2-11-005-G

RECEIVED
FEB 15 2011
CALIFORNIA
COASTAL COMMISSION

FPA/BAF Land's End Associates, LLC
4665 MacArthur Court, Ste. 200
Newport Beach, CA 92660

LOCATION OF EMERGENCY
100 Esplanade Avenue (Pacifica, San Mateo County) APN 009-023-070

EMERGENCY WORK
Construction of 1) a 690-ft x 17.5-ft tie-back sea wall with public access stairs, 2) placement / retention of the minimal amount of rock necessary for toe scour protection, 3) removal of any existing rock revetment not needed for toe protection; and 4) construction of a construction and beach public access way; all as shown in the project plans prepared and submitted by RJR Engineering Group, dated January 5, 2011.

This letter constitutes approval of the emergency work you or your representative requested to be conducted at the location listed above. I understand from your information that an unexpected occurrence in the form of accelerated bluff erosion and failure and evidence of widespread vertical and horizontal movement of the bluff top is posing a threat to the Land's End property, driveway, and utilities; and requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

(a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and

(b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,
Renee T. Ananda
for PETER M. DOUGLAS
Executive Director

cc: Todd Stark, Redwood Construction
City of Pacifica
Enclosure: Acceptance Form

CCC Exhibit C
(page 6 of 14 pages)

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the property owner and returned to our office **within 15 days**.

2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work shall be limited to that proposed in the emergency permit application, as shown on project plans prepared and submitted by RJR Engineering Group, dated January 5, 2011, and as may be further revised through subsequent review and approval by the Executive Director. Recordation or extinguishment of any public access easements is not authorized under this emergency permit and shall be addressed under the follow-up Coastal Development Permit application, as required under Condition No. 16 of this Emergency Permit. Any additional work requires separate authorization from the Executive Director.

3. The work authorized by this permit must be completed **within 6 months** of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.

4. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Permittee shall submit a complete project implementation schedule that includes review and approval tasks; and interim coordination meetings for Coastal Commission staff to review.

5. PRIOR TO COMMENCEMENT OF CONSTRUCTION of the tie-back sea wall, the Permittee shall a) submit a formal sea wall simulation, for review and design approval by the Executive Director, showing the features for the face of the wall, as well as any treatments that will be used. The wall shall be designed and constructed to mimic, blend and be compatible with the surrounding natural landform to the maximum extent feasible, including in form, inclination, texture, and color; b) contact Coastal Commission staff upon completing placement of stakes and forms delineating the location of the tie-back sea wall for field review and approval; and c) prior to commencement of construction of the visual treatment, prepare a prototype/sample section for the proposed the tie-back sea wall in situ and contact Commission staff for field review and final design approval.

6. PRIOR TO COMMENCEMENT OF CONSTRUCTION of the wall and any slope reconstruction, Permittee shall a) modify project plans, dated January 5, 2011 to include geogrid reinforcement of the reconstructed slope, at the site of the former public access way, with the use of native plant species for erosion control on the slope above the tie-back sea wall; provide one or more cross-sections of the drainage plans, showing the

storm drain, BMPs, and the manner of discharge across the beach and c) submit the change for review and approval by the Executive Director.

7. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Permittee shall submit, for review and approval by the Executive Director, a) a grading plan for the temporary, construction / public beach access way; and b) drainage plans with construction Best Management Practices (BMPs) that will be implemented. Construction activities shall be carried out in general conformance with the approved grading plan and drainage plan. If significant changes to the approved grading plan or drainage plan are proposed, the applicant shall notify the North Central Coast District Office to determine if additional authorization from the Executive Director is required.

8. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.

9. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Permittee shall submit for review and approval by the Executive Director, an access plan for providing temporary beach access for the public during construction. Public access to and along the shoreline in the project area shall be permitted and provided to the maximum extent feasible, consistent with public safety. The temporary public access plan shall include an alternative plan to be followed when construction equipment are in operation at the site, consistent with public safety.

10. **Within 14 days** of approval by the Executive Director or within such additional time that the Executive Director grants for good cause, Permittee shall provide public access to the beach consistent with condition 9. Public access to the beach shall be provided no later than the Memorial Day Weekend, 2011, unless the Executive Director determines that such provision is not feasible, consistent with public safety.

11. Equipment shall be clean and free of leaks that may deposit fluids onto the beach. Vehicles shall be checked for leaking oil, fuel, and other associated vehicle fluids, and maintained. Stationary equipment shall be positioned over drip pans.

12. The Permittee recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved by the Coastal Commission. A regular permit will be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly, including provisions to mitigate for potential impacts to public access (such as offers to dedicate, easements, in-lieu fees, etc.), mitigation for impacts to the beach area, and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred.

13. In exercising this permit, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.

14. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to, California Department of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission. All work conducted under this emergency permit shall comply with the conditions and requirements of all necessary authorizations and/or permits.

15. PRIOR TO COMMENCEMENT OF CONSTRUCTION of the public access elements of the work authorized by this Emergency Permit, the Permittee shall submit a proposed design plan for the reconstructed public access on site for review and approval by the Executive Director. The design for the public access shall include at a minimum the pathway on the upper and lower bluff, benches along the entire bluff area (up coast and down coast), and additional amenities including, but not limited to a coastal information kiosk.

16. **Within 60 days** of the date of this Emergency Permit, the Permittee shall complete a regular coastal development permit application to have the emergency work be considered through the regular CDP process. Such application shall include a written timeline and description of the construction history for the existing structures being protected by work authorized under this permit, including the buildings, utilities, driveway, and public access; and an analysis of alternatives to protect the structures that are in danger, including, but not limited to, re-location of the structure(s) out of harms way, beach nourishment, and / or vertical sea wall. If after staff's review of the CDP application a request for additional information is made, the applicant shall submit this additional information within 30 days of the request. If no such application is received, or if the application remains incomplete for a period of 120 days after the Executive Director issues notice that the application is incomplete, or a follow-up CDP for retention is denied, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Executive Director. Removal of the emergency work might also require a CDP. If the follow-up CDP application is withdrawn without the Executive Director's consent, the emergency work shall be removed in its entirety within 150 days. The Permittee may also be subject to penalties or other remedial actions pursuant to the Commission's Chapter Nine enforcement authorities, as noted below.

Construction Responsibilities:

17. All areas used for construction staging and access purposes shall be kept free from any debris or trash not needed for construction. Daily debris haul shall be implemented. The

construction site and staging area(s) shall be maintained with good construction housekeeping measures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; and remove all construction debris from the beach.

18. Construction activities and equipment shall avoid Pacific Ocean waters and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps etc.) from entering Pacific Ocean waters. No construction equipment or materials shall be stored on the beach. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion.

19. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.

20. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions, Best Management Practices, and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

21. A copy of the signed Emergency Permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the Emergency Permit, including all of its terms and conditions, prior to commencement of construction.

22. If, at any time while the work authorized by this Emergency Permit is occurring, any marine mammals are located on or seaward of the subject property, work must immediately stop and the Property Owner must immediately call the Marine Mammal Center in Sausalito, CA or the National Marine Fisheries Service to report that a marine mammal is located on the beach. Work must not commence until either the animal is removed by the Marine Mammal Center or the National Marine Fisheries Service, or until the animal returns to the ocean on its own without any harassment.

Post-Construction Responsibilities:

23. All beach areas and all beach access points impacted by construction activities, except for the access road, shall be restored to their pre-construction condition or better **within three days** of completion of construction.

24. Any beach sand impacted by construction shall be filtered as necessary to remove all construction debris from the beach.

25. **Within seven days** of completion of the work authorized by the Emergency Permit, the Permittee shall submit photographic evidence of compliance with the Emergency Permit.

26. **Within 30 days** of completion of the construction authorized by this Emergency Permit, the Permittee shall submit as-built plans and cross sections prepared by a certified civil engineer or engineering geologist, clearly identifying the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this Emergency Permit. The Permittee shall also provide records of the actual cost of completing the authorized work and the actual amount of rock placed, such as receipts from construction firms.

27. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act. FAILURE TO A) SUBMIT A FOLLOW-UP COASTAL DEVELOPMENT PERMIT APPLICATION THAT SATISFIES THE REQUIREMENTS OF SECTION 13053.5 OF THE CALIFORNIA CODE OF REGULATIONS BY THE DATE SPECIFIED BY THIS PERMIT, OR AS EXTENDED THROUGH CORRESPONDENCE, OR B) REMOVE THE EMERGENCY WORK. (IF REQUIRED BY THIS EMERGENCY PERMIT) BY THE DATE SPECIFIED BY THIS PERMIT, WILL CONSTITUTE A KNOWING AND INTENTIONAL VIOLATION OF THE COASTAL ACT[1] AND MAY RSULT IN FORMAL ENFORCEMENT ACTION BY THE COMMISSION.

    THIS FORMAL ACTION COULD INCLUDE A RECORDATION OF A NOTICE OF VIOLATION ON YOUR PROPERTY PURSUANT TO SECTION 30812; THE ISSUANCE OF A CEASE AND DESIST ORDER AND/OR RESTORATION ORDER; AND/OR A CIVIL LAWSUIT, WHICH MAY RESULT IN THE IMPOSITION OF MONETARY PENALTIES, INCLUDING DAILY PENALTIES OF UP TO $15,000 PER VIOLATION PER DAY UNDER SECTION 30820(B), AND OTHER APPLICABLE PENALTIES AND OTHER RELIEF PURSUANT TO CHAPTER 9 OF THE COASTAL ACT.

[1] The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and, thus to the Coastal Act, unless otherwise indicated

PROCLAMATION CONFIRMING EXISTENCE OF A LOCAL EMERGENCY

By: CITY MANAGER

WHEREAS, Section 4-2.05 of the Pacifica Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session; subject to ratification by the City Council at the earliest possible time; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within said City, caused by severe cliff erosion and subsidence in the area of Pacifica adjacent to the Pacifica Ocean from a point at Manor Drive northward to the area of approximately 100 Palmetto. This condition is the result of El Nino conditions that have brought heavy wave action, strong winds and short bursts of heavy rain; and

WHEREAS, a total of 326 housing units are in peril due to the erosion. Of those, 14 are single family dwellings and the remainder are multi-family units; and

WHEREAS, due to the erosion there is an imminent threat of loss of structural support for the units and potential collapse into the ocean. To deal with this threat the City is requesting a Federal Small Business Administration (SBA) disaster declaration so as to qualify the owners for SBA assistance to shore up the properties; and

WHEREAS, said City does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that said local emergency does exist and shall be deemed to continue to exist until its termination is proclaimed by the City Council of Pacifica, State of California.

IT IS FURTHER ORDERED that a copy of this declaration be forwarded to the Governor of California with the request that he proclaim a state of emergency for Pacifica, and further that the Governor request a Presidential Declaration and an SBA disaster declaration.

Dated: February 16, 2010

BY:

Stephen A. Rhodes

Stephen A. Rhodes, City Manager
Director of Emergency Services

CCC Exhibit C
(page 12 of 14 pages)

CITY OF PACIFICA

EMERGENCY (LOCAL) COASTAL DEVELOPMENT PERMIT

Planning & Economic Development Department
1800 Francisco Boulevard
(650) 738-7341

EMERGENCY PERMIT #: CDP - 328 - 10 **DATE OF ISSUANCE:** 9/28/10

LOCATION OF WORK: 100 ESPLANADE WAY **APN:** 009-023-070
DESCRIPTION OF WORK PILES, GRADE BEAM AND SIDEWALK INSTALLATION for FR

NATURE AND/OR CAUSE OF EMERGENCY: Stabilize upper Bluff due to Excess Erosion
CONSEQUENCE OF INACTION (DO NOTHING): If NOT Completed by Winter, will threaten Buildings, Driveway and Utilities

PERMITTEE: Name: Robert W Anderson RJR Engineering
Address: 3500 Camino Ave, Ste 200 Oxnard, CA 93030
Phone: 805-485-3935

PROP. OWNER: Name: FPA/DAF Land's End Assoc. LLC
Address: 4665 MacArthur Ct., Ste 200 Newport Beach, CA 92660
Phone: 949-399-1500

If Permitee is not property owner, a signed statement of authorization to act as owner's agent is required. Sign back side of this sheet or attach separately signed statement.

PERMITTEE HEREBY AGREES TO THE FOLLOWING CONDITIONS OF THIS EMERGENCY PERMIT.

1. All emergency work shall proceed in accordance with approved plans, if any, on file with the City of Pacifica.
2. Permittee shall allow representatives of the City of Pacifica unlimited access to inspect all work performed under this permit.
3. Permittee shall notify the Building Official, at least every 24 hours, the status of emergency work being performed, until final inspection.
4. All emergency work shall be complete on or before Jan. 28 2011
5. Within 30 calendar days of the date of this permit, permittee shall apply for a regular Coastal Development Permit from the City of Pacifica to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless otherwise determined in writing by the Planning Director.
6. This permit shall be valid for 60 days from date of issuance, unless extended pursuant to Sect. 9-4.4307 of City Code.
7. All work performed under this permit shall comply with the applicable requirements of the City of Pacifica including the Building Official, Planning Director, Administrative Policies, standard specifications, Municipal Code as well as state and federal laws.
8. ***SPECIAL CONDITIONS:*** See attached Special conditions.

This permit constitutes approval of temporary emergency work necessitated by a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services, based on the terms and conditions described herein, and may be revoked at any time if deemed necessary by the Planning Director. Unless prescribed as a special condition herein, issuance of this permit does NOT constitute approval of emergency work on a permanent basis until all such work has been approved by the Pacifica Planning Commission. Pursuant to Sect. 9-4.4304 of City Code, the City may determine that the emergency work shall be removed, replaced or modified. Failure to comply with provision of Sect. 9-4.4307 of City Code may result in the removal of the work undertaken pursuant to this permit in its entirety and restoration of the site to its previous condition.

The permitee by acceptance of this permit, agrees to indemnify, defend and hold harmless the City of Pacifica from and against any and all claims, demands and legal actions for inquiries or damages to persons or property resulting from processing of, approval of, construction, operations or maintenance under this permit, regardless of passive negligence of the City of Pacifica, its officers, employees, consultants and agents, and agrees to compensate the City in full for all damages to property of the City or to public property under its jurisdiction resulting from operations or maintenance under this permit.

This permit does not authorize any work within the permit jurisdiction of the California Coastal Commission, nor does it obviate any required authorizations or other permits from city, state or other agencies.

APPROVALS: **CITY OF PACIFICA**

By _____
Michael Crabtree
Planning Director

AGREEMENT: **PERMITTEE:**

By: _____
(Property Owner or Authorized Agent)

By signing above, Permittee understands all of the conditions of this emergency permit and agrees to abide by them.

Permittee also understands that the emergency work is TEMPORARY and that a regular local Coastal Development Permit is necessary to make it a permanent installation.

CCC Exhibit C
(page 13 of 14 pages)

Emergency Coastal Development Permit, CDP-328-10 Special Condition

#1. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards; (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 City of Pacifica, and the Coastal Commission their officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the City of Pacifica, and the Coastal Commission, their officers, agents, and employees with respect to the City'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.

#2. Indemnity Clause

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

Exhibit D
2-10-039
Page 1 of 9

Exhibit D
2-10-039
Page 3 of 9

Prepared by:

RJR ENGINEERING GROUP

Planning Civil Engineering Flood Control/Hydrology
Geotechnical Engineering Geology Water Resources Environmental
2500 Camino Ave., Suite 200, Concord, CA 94520
(925) 685-2535 (925) 685-6486 FAX
E-mail: rjr@rjreng.com

AERIAL PHOTO
SEPTEMBER 26, 2011

100 ESPLANADE AVENUE
PACIFICA, CA

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2-10-039
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New Stairway

Exhibit D
2-10-039
Page 5 of 9

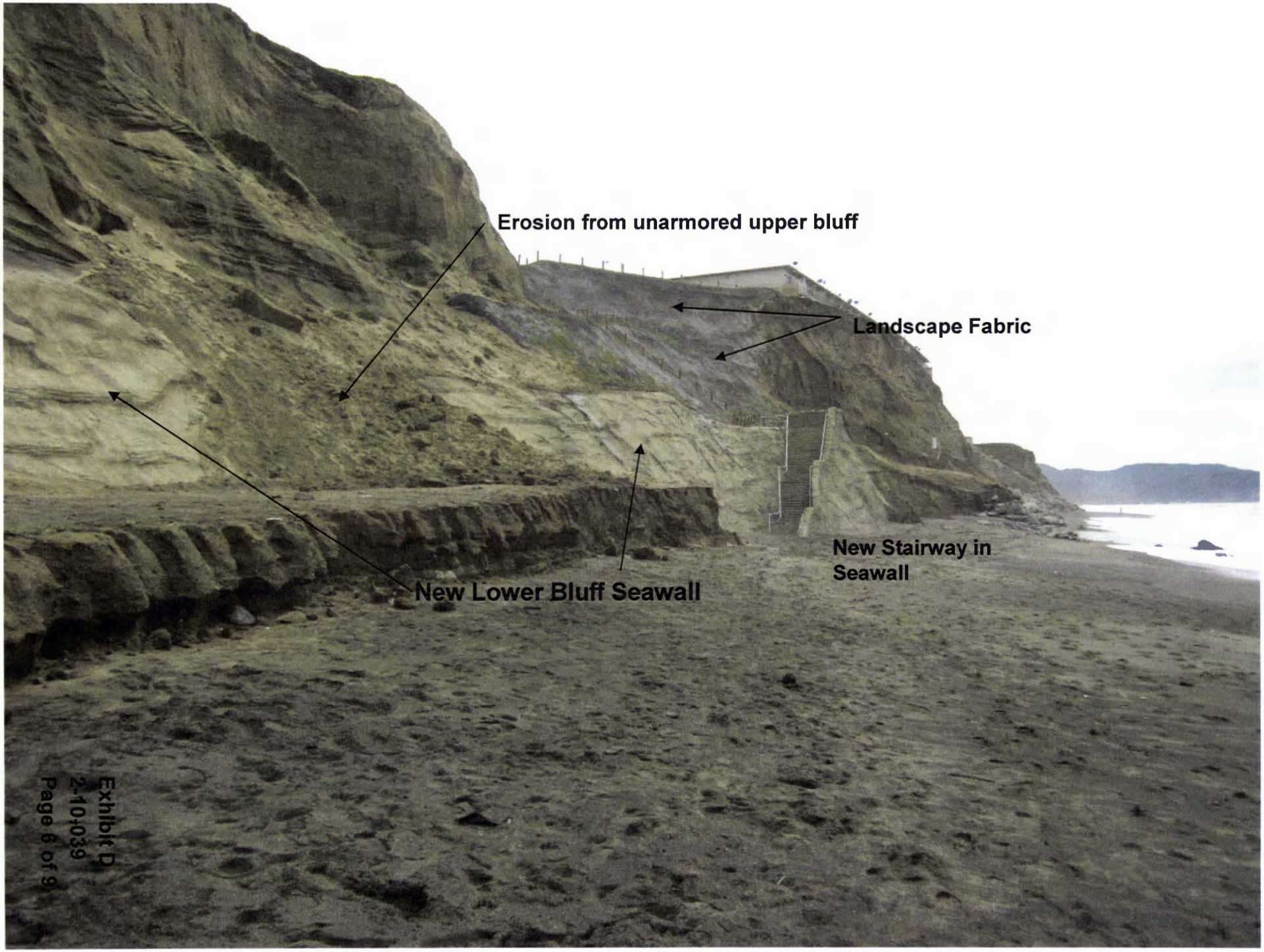

Erosion from unarmored upper bluff
Landscape Fabric
New Stairway in Seawall
New Lower Bluff Seawall

Exhibit D
2-10-039
Page 7 of 9

Exhibit D
2-10-039
Page 8 of 9

Exhibit D
2-10-039
Page 9 of 9

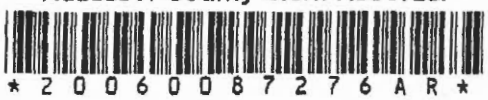
OAT
0355002470

(2)

Recording requested by
And when recorded mail to:

City of Pacifica
Attention: City Clerk
170 Santa Maria Avenue
Pacifica, CA 94044

2006-087276
02:22pm 06/12/06 ES Fee: 97.00
Count of pages 31
Recorded in Official Records
County of San Mateo
Warren Slocum
Assessor-County Clerk-Recorder



RECEIVED
JUL - 6 2006
CITY ATTORNEY

PUBLIC ACCESS EASEMENT
(Lands End)

This agreement ("Agreement") is made this 9th day of May, 2006, by and between FPA/BAF Lands End Associates, L.P., a California Limited Partnership ("Owner"), and THE CITY OF PACIFICA ("City").

3.

RECITALS

A. Owner is the fee owner of the real property located in the City of Pacifica, County of San Mateo, State of California, which is described in Exhibit A, attached hereto and incorporated by reference herein ("Property"). Owner's Property is located at 100 Esplanade Avenue, Pacifica, California.

B. All of the Property is located within the coastal zone as defined in Section 30103 of the California Public Resources Code.

C. In 1972 the City granted one of Owner's predecessors in interest (referred to herein as "Prior Owners") Use Permit 157-72 for apartment buildings and a recreation building on the Property with certain conditions. The City required, among other things, the construction of a staircase to provide public coastal access.

CCC Exhibit E
(page 1 of 23 pages)

D. One of the Prior Owners constructed the staircase in approximately 1972, and since construction of the staircase, Owner or Prior Owners have performed maintenance activities on the staircase.

E. In 1981 the City approved an application for a condominium conversion for the Property. With regard to the staircase, the City approved a Tentative Map (and subsequently, a Final Map) requiring as one of the conditions of approval public coastal access and maintenance of the vertical access to the shoreline if the Coastal Commission required such access.

F. Pursuant to the California Coastal Act of 1976 (division 20 of the Public Resources Code), Prior Owners applied to the California Coastal Commission for a permit for the condominium conversion. The California Coastal Commission considered the condominium conversion in 1983, granted coastal development permit number 3-83-15, required recordation of an Irrevocable Offer to Dedicate for open space/public access to the shoreline ("Vertical Offer to Dedicate") and required that "the applicant shall guarantee the stability and permanent maintenance in a safe condition of the stairwell." The Coastal Commission also required recordation of an Irrevocable Offer to Dedicate Public Access Easement for public access along the shoreline ("Sandy Beach Offer to Dedicate"), and an Irrevocable Offer to Dedicate Public Access Easement for public access along the bluff top (Bluff Top Offer to Dedicate"). The Vertical Offer to Dedicate, Sandy Beach Offer to Dedicate and Bluff Top Offer to Dedicate are collectively referred to herein as "the Offers to Dedicate."

G. In 1988, the City approved one of Prior Owners' applications for a reversion to acreage with numerous conditions, including requirements to record the Offers to Dedicate required by the Coastal Commission for the condominium conversion, and to repair and maintain the staircase in order to protect the public

health, safety, and welfare. The resolution approving the reversion to acreage is attached hereto as Exhibit B and incorporated herein.

H. The Vertical Offer to Dedicate was recorded on November 17, 1988 as instrument number 88157268 in the official records of San Mateo County. The Sandy Beach Offer to Dedicate was recorded on November 17, 1988 as instrument number 88157272 in the official records of San Mateo County. The Bluff Top Offer to Dedicate was recorded on November 17, 1988 as instrument number 88157271 in the official records of San Mateo County.

I. As a result of erosion and deterioration caused by the ocean, a portion of the staircase became unusable. In February 2004, the City approved Coastal Development Permit CDP-239-03 to repair the stairway and relocate the public access. The approval was conditioned on "ongoing maintenance" of the access. In addition the conditions required submittal for approval and recordation of an easement grant deed for the new access easement containing all conditions imposed pursuant to the Vertical Offer to Dedicate. A copy of the conditions of approval for CDP 239-03 is attached hereto as Exhibit C and incorporated herein.

J. The parties enter into this Agreement to define the responsibilities with respect to the public access areas on the Property, consistent with the Owner's obligations under its permits, including the reversion to acreage and CDP-239-03, but independent of any other existing obligations. The Agreement also provides the benefit of having one entity hold title to all public access easement interests affecting the Property as opposed to potential disparate ownership of these interests by different entities. Notwithstanding the foregoing, all applicable permits remain in effect and are binding on the Owner and any subsequent owners of the Property.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Agreement

1. Terms. As used in the Agreement, the following terms shall have the meaning provided in this section.

a. "Sandy Beach Area" means that portion of the Property extending the width of the Property parallel to the shoreline from the base of the bluff to the mean high tide line, as offered by the Sandy Beach Offer to Dedicate and depicted on the map attached to this Agreement as Exhibit D.

b. "Bluff Top Area" means that portion of the Property extending the width of the Property providing lateral access five feet wide from Esplanade Avenue on the bluff top, as set forth in the legal description for the Bluff Top Offer to Dedicate and attached to this Agreement as Exhibit E.

c. "Vertical Access Area" means that portion of the Property that extends from Esplanade Avenue to the bottom of the existing staircase and then continues down to the beach as a trail. Because of ongoing erosion and tidal action, the condition of the Vertical Access Area changes over time. The parties recognize the benefit of being able to change the location of the trail between the bottom of the staircase and the ocean ("Trail") so as to best provide public beach access. Therefore, the Vertical Access Area below (i.e. west of) the staircase is a rectangle within which the Trail can be relocated as necessary to best provide public access to the ocean, as determined by Owner. The Vertical Access Area is more particularly described in Exhibit F, attached hereto and incorporated herein.

d. "Easement Area" means that portion of the Property consisting of the Vertical Access Area, the Sandy Beach Area and the Bluff Top Area.

2. Easements in Perpetuity for Public Use and Recreation. Owner hereby grants to the City perpetual, non-exclusive easements in gross for the purpose of public use over the Easement Area (hereinafter referred to

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(page 4 of 23 pages)

Easement") to ensure public access. Owner is prohibited from interfering with public use of the Easement Area and shall not take any action inconsistent with such use, including, without limitation, constructing or improving the Property within the Easement Area in a manner inconsistent with the public's use and enjoyment or preventing public access to the Easement Area from the public street or from any existing public trails on the real properties immediately adjacent to the Property.

3. Ownership and Maintenance. Owner shall continue to own the Property subject to the Easement and shall own improvements constructed within the Easement Area. Owner agrees to maintain the Easement Area. Owner shall be solely responsible for all maintenance activities necessary to keep the Easement Area and the improvements within the Easement Area in a serviceable and safe condition for public use. In the event a catastrophic event impairs public access within the Easement Area, or any portion thereof, the City shall work with the Owner to seek and secure funding and/or obtain available grant funds for purposes of repairing and/or reconstructing public access within the Easement Area. For purposes of this Agreement, a "catastrophic event" is an earthquake, landslide, tsunami, storm or other event that results in a proclamation of a local emergency by the City or County of San Mateo or a proclamation of a state of emergency by the State of California.

4. Modification of Location of Improvements. The location of the Trail required pursuant to the conditions of approval attached hereto as Exhibit C may change as necessary to provide safe public access consistent with the topography of the Easement Area as long as the Trail remains within the Easement Area.

5. Liability and Release. The City does not assume any liability or responsibility for the Easement Area. Owner does hereby release and forever

discharge the City, its council, commission members, employees, agents, attorneys, successors and assigns ("City Parties") from any and all actions, obligations, costs, expenses attorneys' fees, damages, claims, losses, demands, and liabilities which arise out of or are in any way connected with this Easement, or use of the Easement Area except where due solely to the City Parties' active negligence. The releases set forth in this Agreement shall be effective as a bar to all actions, obligations, costs, expenses, attorneys' fees, damages, losses, claims, liabilities and demands of whatsoever character, nature and kind, known or unknown, suspected or unsuspected which in any way arise from or are related to this Easement, or use of the Easement Area except where due solely to the City Parties' active negligence. Owner acknowledges that it has or has had the opportunity to be advised by its attorney concerning, and is familiar with, California Civil Code section 1542 which provides:

> A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Owner for itself, its successors and assigns expressly waives any and all rights which each and every one of them may have under California Civil Code section 1542. Each and every party hereto acknowledges that the foregoing waiver of the provisions of section 1542 of the California Civil Code was separately bargained for.

6. Successors, Runs with the Land. The covenants, terms, conditions, and restrictions of the Easement granted herein shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal heirs, representatives, successors, and assigns and shall continue as a servitude running in perpetuity with the land. All such heirs, representatives, successors and assigns shall be bound to every provision in this Agreement, whether or not the

Agreement is referred to in the instrument by which such heirs, representatives, successors or assigns acquire an interest in the Property.

7. Subsequent Transfers. Owner agrees to incorporate by reference the terms of this Agreement in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including, but not limited to, leasehold interests. Owner further agrees to give written notice to the City of the transfer of any interest in all or any portion of the Property within thirty (30) days of the transfer. The failure of Owner to perform any act required by this paragraph shall not impair the validity of this Agreement or limit its enforceability in any way. This Agreement shall be recorded, and any transferee of title to all or any portion of the Property shall take title subject to the terms of this Agreement, whether or not the Agreement is specifically referred to in the instrument of conveyance.

8. Non-Abandonment. The City shall not abandon the Easement, or any portion thereof, except upon amendment of the coastal permits authorizing such abandonment. Any abandonment without such amendment shall be void and of no effect. For the purposes of this provision, an assignment of the Easement pursuant to paragraph 9 below shall not be considered to be an "abandonment" of the Easement.

9. Assignment. The City may assign or otherwise convey its interest in the Easement only to another public entity or nonprofit organization that has similar purposes to preserve public coastal access and which agrees to assume the responsibilities imposed by this Easement, and only upon the approval of the Executive Director of the Commission. Any assignment without such approval shall be void and of no effect. Such approval shall not be unreasonably withheld.

10. Amendment. The Easement may be amended only with the written consent of Owner, the City, and the Commission. Any amendment of this

Easement without the consent of all three shall be void and of no effect.

11. Other Liens. Owner represents that there are no conditions of title or other encumbrances that would restrict or abrogate any rights of the City under this Agreement. Owner agrees to execute or obtain such agreement or instruments in recordable form from any holders of mortgages or deeds of trust affecting the Property as may be required for the purpose of ensuring that any and all future owners of the Property will be bound by the terms of this Agreement and the Easement.

12. Recordation. Owner consents to the recording of this Agreement. Owner and City shall work together to ensure that this Agreement is recorded in a timely fashion in the official records of the San Mateo County Recorder. The instrument may be re-recorded at any time as may be required to preserve rights in this Agreement.

13. Opportunity to Review. Owner acknowledges that it has had the opportunity to review this Agreement and has been advised that it should consult with an advisor or attorney prior to entering into this Agreement and has had the benefit of that counsel.

14. Remedies. Any act, conveyance, contract, or authorization by Owner or the City whether written or oral which uses or would cause to be used or would permit use of the Easement contrary to the terms of said Easement or of this Agreement will be deemed a breach hereof. To the extent permitted by the releases and limits on liability contained elsewhere in this Agreement, the Owner, the City and the Commission may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Agreement, the Easement, and their respective interest in the Property, if any, provided, however, that the Commission may pursue legal remedies against the City only for acts in violation of paragraphs 8, 9 and 10 of this Agreement. In the event of a breach,

any forbearance on the part of any such party to enforce the terms and provisions of the Easement or this Agreement shall not be deemed a waiver of enforcement rights regarding that or any subsequent breach.

15. Cooperation, Costs of Enforcement. The parties agree to cooperate in good faith with each other in the administration of this Agreement. Any costs incurred in enforcing the terms of this Agreement including costs of suit and reasonable attorneys' fees, shall be borne by Owner.

16. Notices. Any notice, demand, request, consent, approval, or communication that any party desires or is required to give to any other party shall be in writing and may be served in any one of the following ways: personally, by certified mail, return receipt requested, or by overnight delivery, such as Federal Express, addressed as follows:

To Owner:

FPA/BAF Lands End Associates, L.P.
c/o Nancy Mauriello, Esq.
23201 Lake Center Drive, #300
Lake Forest, CA 92630

To City:

City Manger
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

With a copy to:

City Attorney
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

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(page 9 of 23 pages)

17. General Provisions.

a. Controlling Law. The interpretation and performance of this Agreement shall be governed by the laws of the State of California.

b. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Agreement shall be liberally construed in favor of the grant to affect the purpose of the Agreement. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Agreement that would render the provision valid shall be favored over any interpretation that would render it invalid.

c. Severability. If any provision of this Agreement is found to be invalid, the remainder of the provisions of this Agreement, or the application of such provision to any person or circumstance other than those as to which it has been found to be invalid, shall not be affected thereby.

d. Entire Agreement. This Agreement contains all of the agreements of the parties hereto with respect to the Easements and no prior agreement or understanding whether written or oral pertaining to any such matter shall be effective for any purpose. Owner acknowledges that Owner voluntarily entered into this Agreement with City. No alteration or variation of this instrument shall be valid or binding unless Owner and City jointly amend the instrument.

e. Captions. The captions in this Agreement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

f. Incorporation of Recitals. The recitals contained in this Agreement are true and correct, and are hereby incorporated into this Agreement as if fully set forth herein.

g. City's Discretion. Enforcement of the terms of this Agreement shall be at the discretion of the City, and any forbearance by the City to exercise its rights under this Agreement in the event of any breach of any term

of this Agreement by Owner shall not be deemed or construed to be a waiver by the City of such term or of any subsequent breach of the same or any other term of this Agreement or of any of the City's rights under this Agreement. No delay or omission by the City in the exercise of any right or remedy upon any breach by Owner shall impair such right or remedy or be construed as a waiver. Notwithstanding any other provision of law, all waivers must be express and in writing.

h. Authority to Execute. Each person executing this Agreement on behalf of a party represents and warrants that such person is duly and validly authorized to do so, has full right and authority to enter into this Agreement and all of its obligations hereunder.

IN WITNESS WHEREOF, Owner and City have executed this Agreement effective as of the date first above written.

Owner:

FPA/BAF LANDS END ASSOCIATES, L.P.,
A CALIFORNIA LIMITED PARTNERSHIP
By its General Partner:
GF Lands End, LLC
A California Limited Liability Company

By: _____
Gregory A. Fowler, Manager

Date: 4-6-06

City:

THE CITY OF PACIFICA

By: _____
Joseph Tanner, City Manager

Date: 5-9-06

CCC Exhibit E
(page 11 of 23 pages)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of San Mateo } ss.

On May 9, 2006 (Date), before me, Kathy O'Connell, Notary Public (Name and Title of Officer (e.g., "Jane Doe, Notary Public")),
personally appeared Joseph Tanner (Name(s) of Signer(s)),

☑ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kathy O'Connell
Signature of Notary Public

KATHY O'CONNELL
Comm. # 1438645
NOTARY PUBLIC - CALIFORNIA
San Mateo County
My Comm. Expires Sep. 9, 2007

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Approved as to form:

Cecilia M. Quick

Cecilia Quick, City Attorney

ATTESTED:

Kathy O'Connell

City Clerk

This is to certify that the interest in real property conveyed by this Agreement dated MAY 9, 2006 from EPA/LBAF HAWKINS END RESIDENCE to the City of Pacifica, a political corporation, is hereby accepted pursuant to authority conferred by Resolution No. 39 of the Council of the City of Pacifica adopted on the 25th day of June, 1958, and the City of Pacifica consents to recordation thereof by its duly authorized officer.

Dated 5-9-06 By

CCC Exhibit E
(page 13 of 23 pages)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of ORANGE } ss.

On APRIL 6 2006, before me, N. WICKHAM, Notary Public
Date — Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared GREGORY A. FOWLER
Name(s) of Signer(s)

☑ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

N. WICKHAM
Commission # 1366839
Notary Public - California
Marin County
My Comm. Expires Aug 14, 2006

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

LEGAL DESCRIPTION - BLUFF TOP AREA

All that certain real property lying within the exterior boundaries of that certain map entitled "Points West, A Condominium, Being a Subdivision of Parcels A and B of that Certain Parcel Map as Recorded in Volume 17 of Parcel Maps at page 48 Records of San Mateo County, California, City of Pacifica, San Mateo County, California", which map was filed in the Office of the County Recorder of San Mateo County, State of California on August 18, 1983 in Book 110 of Maps at Pages 41 through 52 inclusive, more particularly described as follows:

Beginning at the northwest corner of aforementioned Parcel B; thence from said point of beginning, along the northerly line of said Parcel B, N 65° 27' 00" E 83.95 feet to the true point of beginning; thence from said true point of beginning along said northerly line N 65° 27' 00" E 5.00 feet; thence S 00° 17' 12" W 42.07 feet; thence S 78° 18' 58" W 10.91 feet; thence S 44° 21' 11" W 20.60 feet; thence S 29° 31' 34" W 20.86 feet; thence S 14° 27' 20" W 32.21 feet; thence S 1° 11' 47" W 9.14 feet; thence S 17° 11' 00" E 23.24 feet; thence S 45° 32' 59" E 36.07 feet; thence N 55° 25' 32" E 4.00 feet; thence S 34° 34' 28" E 30.21 feet; thence S 12° 07' 52" E 15.23 feet; thence S 28° 33' 38" E 12.04 feet; thence S 36° 17' 28" E 21.92 feet; thence S 12° 46' 34" E 32.70 feet; thence S 10° 39' 40" E 15.70 feet; thence S 8° 22' 08" W 30.55 feet; thence S 27° 30' 17" W 29.47 feet; thence S 6° 32' 08" W 11.40 feet; thence S 27° 57' 12" E 30.62 feet; thence S 2° 21' 41" E 14.51 feet; thence S 49° 53' 49" W 13.81 feet; thence S 71° 25' 10" W 12.67 feet; thence S 15° 46' 57" E 16.49 feet; thence S 31° 29' 11" E 13.22 feet; thence S 55° 47' 29" E 31.15 feet; thence S 36° 57' 43" E 56.86 feet; thence S 24° 14' 12" E 18.02 feet; thence S 6° 56' 16" E 19.61 feet; thence S 9° 37' 23" W 14.63 feet; thence S 31° 18' 01" W 20.37 feet; thence S 23° 09' 00" W 11.35 feet; thence S 59° 51' 42" W 10.43 feet; thence S 84° 36' 59" W 18.18 feet; thence S 62° 45' 50" W 38.13 feet; thence S 53° 31' 35" W 17.86 feet; thence S 36° 25' 29" W 13.66 feet; thence S 2° 39' 23" W 21.76 feet; thence S 16° 40' 58" E 13.82 feet; thence S 44° 23' 35" E 24.80 feet; thence N 81° 35' 00" W 21.44 feet; thence N 4° 21' 23" W 56.98 feet; thence N 53° 56' 30" E 58.57 feet; thence N 89° 53' 48" E 32.36 feet; thence N 34° 10' 10" E 11.36 feet; thence N 11° 15' 17" E 40.80 feet; thence N 19° 42' 24" W 25.68 feet; thence N 58° 15' 13" W 14.56 feet; thence N 25° 07' 03" W 19.11 feet; thence N 8° 23' 30" W 14.88 feet; thence N 59° 55' 56" W 18.21 feet; thence S 64° 34' 07" W 24.29 feet; thence N 28° 09' 24" W 29.46 feet; thence N 69° 00' 26" W 36.67 feet; thence N 24° 41' 17" W 27.32 feet; thence N 1° 10' 06" E 27.46 feet; thence N 4° 27'[24" W 29.93 feet; thence N 36° 21' 35" W 10.35 feet; thence S 77° 28' 48" E 20.18 feet; thence N 75° 25' 10" E 25.70 feet; thence N 78° 34' 23" E 19.59 feet; thence N 17° 18' 09" E 29.08 feet; thence N 2° 58' 23" W 43.64 feet; thence N 8° 20' 39" E 16.08 feet; thence N 87° 25' 44" W 14.90 feet; thence N 8° 26' 46" W 19.92 feet; thence N 32° 27' 03" W 25.91 feet; thence N 00° 26' 03" W 23.73 feet; thence N 39° 02' 30" W 8.58 feet; thence N 66° 38' 30" W 16.18 feet; thence N 50° 05' 19" W 25.57 feet; thence N 4° 03' 12" W 11.21 feet; thence N 00° 31' 20" W 24.72 feet; thence N 6° 59' 22" E 27.75 feet; thence N 12° 28' 25" E 30.36 feet; thence N 9° 14' 11" E 20.57 feet; thence N 66° 22' 13" E 19.77 feet; thence N 56° 23' 54" E 21.65 feet; thence N 24° 16' 49" E 10.00 feet to the true point of beginning. This parcel contains more or less 0.381 acres and includes existing pathway and sidewalk along Cliff Bluff.

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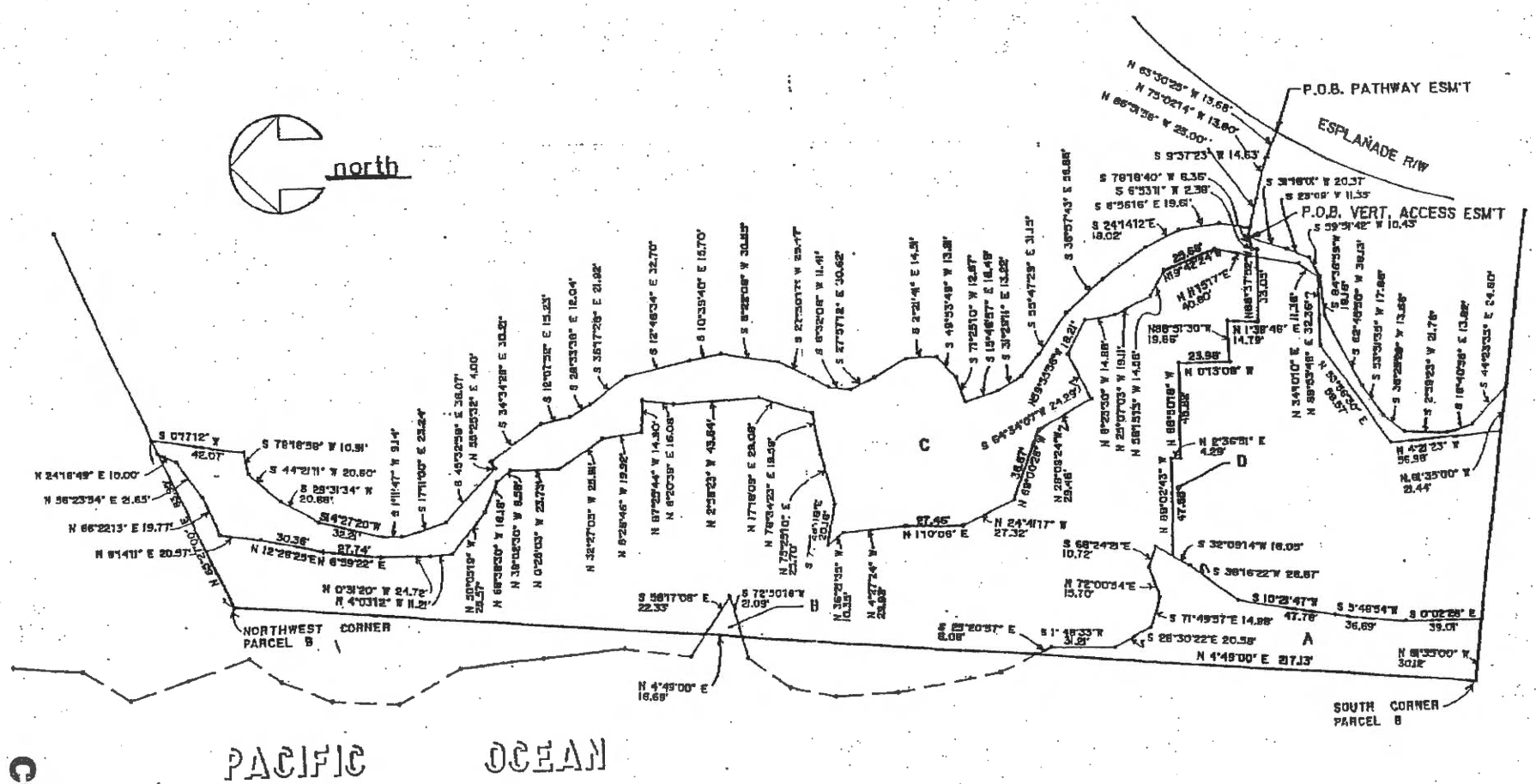
(page 15 of 23 pages)



PLAT TO ACCOMPANY LEGAL DESCRIPTION

CARROLL / RESOURCES ENGINEERING & MANAGEMENT

AUGUST, 1988

CCC Exhibit E
(page 16 of 23 pages)

VERTICAL ACCESS AREA
LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY LYING WITHIN THE EXTERIOR BOUNDARIES OF THAT CERTAIN MAP ENTITLED "POINTS WEST, A CONDOMINIUM, BEING A SUBDIVISION OF PARCELS A AND B OF THAT CERTAIN PARCEL MAP AS RECORDED IN VOLUME 17 OF PARCEL MAPS AT PAGE 48 RECORDS OF SAN MATEO COUNTY, CALIFORNIA, CITY OF PACIFICA, SAN MATEO COUNTY, CALIFORNIA", WHICH MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA ON AUGUST 18, 1983 IN BOOK 110 OF MAPS AT PAGES 41 THROUGH 52 INCLUSIVE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

A STRIP OF LAND TEN (10) FEET IN WIDTH, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT ON THE NORTHWESTERLY SIDE OF ESPLANADE AVENUE, SAID POINT BEING THE POINT OF BEGINNING IN DOCUMENT ENTITLED PATHWAY EASEMENT, INSTRUMENT NO. 88157268; THENCE FROM SAID POINT OF BEGINNING:

NORTH 63° 30' 25" WEST 13.56 FEET;
THENCE NORTH 75° 02' 14" WEST 13.80 FEET;
THENCE NORTH 86° 44' 08" WEST 31.47 FEET;
THENCE NORTH 88° 37' 52" WEST 33.05 FEET;
THENCE NORTH 01° 38' 48" EAST 14.79 FEET;
THENCE NORTH 88° 51' 30 WEST 19.66 FEET;
THENCE NORTH 00° 13' 08" WEST 23.98 FEET;

THENCE NORTH 88° 50' 18" WEST 35.00 FEET TO POINT "A" AND THE END OF SAID 10 FOOT WIDE EASEMENT ALSO THE POINT OF BEGINNING FOR A BLANKET EASEMENT ENCOMPASSING THE FOLLOWING BEARINGS AND DISTANCES:

BEGINNING AT SAID POINT "A" SOUTH 01° 09' 42' WEST 73.00 FEET; THENCE NORTH 88° 50' 18" WEST 110.48 FEET; THENCE NORTH 01° 09' 42" EAST 78.00 FEET; THENCE SOUTH 88° 50' 18" EAST 110.48 FEET; THENCE SOUTH 01° 09' 42" WEST 5.00 FEET TO SAID POINT "A" OF SAID BLANKET EASEMENT.

LICENSED LAND SURVEYOR
C.J. QUEYREL
No. 2988
Exp. 06/30/06
STATE OF CALIFORNIA

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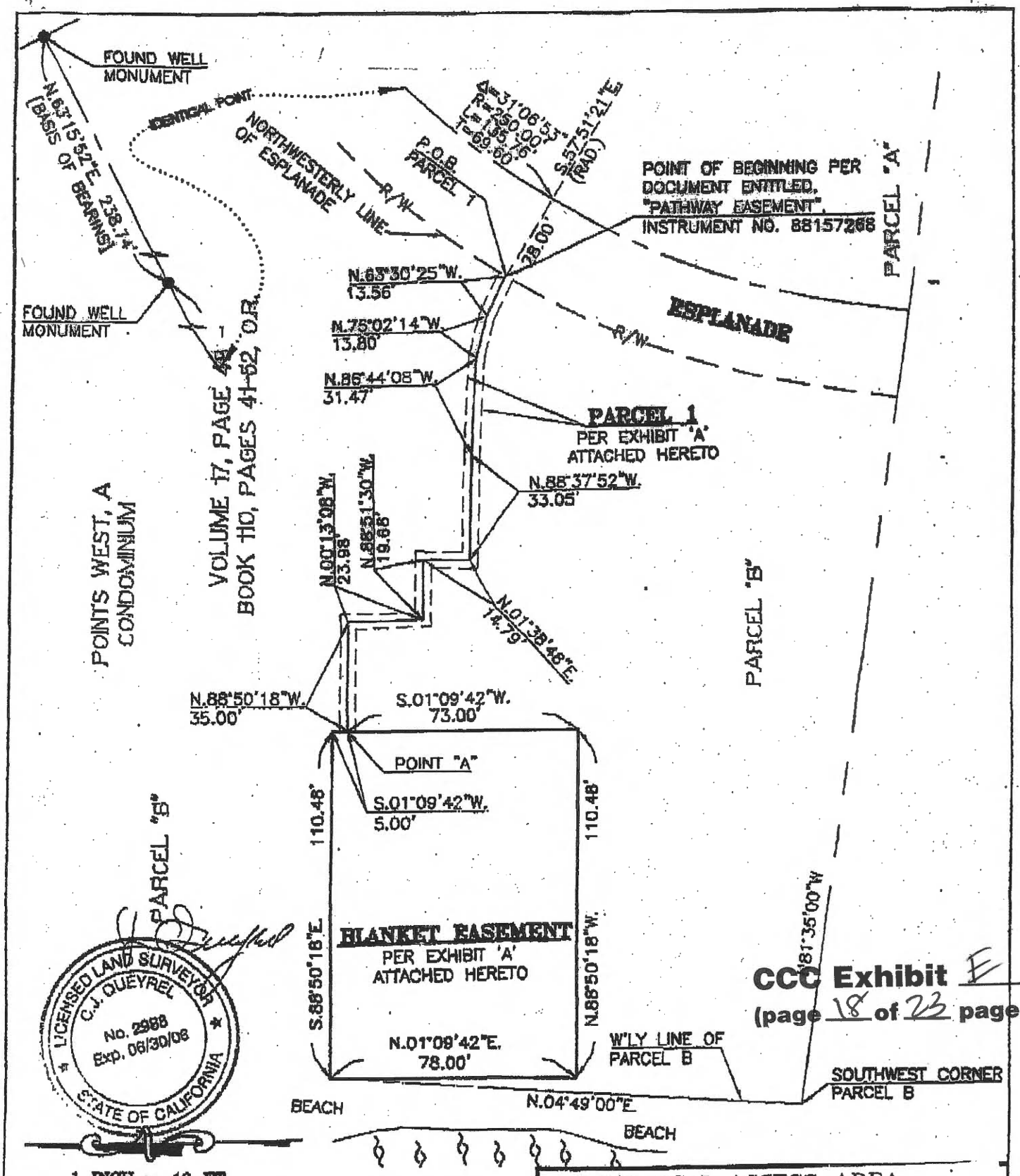
SURVEYOR'S NAME & FIRM NAME: ANACAL ENGINEERING CO. CIVIL ENGINEERING & LAND SURVEYING 1900 E. LA PALMA AVE. ~ SUITE 202 ~ ANAHEIM, CALIFORNIA 92805 PHONE:	JOB NO. 04093	BY: P. D. C.	VERTICAL ACCESS AREA
ANACAL ENGINEERING		DATE: 5/20/05	LOCATION "LANDS END APARTMENTS" 100 ESPLANADE
		SCALE:	OWNER: SHEET NO.



CCC Exhibit F
(page 18 of 23 pages)

VERTICAL ACCESS AREA

SURVEYOR'S NAME & FIRM NAME: ANACAL ENGINEERING CO.
CIVIL ENGINEERING & LAND SURVEYING
1900 E. LA PALMA AVE. ~ SUITE 202 ~ ANAHEIM, CALIFORNIA 92805 PHONE:

JOB NO. 04093

ANACAL ENGINEERING

BY: P. D. C.

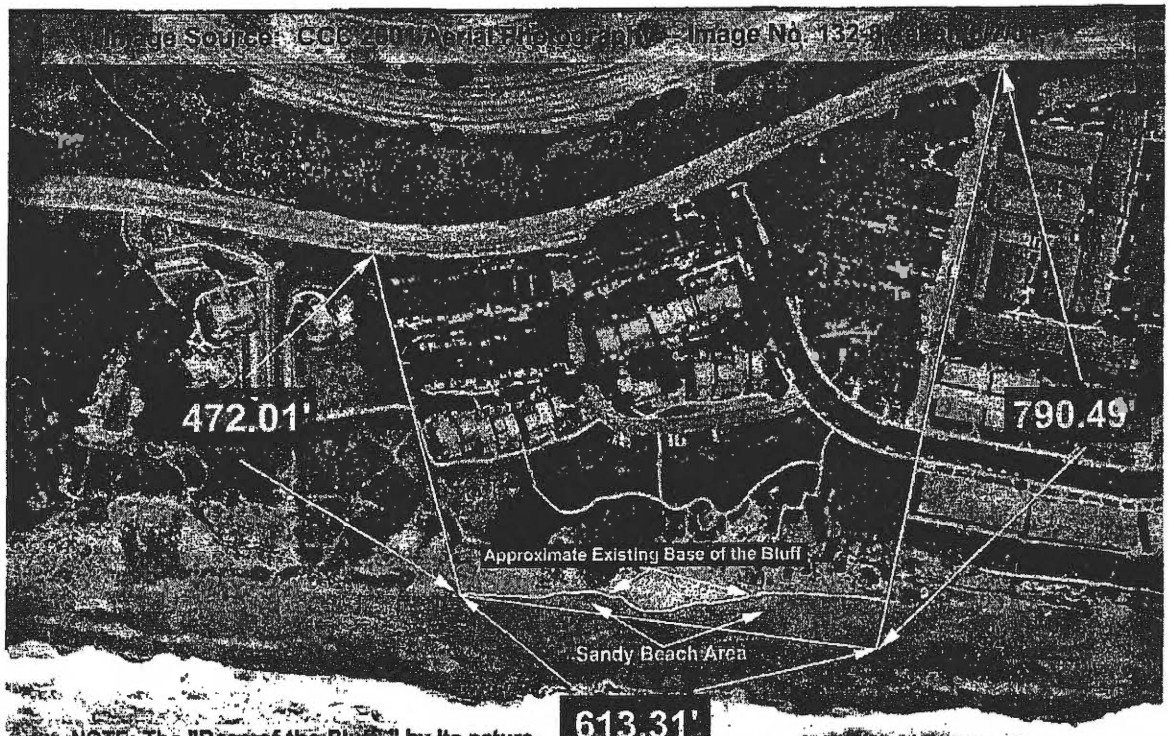
DATE: 5/20/05

SCALE:

LOCATION "LANDS END APARTMENTS" 100 ESPLANADE

OWNER:

SHEET NO.



NOTE: The "Base of the Bluff," by its nature and definition is an ambulatory geographic feature and subject to change over time.

NOTE: The line on this map showing the western Property line (also the western boundary of the Sandy Beach Area) is drawn on the basis of the legal description of the Property as contained in the deed thereto, which excepts any portion of land which may lie westerly of the "line of ordinary high water mark of the Pacific Ocean." This term is synonomous with the term "mean high tide line" as such term is used in the Sandy Beach Offer to Dedicate. The western Property line as drawn on the map is a two dimensional representation and approximation of the western property line (and western boundary of the Sandy Beach Area) as legally described. Since the "line of ordinary high water mark of the Pacific Ocean" and "mean high tide line" are, by their very nature and definition, ambulatory and subject to change over time, the western Property line (and western boundary of the Sandy Beach Area) will exhibit these same characteristics.

CCC Exhibit E
(page 19 of 23 pages)

EXHIBIT "C"

LEGAL DESCRIPTION - CLIFF BLUFF EASEMENT

All that certain real property lying within the exterior boundaries of that certain map entitled "Points West, A Condominium, Being a Subdivision of Parcels A and B of that Certain Parcel Map as Recorded in Volume 17 of Parcel Maps at page 48 Records of San Mateo County, California, City of Pacifica, San Mateo County, California", which map was filed in the Office of the County Recorder of San Mateo County, State of California on August 18, 1983 in Book 110 of Maps at Pages 41 through 52 inclusive, more particularly described as follows:

Beginning at the northwest corner of aforementioned Parcel B; thence from said point of beginning, along the northerly line of said Parcel B, N 65° 27' 00" E 83.95 feet to the true point of beginning; thence from said true point of beginning along said northerly line N 65° 27' 00" E 5.00 feet; thence S 00° 17' 12" W 42.07 feet; thence S 78° 18' 58" W 10.91 feet; thence S 44° 21' 11" W 20.60 feet; thence S 29° 31' 34" W 20.86 feet; thence S 14° 27' 20" W 32.21 feet; thence S 1° 11' 47" W 9.14 feet; thence S 17° 11' 00" E 23.24 feet; thence S 45° 32' 59" E 36.07 feet; thence N 55° 25' 32" E 4.00 feet; thence S 34° 34' 28" E 30.21 feet; thence S 12° 07' 52" E 15.23 feet; thence S 28° 33' 38" E 12.04 feet; thence S 36° 17' 28" E 21.92 feet; thence S 12° 46' 34" E 32.70 feet; thence S 10° 39' 40" E 15.70 feet; thence S 8° 22' 08" W 30.55 feet; thence S 27° 30' 17" W 29.47 feet; thence S 6° 32' 08" W 11.40 feet; thence S 27° 57' 12" E 30.62 feet; thence S 2° 21' 41" E 14.51 feet; thence S 49° 53' 49" W 13.81 feet; thence S 71° 25' 10" W 12.67 feet; thence S 15° 46' 57" E 16.49 feet; thence S 31° 29' 11" E 13.22 feet; thence S 55° 47' 29" E 31.15 feet; thence S 36° 57' 43" E 56.86 feet; thence S 24° 14' 12" E 18.02 feet; thence S 6° 56' 16" E 19.61 feet; thence S 9° 37' 23" W 14.63 feet; thence S 31° 18' 01" W 20.37 feet; thence S 23° 09' 00" W 11.35 feet; thence S 59° 51' 42" W 10.43 feet; thence S 84° 36' 59" W 18.18 feet; thence S 62° 45' 50" W 38.13 feet; thence S 53° 31' 35" W 17.86 feet; thence S 36° 25' 29" W 13.66 feet; thence S 2° 39' 23" W 21.76 feet; thence S 16° 40' 58" E 13.82 feet; thence S 44° 23' 35" E 24.80 feet; thence N 81° 35' 00" W 21.44 feet; thence N 4° 21' 23" W 56.98 feet; thence N 53° 56' 30" E 58.57 feet; thence N 89° 53' 48" E 32.36 feet; thence N 34° 10' 10" E 11.36 feet; thence N 11° 15' 17" E 40.80 feet; thence N 19° 42' 24" W 25.68 feet; thence N 58° 15' 13" W 14.56 feet; thence N 25° 07' 03" W 19.11 feet; thence N 8° 23' 30" W 14.88 feet; thence N 59° 55' 56" W 18.21 feet; thence S 64° 34' 07" W 24.29 feet; thence N 28° 09' 24" W 29.46 feet; thence N 69° 00' 26" W 36.67 feet; thence N 24° 41' 17" W 27.32 feet; thence N 1° 10' 06" E 27.46 feet; thence N 4° 27'[24" W 29.93 feet; thence N 36° 21' 35" W 10.35 feet; thence S 77° 28' 48" E 20.18 feet; thence N 75° 25' 10" E 25.70 feet; thence N 78° 34' 23" E 19.59 feet; thence N 17° 18' 09" E 29.08 feet; thence N 2° 58' 23" W 43.64 feet; thence N 8° 20' 39" E 16.08 feet; thence N 87° 25' 44" W 14.90 feet; thence N 8° 26' 46" W 19.92 feet; thence N 32° 27' 03" W 25.91 feet; thence N 00° 26' 03" W 23.73 feet; thence N 39° 02' 30" W 8.58 feet; thence N 66° 38' 30" W 16.18 feet; thence N 50° 05' 19" W 25.57 feet; thence N 4° 03' 12" W 11.21 feet; thence N 00° 31' 20" W 24.72 feet; thence N 6° 59' 22" E 27.75 feet; thence N 12° 28' 25" E 30.36 feet; thence N 9° 14' 11" E 20.57 feet; thence N 66° 22' 13" E 19.77 feet; thence N 56° 23' 54" E 21.65 feet; thence N 24° 16' 49" E 10.00 feet to the true point of beginning. This parcel contains more or less 0.381 acres and includes existing pathway and sidewalk along Cliff Bluff.

88157272

CCC Exhibit E
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EXHIBIT "C"

LEGAL DESCRIPTION - SHORELINE ACCESS EASEMENT "A"

All that certain real property lying within the exterior boundaries of that certain map entitled "Points West, A Condominium, Being a Subdivision of Parcels A and B of that Certain Parcel Map as Recorded in Volume 17 or Parcel Maps at page 48 Records of San Mateo County, California, City of Pacifica, San Mateo County, California", which map was filed in the Office of the County Recorder of San Mateo County, State of California on August 18, 1983 in Book 110 of Maps at Pages 41 through 52 inclusive.

Beginning at the southeast corner of Parcel B as shown on that Certain Map filed for Record in Book 110 of Maps at Pages 41 through 52 inclusive, San Mateo County;

Thence from said point of beginning along the westerly line of aforementioned Parcel B, N 04° 49' 00" E 217.13 feet, thence S 25° 20' 57" E 8.08 feet; thence S 1° 48' 33" W 31.21 feet; thence S 28° 30' 22" E 20.58 feet; thence S 71° 49' 57" E 14.88 feet; thence N 72° 00' 54" E 15.70 feet; thence S 68° 24' 21" E 10.72 feet; thence S 32° 09' 14" W 18.05 feet; thence S 38° 16' 22" W 28.,87 feet; thence S 10° 21' 47" W 47.78 feet; thence S 5° 48' 54" W 36.69 feet; thence S 00° 02' 28" E 39.01 feet; thence N 81° 35' 00" W 30.12 feet to the true point of beginning, and containing 0.130 acres, more or less.

88157271

CCC Exhibit E
(page 21 of 23 pages)

EXHIBIT "C-1"

LEGAL DESCRIPTION - SHORELINE ACCESS EASEMENT "B"

All that certain real property lying within the exterior boundaries of that certain map entitled "Points West, A Condominium, Being a Subdivision of Parcels A and B of that Certain Parcel Map as Recorded in Volume 17 of Parcel Maps at page 48 Records of San Mateo County, California, City of Pacifica, San Mateo County, California", which map was filed in the Office of the County Recorder of San Mateo County, State of California on August 18, 1983 in Book 110 of Maps at Pages 41 through 52 inclusive.

Beginning at the southeast corner of Parcel B as shown on that Certain Map filed for Record in Book 110 of Maps at Pages 41 through 52 inclusive, San Mateo County; thence from said point of beginning along the westerly line of aforementioned Parcel B, N 04° 49' 00" E 362.93 feet to the true point of beginning; thence from said true point of beginning, along the westerly line of said Parcel B, N 04° 49' 00" E 18.69 feet; thence S 56° 17' 06" E 22.34 feet; thence S 72° 50' 18" W 21.09 feet to the true point of beginning and containing 0.004 acres, more or less.

88157271

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RF
CO
LN
MF
AF
HB

RECORDED AT REQUEST OF

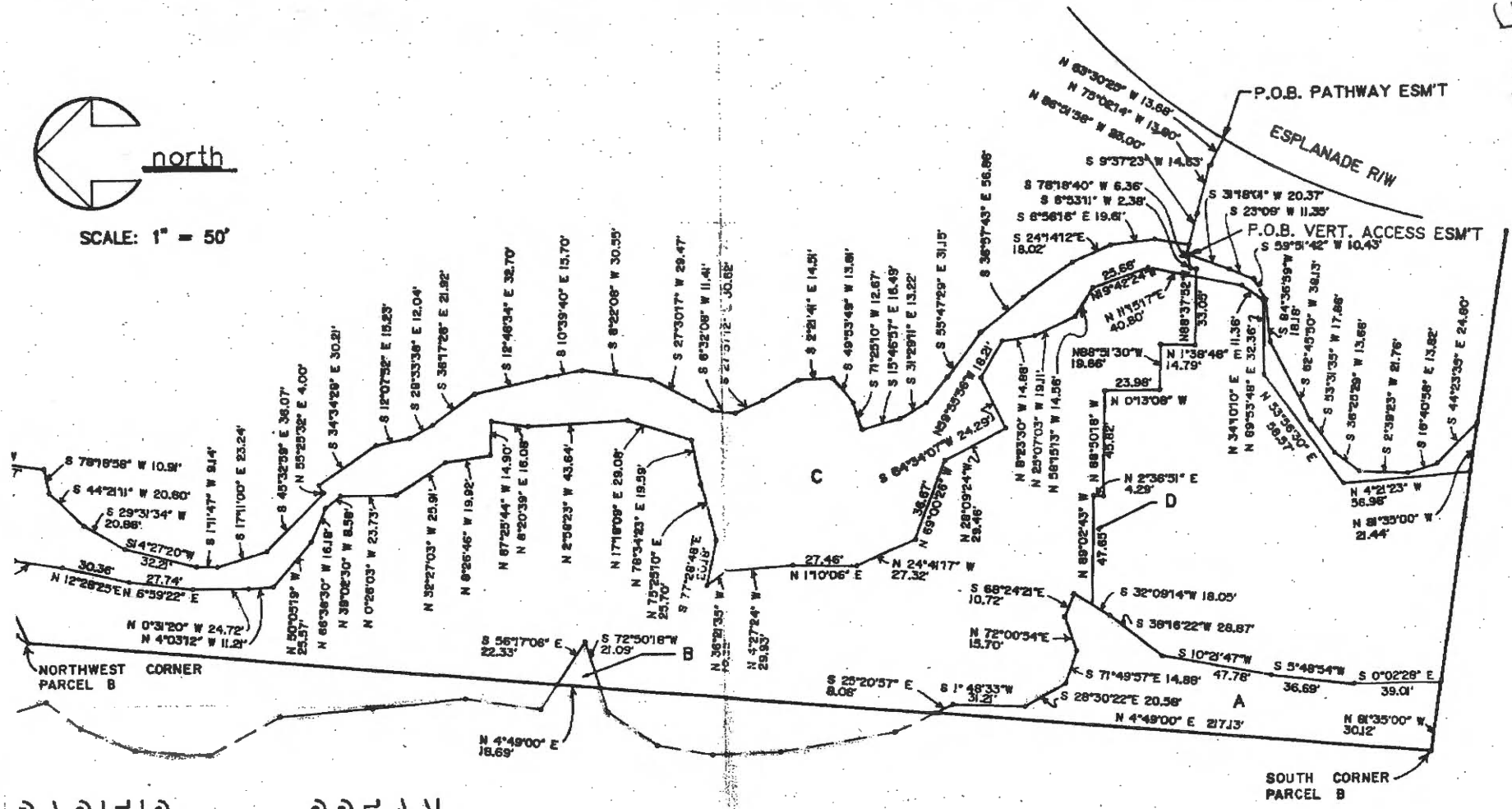
FIRST AMERICAN TITLE INSURANCE CO.
SAN MATEO COUNTY TITLE DIVISION

Nov 17 11 34 AM '88

27

WARREN SLOCUM RECORDER
SAN MATEO COUNTY
OFFICIAL RECORDS

CCC Exhibit E
(page 22 of 23 pages)



CCC Exhibit 3 (page 2 of 2 pages)

EXHIBIT "A"

ACCOMPANY LEGAL DESCRIPTION

Base of Bluff

88157271

CARROLL / RESOURCES ENGINEERING & MANAGEMENT

88157271

EXHIBIT "C-2"
AUGUST, 1988

3145-0103

May 2, 2012

California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: **Permit:** 2-10-039
Applicant: Land's End Assoc., LLC
Project: Permit authorization for development completed under emergency permits 2-10-007-G and 2-11-005-G for 670 ft. long concrete faux bluff seawall, public access walkway, stairway and related development.

SUBMISSION OF VOTE: **IN FAVOR**

I would like to submit my vote **IN FAVOR** of the development of the seawall and public access walkway and stairway and related development at Land's End Apartments.

Land's End has done a wonderful job of designing the area to maintain the integrity of the cliffs and public walkway while enhancing the natural beauty of the coastal land. The Coastal Commission and County of San Mateo are lucky to receive this development for the residents of Pacifica as well as the residents at Land's End.

Land's End should be permitted to design and complete the public access walkway to the beach. It is currently just a dirt path and is being eroded by nature as well as foot traffic. Paving this walkway will secure the land and path and provide a beautiful and safe passage way to the beach area.

The landscaping of the area in front of Land's End is well planned and beautiful.

Land's End is an asset to Pacifica and offers a great and generous partnership with the California Coastal Commission for many years to come!

I am a new resident to Land's End and chose this complex because of the beauty and safety of the location.

Thank you,

Anita Ledbetter

CCC Exhibit F
(page 1 of 1 pages)