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Filed:	01/09/2014
Action Deadline:	07/08/2014
Staff:	E. Lavine – SF
Staff Report:	01/23/2014
Hearing Date:	02/13/2014

STAFF REPORT: REGULAR CALENDAR

Application Number: 2-13-1020

Applicant: City of Pacifica

Project Location: Pacifica State Beach, City of Pacifica, San Mateo County (APNs 022-130-140, 022-130-150, 022-130-130, 022-161-140, and 023-730-240).

Project Description: Installation of 1,300 feet of year-round fencing, 930 feet of seasonal fencing, and associated interpretive signs at Pacifica State Beach as part of a protection plan for western snowy plovers.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Pacifica (City) proposes to install 1,300 feet of year-round fencing, 930 feet of seasonal fencing, and associated interpretive signs at Pacifica State Beach in the City of Pacifica, San Mateo County. Pacifica State Beach contains an environmentally sensitive habitat area for wintering western snowy plovers in an area of backbeach sand dunes located in the northern section of Pacifica State Beach. The proposed project is part of a protection program for western snowy plovers, a Species of Concern in California and a Federally-listed Threatened Species. The City created the protection program in consultation with U.S. Fish and Wildlife Service (USFWS) and local western snowy plover experts. The proposed signage and year-round and seasonal fencing would protect the environmentally sensitive habitat area consistent with the public access, recreation and visual resource policies of the Coastal Act.

The proposed year-round and seasonal fencing would deter beach users from crossing to the beach at informal access points through the backbeach dune system, protecting adjacent sensitive dune habitat while still allowing continued access to the beach at established public access points on and adjacent to the trail.

The proposed project also would install informational, educational, and regulatory signage at Pacifica State Beach to alert beach users to the existence of plover habitat and to caution them against actions (e.g., touching or teasing wildlife, taking pets off-leash) that might disturb plover habitat. Consistent with visual resource policies of the Coastal Act, the proposed signage would be compatible in size and design to nearby signs, and would be sited in such a way that it would avoid impeding views or significantly degrading the scenic value of the beach.

Therefore, as conditioned, the project would be consistent with the Coastal Act, including with regard to sensitive habitat, public access and recreation, and visual resource policies. Staff recommends approval of the CDP application as conditioned. The motion is found on page 4 below.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission approve Coastal Development Permit Number 2-13-1020 pursuant to the staff recommendation, and I recommend a yes vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 2-13-1020 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with Coastal Act policies. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 Permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Fencing Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for review and approval by the Executive Director two sets of final fencing plans clearly describing the location, dimensions, and design of all year-round and seasonal fencing to be installed, in substantial conformance with the project description package submitted with the application (dated October 25, 2013 and dated received in the Coastal Commission's North Central Coast District Office on October 31, 2013). The final fencing plans shall provide a mechanism for the Executive Director to review and approve changes to the placement of seasonal fencing. Approval of changes to the placement of seasonal fencing may only be granted if such proposed changes are accompanied by the recommendation of a qualified biologist or resource specialist, and will demonstrably protect and enhance both the adjacent habitat and coastal access.
2. **Sign Plan.** Prior to the installation of signage, the Permittee shall submit for review and approval by the Executive Director two sets of final sign plans clearly describing the location, dimensions, and design of signage to be installed in substantial conformance with the signage package submitted with the application. The signs shall be sited and designed so as to provide clear information without adversely impacting public views and visual resources. Anti-perching devices (e.g., wires, spikes) shall be installed atop approved signage above six feet in height and proximate to sensitive habitat if a qualified biologist or resource specialist determines that such signage provides a perch for predatory birds and presents a risk of predation to snowy plovers. The final plans shall provide a mechanism for the Executive Director to review and approve minor sign changes. Changes may only be granted if such changes will not adversely impact, and/or will enhance coastal resources, including coastal access (e.g., modifying program signage to be clearer to the public and/or more aesthetically pleasing). The California Coastal Commission and California Coastal Trail emblems shall be displayed upon at least one interpretive or informational sign at a beach access point or on the multipurpose trail.
3. **Five-year Authorization of Seasonal Fencing.** The seasonal fencing surrounding the plover wintering habitat authorized by this CDP shall be authorized through April 15, 2019, and is not authorized after that date by this CDP. The seasonal fencing surrounding the plover wintering habitat shall be removed by April 15, 2019, unless: (1) the Executive Director authorizes the Permittee to retain the approved seasonal fencing for an additional 5 years, in which case it must be removed by April 15, 2024; or (2) there is a CDP application that has been submitted for Coastal Commission approval to reauthorize such development, in which case it may remain only until the Commission acts on the CDP application request and authorizes the fencing for an additional period of time. Any such CDP application shall include a description of the effectiveness of the seasonal fencing and signage in protecting sensitive dune habitat.

IV. COASTAL DEVELOPMENT PERMIT DETERMINATION

The proposed project is located within the Commission's retained CDP jurisdiction and thus the standard of review is the Coastal Act. As relevant, the City of Pacifica certified LCP can provide non-binding guidance. Applicable LCP policies are detailed below.

A. PROJECT LOCATION

The proposed project is located at Pacifica State Beach (also known as Linda Mar Beach) in the City of Pacifica (City), San Mateo County. Pacifica State Beach is the southernmost beach area in the City. It is an approximately three-quarter mile long crescent-shaped beach that is located at the mouth of the San Pedro Valley fronting downtown Pacifica. The beach area is generally bounded by the Pacific Ocean to the west, rocky headlands to the north and south, and Highway 1 to the east. East of Highway 1 is the City's Linda Mar residential subdivision and downtown commercial development (see **Exhibit 1**).

Public beach recreational facilities have been present at Pacifica State Beach for roughly 40 years. The facilities were originally installed by the State when the beach was being managed directly by the California Department of Parks and Recreation. These facilities include two parking lots, restrooms, outdoor showers, and a coastal multipurpose public access trail, which is part of the California Coastal Trail and is Americans with Disabilities Act (ADA) compliant. The multipurpose trail extends along the eastern edge of Pacifica State Beach, from the Rockaway headlands to the north to Linda Mar Boulevard to the south. The State transferred management of Pacifica State Beach to the City in 1990, at which point the City assumed primary responsibility for operational management and maintenance subject to the terms of the 1991 agreement between California State Parks and the City. The proposed project is located on parcels owned by State Parks and managed by the City (APN 022-130-130, 022-130-140, and 122-161-140) and on City-owned parcels (022-130-150, 022-161-120, and 023-730-240) (see **Exhibit 2**).

Pacifica State Beach is one of the first beach recreation areas south of San Francisco, and the most used beach in San Mateo County according to City officials.¹ It is a popular beach for recreational uses, including swimming, picnicking, surfing, surf fishing, ocean viewing, and other recreational activities. The beach is notable for its popularity among surfers, and according to a local expert, it may be the most used beach for surfing north of Santa Cruz.² Visitors access the beach from established access points along the multipurpose trail or from the beach parking lots, which are located immediately west of Highway 1 between Linda Mar Boulevard and Crespi Drive.

Pacifica State Beach is a sandy beach with a backbeach coastal sand dune area at the northern end of the beach that provides wintering habitat for the western snowy plover, a Species of Concern in California and a Federally-listed Threatened Species. This habitat is located in and

¹ City of Pacifica Police Department memorandum dated March 16, 2011 from Captain D. Bertini, to City of Pacifica Manager Steve Rhodes, dated March 16, 2011.

² Personal communications from Greg Cochran, President of the Pedro Point Surf Club, to Renee Ananda, Coastal Commission Coastal Planner (November 8, 2011 and November 9, 2011).

around the backbeach dunes north of Crespi Drive. In this stretch of beach, visitors pass through the dunes at established beach access points and through informal trails along the multipurpose trail that runs along the eastern edge of the dunes roughly parallel to Highway 1 (see **Exhibit 4**). The southern end of the beach contains wetlands at the mouth of the San Pedro Creek (see **Exhibit 3**).

B. PROJECT DESCRIPTION

The proposed project involves the installation of year-round fencing, seasonal fencing, and signage as part of the City of Pacifica's protection plan for western snowy plovers.

Fencing

The year-round fencing would include two sections of plastic post fencing with vinyl coated cables in the northern portion of Pacifica State Beach running along the western side of the multipurpose trail. Plastic posts would be 4 inches by 4 inches and approximately 4 feet in height. The first section would run approximately 678 feet north from the beach access point at the intersection of Highway 1 and Crespi Drive and the second section would run approximately 624 feet south from the intersection of Highway 1 and Crespi Drive to the north end of the beach parking lot. This alignment would allow a break in the fencing at Highway 1 and Crespi Drive to accommodate beach access from the multipurpose trail (see **Exhibit 4**).

The seasonal fencing would include 928 feet of cable-through-eye fencing that would enclose snowy plover wintering habitat in the northern area of Pacifica State Beach and intersect both ends of the section of the permanent fencing north of Crespi Drive. In combination with the proposed year-round fencing, the installation of the seasonal fencing would allow for the identified plover wintering habitat to be delineated on all sides. The seasonal fencing would enclose approximately 2.95 acres of snowy plover habitat, covering a portion of the backbeach dune area and a small portion of sandy beach. Fence posts would be approximately 3.5 feet high. The boundaries of the proposed seasonal wintering habitat were identified in consultation with the United States Fish and Wildlife Service and local snowy plover experts. This fencing would be installed annually in mid-August and removed in mid-April to coincide with the western snowy plover wintering season at Pacifica State Beach. The seasonal fencing is movable, and would be shifted to accommodate the plover wintering habitat as recommended by a western snowy plover expert and to ensure public safety during storms or extreme high tides (see **Exhibit 4**).

Signage

The proposed project would install signage along the proposed fencing and at other points along Pacifica State Beach as follows:

- 1) Historical information beach signs, western snowy plover species and habitat informational signs, and "picture signs" of beach wildlife (including plovers) created in conjunction with local teachers, artists, and students, would be installed on the year-round fencing, 3.5 feet high, proposed along the multipurpose trail. These signs, not yet designed, would be similar in nature to other student-designed signage located at the San Pedro Creek (see **Exhibit 5**).
- 2) Small signs (10-inch by 10-inch) identifying the plover area would be placed every 75 to 100

feet along the seasonal fencing, 3.5 feet high (see **Exhibit 6**).

- 3) Six 36-inch by 36-inch “Sensitive Wildlife Protection Area” signs, posted at a height yet to be determined by the City, would be installed on wood posts at key beach access points to identify the snowy plover wintering area and list beach regulations related to the plover area (see **Exhibit 7**).
- 4) Snowy plover informational signs would be placed at beach access points at the Crespi Drive entrance to the beach and at the northern beach parking lot (see **Exhibit 8**). They would be posted at a 45 degree angle on 48-inch high wood posts.
- 5) A beach safety and informational sign would be placed at the access point at the Crespi Drive entrance to the beach (see **Exhibits 9**). This sign would be posted at a 45 degree angle on 48-inch high wood posts.
- 6) Three wooden sign poles would be installed to educate the public on snowy plovers and the San Pedro Creek wetlands. Each pole would be 7 feet tall and 36 inches in diameter, with the base covered in beach rocks. The poles would be topped with a 1- to 1.5-foot fiberglass animal characters. Signs along the pole would be shaped like animals and contain facts about snowy plovers and the wetlands (see **Exhibit 10**). Two poles would focus on snowy plovers, one placed at the Crespi Drive entrance to the beach, and the other at the beach access point at the northern beach parking lot. A pole focused on the San Pedro Creek wetlands would be placed on the multipurpose beach access trail on the south side of the San Pedro Creek mouth.

C. SENSITIVE HABITATS

Applicable Policies

Coastal Act Section 30107.5 defines “environmentally sensitive habitat area” as:

...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The Coastal Act provides protection for habitat areas, including those that are considered to be environmentally sensitive habitat areas (ESHAs), as follows:

Section 30240: *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Similarly, the LCP provides protections for environmentally sensitive habitat areas as follows:

C-7 18: *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed*

within such areas. 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 such areas, and shall be compatible with the continuance of such habitat areas.

C-104: *Trails and beach accesses across native coastal vegetation shall be designed to protect the vegetation from trampling and scarring.*

Analysis

The City of Pacifica indicates that the proposed development would be undertaken as part of a protection plan for western snowy plovers created in consultation with the U.S. Fish and Wildlife Service and local plover experts. The snowy plover habitat area at Pacifica State Beach is concentrated in the backbeach dune area to the north of Crespi Drive. This area has been identified as a wintering location for western snowy plovers.

The backbeach dune area identified for protection by the City in consultation with USFWS and local plover experts is an environmentally sensitive habitat area as defined in Section 30107.5 of the Coastal Act by virtue of the valuable role it plays as wintering habitat for the Federally-threatened western snowy plover, which is easily disturbed by human activities. Western snowy plover (*Charadrius alexandrinus nivosus*) is a California Species of Concern and a Federally-listed Threatened Species, due to causes including predation and loss of nesting habitat from development and invasion of non-native plants (such as European beach grass). The Pacific coast population of the western snowy plover breeds and overwinters in coastal areas extending from Damon Point, Washington, south to Bahia Magdalena in Baja California, Mexico (including both Pacific and Gulf of California coasts). The USFWS Recovery Plan (2007) for western snowy plover states that habitat destruction is the main cause for the species' decline. The USFWS Recovery Plan identifies protective management measures, including exclusions and/or symbolic fencing, enforcement of rules and regulations, management of pets (e.g., keeping dogs on leash, etc.), and on-site signs to educate the public.

Plovers are easily disturbed (i.e., the activity causes the plover to move or fly away) when approached by humans and animals. Research on wintering western snowy plovers at beach areas near the Devereux Slough in Santa Barbara County conducted by Kevin D. Lafferty in 2000 and 2001 indicates that plovers are sensitive to disturbance from recreational activities that are common at Pacifica State Beach, including walking, jogging, and dog walking. Lafferty's field research indicates that plovers do not significantly acclimate to high levels of disturbance and disturbance to wintering plovers may result in negative impacts to survivorship or cause plovers to abandon a wintering site.³

As previously discussed, Pacifica State Beach's snowy plover habitat is concentrated in the backbeach dune area to the north of Crespi Drive. The activity of beach users nearby the dune area risks disturbance to wintering plovers. Of particular concern is the use of informal trails through the backdune area to access the beach from Highway 1. When the Commission issued a CDP to the City in 2013 (CDP 2-12-019) to allow a parking fee program at Pacifica State Beach's parking lots between 8am and 8pm daily, it included findings that considered the

³ Lafferty, Kevin D., 2001. Disturbance to wintering western snowy plovers. *Biological Conservation* 101, 315–325.

possibility that users seeking to avoid the fee might gravitate to free parking across Highway 1 and make their way to the immediate shoreline through informal trails in the dunes. To avoid such an impact, a special condition was required to implement dune protection measures. These measures included actions to direct users to developed trails and away from informal trails through the dunes, including enclosures/symbolic fencing and educational signage. Thus, the proposed project, in part, implements measures required through the special conditions of CDP 2-12-019 through the proposed project.

The proposed project would install fencing and signage that would serve to reduce human-induced disruptions to snowy plovers and damage to the dune habitats at the northern end of Pacifica State Beach (see **Exhibit 4**). The year-round fencing, which would run along the seaward side of the multipurpose trail, would deter beach users from taking informal footpaths over the dune areas and simultaneously reinforce the permitted beach access points along the trail. In deterring foot traffic and the establishment of volunteer trails through the adjacent dunes, the fencing would have a beneficial effect on plover habitat, the dune's native vegetation, and the overall condition of the dune system. The year-round fencing would thus constitute development adjacent to ESHA, and it is sited and designed to prevent impacts which would degrade an environmentally sensitive habitat area, consistent with Section 30240(b) of the Coastal Act. In addition, by directing foot traffic to designated beach access points, the proposed project has the effect of protecting native dune vegetation from disruption, consistent with the City of Pacifica LCP Policy C-104.

The seasonal fencing, which would be installed in mid-August and removed in mid-April to coincide with plover wintering at Pacifica State Beach, would deter beach users from inadvertently crossing into and disturbing resting plovers when present and/or degrading plover habitat. Consistent with Section 30240(b) of the Coastal Act, the seasonal fencing also would constitute development in an area adjacent to an environmentally sensitive habitat area sited and designed to prevent impacts which would significantly degrade the area. The City of Pacifica proposes that it may shift the placement of the seasonal fencing to accommodate the plover roosting area in consultation with local experts. **Special Condition 1** allows for changes to the placement of seasonal fencing, but requires that the changes be submitted for approval by the Executive Director, be accompanied by recommendations from of a qualified biologist or resource specialist, and protect coastal resources, including both the habitat and coastal access. **Special Condition 3** authorizes the seasonal fencing for a five-year period and provides the Executive Director with the ability to authorize the seasonal fencing for an additional 5 years for a maximum of ten years. **Special Condition 3** requires the permittee to remove the seasonal fencing after five years, or a maximum of ten years if allowed by the Executive Director, unless authorization by the Commission has been granted to retain the fencing for an additional period of time.

In addition to the placement of fencing, the proposed project would include the installation of educational and regulatory signage consistent with management measures included in the USFWS Plover Recovery Plan (see **Exhibit 6**, **Exhibit 7**, and **Exhibit 8**). Signs that state "Sensitive Wildlife Area, Do Not Enter" would be placed along the seasonal fence poles delineating the wintering habitat area and would assist rangers to enforce the restricted area and issue citations when necessary. Additionally, educational signage informing the public of the presence of snowy plovers and the need to keep dogs on leash would be posted at several access

points adjacent to the habitat area. Adequate noticing of the restricted areas would protect environmentally sensitive resources by informing the public of appropriate use and access. Such signs would also provide adequate notification prior to implementing enforcement actions and discourage uses incompatible with these sensitive habitats. Therefore, the fencing and signage discussed above would serve to protect environmentally sensitive habitat areas consistent with Section 30240 of the Coastal Act.

Conclusion

The proposed project would result in protective measures that would deter beach goers from crossing into or walking through the backbeach dunes and plover habitat and educate the public on uses incompatible within these sensitive habitat areas. Thus, the proposed project would protect environmentally sensitive habitat areas consistent with the sensitive habitat policies of the Coastal Act and City of Pacifica LCP.

D. PUBLIC ACCESS AND RECREATION

Applicable Policies

Coastal Act sections 30210 through 30224 specifically protect public access and recreational opportunities. In particular:

***Section 30210:** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211:** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30212:** (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby ...*

***Section 30214:** (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: ... (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area....*

***Section 30220:** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Similarly, the LCP provides as follows:

***C-62 2:** The City will initiate a uniform beach access and parking signage program. Funds will be sought from the Coastal Conservancy and local volunteer groups. The Chamber of Commerce should add these accesses to its City Map as they are developed.*

***C-63 4:** Pacifica recognizes the importance of coastal access and is committed to work actively to achieve this vital key to its coastal image. The City will seek funding assistance for its acquisition and development of as many public access points as possible; and will regulate developments that the access provided will be consistent with the Coastal Act. Maintenance of publicly owned access is an item of major concern. Currently, State and Federal agencies do not fund maintenance for facilities they develop...Every effort will be made to seek new and creative alternatives to provide funding for the ongoing expense of publicly owned beach accesses and support facilities.*

***C-63 5:** The availability of all beach access should be clearly signed on major highway accesses, as well as on major local streets and at the site itself.*

The policies in the Coastal Act related to public access and recreation require new development to protect and maximize public access to and along the shoreline consistent with the protection of fragile coastal resources. The City of Pacifica LCP is likewise protective of public access and the provision of recreational uses at its shoreline. The LCP also emphasizes the importance of public signage to ensure that public access points are well marked for the public.

Analysis

In order to protect the western snowy plover population at Pacifica State Beach and the backbeach dune habitat area, the City proposes the installation of year-round fencing in the northern portion of the beach (see **Exhibit 4**). This year-round fencing would run along the seaward side of the multipurpose trail, just inland of the dune habitat, and it would be installed in two sections. One section would run 624 feet between the northern end of the parking lot area and the beach access point at the intersection of Crespi Drive and Highway 1. The other section would continue on the opposite end of the beach access point and run 678 linear feet upcoast. The break between the two sections of fencing would allow for continued access to the beach at the access point at the intersection of Crespi Drive and Highway 1, where a pedestrian crosswalk across Highway 1 directly connects inland portions of Pacifica with the State Beach. At the other major access point along the fence, at its terminus at the northern edge of the parking lot area, the fence would wrap around to define the edge of the dune area and protect it from foot traffic. While beach access would be preserved at these established access points, the fence would deter beach users from crossing the dunes elsewhere. In doing so, the fence would help to maintain the overall quality of the dune habitat and prevent against the establishment of informal trails to the beach while maintaining designated public access points to the beach consistent with the public access and recreation policies of the Coastal Act and Pacifica LCP.

The proposed installation of seasonal fencing (mid-August to mid-April) to protect plover wintering habitat would, in combination with the proposed year-round fencing, enclose an area of approximately 2.95 acres seaward of the multipurpose trail in the area running upcoast from the beach access point at the intersection of Crespi Drive and Highway 1. The majority of the area put off-limits behind the seasonal fencing is part of the backbeach coastal sand dune area and as an environmentally sensitive habitat area is limited by Section 30240(a) to resource

dependent uses. Therefore, the sandy beach at the edge of the dune system that would be enclosed by the seasonal fencing would not prevent access to an area that is appropriate for recreational use by beach users. Further, project plans indicate that the seasonal fencing system would extend to approximately 142 feet landward of the waterline at Pacifica State Beach at its widest point. Therefore, the majority of the area of the sandy beach seaward of the dune system would be unaffected by the proposed project. Because of the seasonal nature of the fencing, impacts to visitors during busy summer months would be avoided for the most part. Thus, the proposed project maintains lateral access to the beach consistent with the public access and recreation policies of the Coastal Act and Pacifica LCP and the protection of fragile resources. To ensure that the seasonal fence does not impede public access along the wet sand at any time, the City would inspect the fencing and signage prior to anticipated high tide/high surf conditions on the beach.

The addition of conspicuously posted signage at established beach access points would also serve to enhance the public access goals of the Coastal Act and the City of Pacifica's LCP. In addition to identifying access, the signage would serve to protect sensitive habitat by educating the public on the natural resources available along the coast. Signage also provides visitors with information on ocean and beach safety, beach courtesy, surfing safety and courtesy, and beach events, enhancing public access and recreation opportunities.

Conclusion

Section 30210 and 30214 policies of the Coastal Act require maximum public use consistent with resource protection. As previously discussed, research indicates that intense human-induced disturbance to wintering plovers may negatively impact survival rates and has the potential to result in the plovers' abandonment of a wintering site. The public access policies of the Coastal Act allow for the manner of public access to be managed, as appropriate, consistent with the protection of fragile natural resources. Under the proposed project, a portion of backbeach dune habitat and a smaller portion of sandy beach would be restricted from recreational uses. However, the proposed protection provides for public access consistent with the protection of fragile coastal resources. As proposed and conditioned, the project would maintain access to the beach and linear access adjacent to the protected areas. The proposed project would also provide signage indicating beach access points. Thus, the proposed project is consistent with the public access and recreation policies of the Coastal Act and Pacifica LCP.

E. VISUAL RESOURCES

Applicable Policies

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural 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.

Similarly, on page C-104, the LCP provides as follows:

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 height limitations which keep structures below the sight line, clustering structures to protect view corridors ...

Views of the coast and coastal panorama from public roadways shall be protected by limiting the height and mass of permitted structures, as well as clustering structures to be unobtrusive and visually compatible with landforms....

Analysis

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be protected as a resource of public importance, and thus permitted development shall be sited and designed to protect views to and along the ocean, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. The City proposes to install signage on posts for the year-round fencing that would run along the multipurpose trail, on posts for the seasonal fencing that would be in place between mid-August and mid-April, and at six beach access points in the northern portion of Pacifica State Beach. The proposed signs are compatible in size and design to nearby signage as discussed below, and sited in such a way that they would not block views or significantly degrade the scenic values of the beach. The signs will not result in an alteration of natural land forms, as no grading is proposed or required along the beach or dunes to install the signs.

The City indicates that designs for regulatory signs (**Exhibit 6** and **Exhibit 7**) are modeled on sensitive habitat signage used at the Golden Gate National Recreation Area and signage in use at other locations in the City of Pacifica.⁴ The distance between plover protection signs along the seasonal fencing (**Exhibit 7**) is proposed at a frequency (approximately every 75 feet) that would ensure that the public is aware of the habitat boundary location, while the narrow, short, white design of the boundary signs as proposed will ensure that the signs do not block views to and along the coast or significantly degrade the scenic values of the beach and dune area. The “Sensitive Wildlife Protection Area” regulatory signs (**Exhibit 6**) would be clustered at edges of the beach and at beach access points. As such, they would not significantly degrade the scenic value of the beach. Moreover, as discussed above, the regulatory signs will help deter illegal uses of the beach and dune habitats (e.g., unleashed dogs, etc.) that could degrade the environmentally sensitive habitat areas.

The picture signs of beach wildlife that would be installed along the permanent fence facing onto the multipurpose trail would be created in conjunction with local teachers, artists, and students, and while they are not yet designed, the City indicates that they would be similar in nature to

⁴ Personal communications from Michael Perez, City of Pacifica Director of Parks, Beaches and Recreation, to Ethan Lavine, Coastal Commission Coastal Planner (January 9, 2014).

installations at other beach locations in Pacifica (see **Exhibit 5**).⁵ These signs would be posted on the plastic post fencing 3.5 feet high, and thus would not block views to the beach. Recognizing that the design of these student-produced signs is not yet finalized, **Special Condition 2** requires submission of the final sign design to the Executive Director for approval prior to installation. If the Executive Director determines that the signs are generally consistent with the design proposed and are visually compatible with the surrounding environment, such signs would be installed.

Informational and educational signs are proposed for the major beach access points at Crespi Drive and the northern edge of the parking lot area (**Exhibit 8** and **Exhibit 9**). A snowy plover informational sign (**Exhibit 8**) would be installed at both locations and contain educational information on plovers as well as information to help beach users better protect plover habitat at the beach. The 36-inch by 42-inch sign would be installed atop a 48-inch-tall wood post at a 45 degree angle. A second informational beach safety sign (**Exhibit 9**) would be installed at the Crespi Drive access point with the same height, dimensions, and angle. Given their low profile and position at access points to the beach, neither sign would degrade scenic views to the beach.

Finally, the City proposes to install decorative sign poles that would serve an educational purpose at the Crespi Drive beach access point, the access point at the northern edge of the parking lot area, and on the multipurpose beach access trail on the south side of the San Pedro Creek mouth. As proposed, the sign poles would be as tall as 7 feet, including a 1- to 1.5-foot fiberglass figure on top. Posted on all sides of the sign would be small signs (6.25 inches in length) including educational facts about plovers and, for the sign located at the mouth of the San Pedro Creek, wetlands habitat. While tall, the sign poles are not out of scale relative to surrounding structures and signage (e.g., street signage, parking lot signage). As with the other proposed signs, no grading is proposed or required along the beach or dunes to install the signs.

Conclusion

As conditioned, the proposed project is consistent with Coastal Act Section 30251, and similar visual resource policies of the Pacifica LCP, as the development will not block views to and along the coast, will not involve any alteration of land forms, and will be visually compatible with the character of surrounding areas.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

The City of Pacifica, acting as lead agency, adopted a Mitigated Negative Declaration under CEQA. The Coastal Commission's review and analysis of land use proposals has been certified

⁵ Personal communications from Michael Perez, City of Pacifica Director of Parks, Beaches and Recreation, to Ethan Lavine, Coastal Commission Coastal Planner (January 9, 2014).

by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has recommended special conditions 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. All above findings are incorporated herein in their entirety by reference.

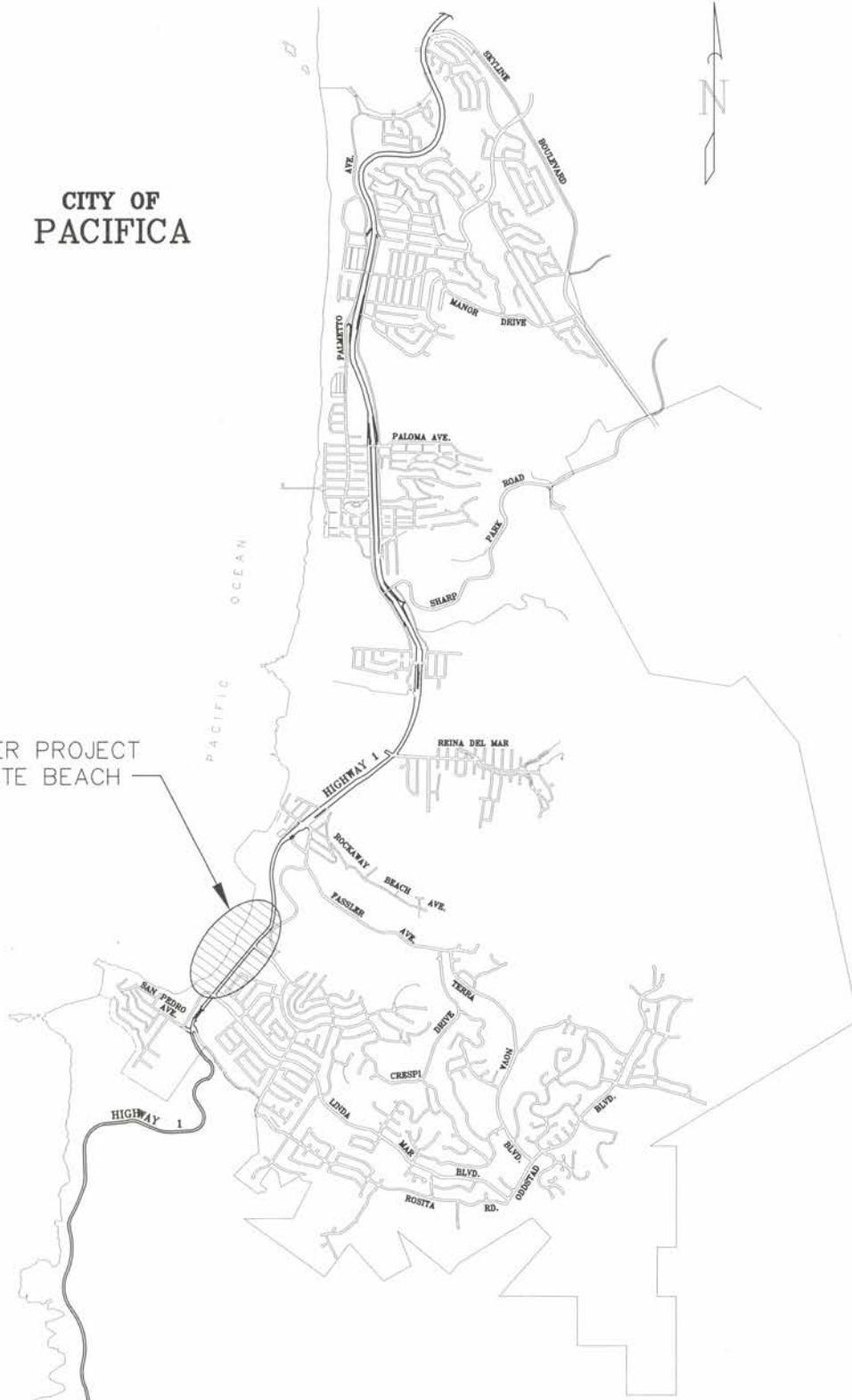
As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, 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).

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

1. Lafferty, Kevin D., 2001. Disturbance to wintering western snowy plovers. *Biological Conservation* 101, 315–325.
2. Lafferty, Kevin D., 2000. Status, trends and conservation of the western snowy plover with a focus on the Devereux Slough population at Coal Oil Point Reserve, Santa Barbara County, Ca. *Museum of Systematics and Ecology Environmental Report No. 15*, University of California Santa Barbara.
3. Operating Agreement between the State of California (Department of Parks and Recreation) and the City of Pacifica. 1991.
4. Real Quest Property Reports for APN 022-130-150, 022-161-120, and 023-730-240.
5. U.S. Fish and Wildlife Service. 2007. Recovery plan for the Pacific coast population of the western snowy plover (*Charadrius alexandrinus nivosus*). In 2 volumes. Sacramento, California. xiv + 751 pages.

CITY OF PACIFICA

SNOWY PLOVER PROJECT
PACIFICA STATE BEACH



CITY OF PACIFICA

PUBLIC WORKS / ENGINEERING DIVISION

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

10-7-13

REV.	DATE	DESCRIPTION	BY

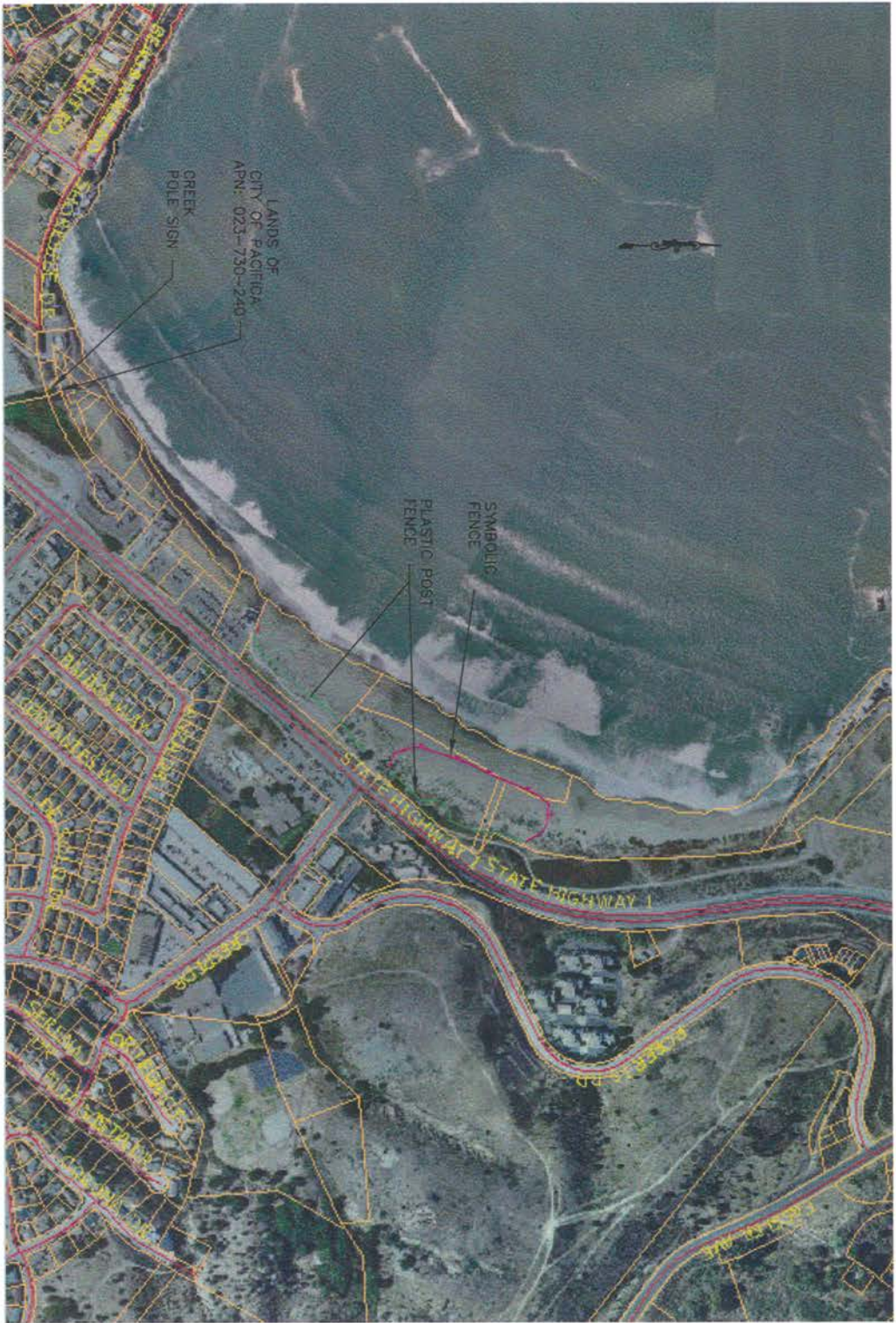
REVISIONS

SNOWY PLOVER PACIFICA STATE BEACH

VICINITY MAP

SCALE:

PLAN NO.



SNOW PLOVER PROJECT SITE PLAN

SCALE: NO SCALE	APPROVED BY:	NO.	DATE	REVISION	BY	 <p>CITY OF PACIFICA DEPARTMENT OF PUBLIC WORKS 1200 SAN MARINO BLVD PACIFICA, CALIFORNIA 94044</p>	SNOW PLOVER PROJECT SITE PLAN	SHEET 1 OF 1
DESIGNED BY: VAN COUGHE, PE	DATE: 10-7-13							
CHECKED BY:	DATE:							
DATE:	DATE:							
DATE:	DATE:							

Lavine, Ethan@Coastal

From: perezm@ci.pacifica.ca.us
Sent: Thursday, January 09, 2014 11:24 AM
To: Lavine, Ethan@Coastal
Subject: photo of sign picture
Attachments: photo3.JPG; photo5.JPG

Hi Ethan,

It was a pleasure speaking with you today. Attached are the sign picture examples of children's art that we would like to place on the permanent fence.

Please let me know if you have any further questions.

Take care,
Mike

Michael J. Perez
Director - Parks, Beaches and Recreation
City of Pacifica
perezm@ci.pacifica.ca.us
650-738-7381



City of Pacifica

Parks, Beaches & Recreation

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Sensitive Wildlife Area Do Not Enter



This area is wintering habitat for the threatened Western Snowy Plover. Disturbance from humans and dogs can impact their survival. Do not feed, touch, tease, frighten or intentionally disturb wildlife.

PMC 4-10.118(a)(19)(20)

SNOWY PLOVER SYMBOLIC SIGN

10" x 10"



SNOWY PLOVER SIGN (A)
(ON WOOD POST)

Welcome to Pacifica State Beach

Sharing the Shore

The 3/4 mile Pacifica State Beach is home for many creatures. Brown Pelicans wing overhead; gulls squabble over whatever they find that may be edible. The tangles of seaweed washed ashore by the tide bring a banquet of tiny sealife for many foraging shorebirds.



Whimbrels on their way from Chile to Alaska in the spring stop to refuel for their long journey and probe deep into the sand for mole crabs. Willets forage along the shore for crustaceans and marine worms. Sanderlings chase the waves to grab small invertebrates. These easy-to-see birds and others join the Snowy Plovers.



What is a Snowy Plover?

The Snowy Plover is a small, sand-colored bird that lives on beaches along the coasts of California, Oregon and Washington. They rely on their color to conceal them from predators, and will often sit in footprints, becoming nearly invisible to beach-goers. Plovers spend much of their time foraging amid piles of washed-up kelp, eating the small invertebrates that help to decompose the seaweed. They nest from March to September, placing their eggs in shallow scrapes smaller than human footprints. Their eggs and chicks are also well camouflaged, easily blending in with their sandy surroundings.



Why are we concerned about them?

Snowy Plovers used to nest on beaches in Pacifica, but habitat destruction and disturbance from human recreation made nesting here impossible. Though our beach is an important wintering area, there has been no recorded nest since the 1970s. Plovers have faced similar challenges along other parts of the California coast, and today the Pacific coast population of the Snowy Plover is listed as Threatened under the federal Endangered Species Act.



How can I share the beach?

There are several simple things you can do to help plovers as well as other shorebirds. To prevent attracting predators to the beach, throw away your trash in a designated bin. To avoid stressing the birds, leash your pet at the beach - PMC 6-10.206(a). Since the plovers most often use the dry sand, keep to the wet sand when possible. And please, support efforts to protect plovers on your beach. For more information: www.snowyplover.org



Photographs by Paul Donahue and Matthias Denning

WELCOME TO PACIFICA STATE BEACH - LINDA MAR

OCEAN AND BEACH SAFETY

- No lifeguard on duty.
Enter the ocean at your own risk.
- Never turn your back on the ocean.
- Beware of rip currents, undertow and shore breaks.
- Never leave children unattended.
Use the buddy system.
- The beach may contain broken glass and other sharp objects. Footwear is recommended.
- Prevent hypothermia. Wear a wetsuit.

BEACH COURTESY

- No alcohol, no fires, no glass, no off leash dogs allowed on the beach.
- Please pack your trash. If you bring it, leave with it. Use the trash barrels.
- This is a smoke free beach.
- No loud music please.
- Please do not disturb the wildlife.
- Please pick up after your dog.
- Thank you for making the beach better for everyone.

This Information Center donated by City of Pacifica, Pedro Point Surf Club, Sonlight Surf Shop, NorCal Surf Shop, The Log Shop Surf Shop, NorCal Women's Surf Club

SURFING SAFETY AND COURTESY

"Give Respect To Gain Respect"

RIGHT OF WAY



PADDLING OUT



COMMUNICATE YOUR DIRECTION



BEFORE YOU PADDLE OUT

- Do not let go of your board.
Most injuries are caused by loose boards.
- Do not paddle out close behind others.
Oncoming waves will throw them back into you.
- Pick a break within your ability.
Don't be a danger to yourself and other surfers.
- Be sure you can swim 100 yds. and tread water for 5 min. before paddling outside. Do not rely on your leash to make it back to shore.
- Look back before turning back so you don't run into those behind you.
- Wait your turn. If you show courtesy, you will get courtesy.
- Observe direction of the break and other surfers. Don't go left on a right or right on a left.
- When in doubt use common sense.

BEACH EVENTS

To: Mike Perez
Pacifica Parks & Beach

From: Sheila Gamble

SNOWY PLOVER POLE

Dimensions: 7' x 36" around

1-1½ ' fiberglass snowy plover on top

Base of pole would be covered in beach rocks

Comments:

--physical descriptions of the snowy plover:

length – 6 ¼"

color – sandy gray-brown and white

camouflage – same as sandy beach

food – insects and crustaceans

habitat – sandy beach for nesting sites

~~endangered~~ – due to loss of nesting sites

Threatened –

WHAT YOU CAN DO

Walk only on paths!

Keep dogs away from nesting area

Be a "Plover Ambassador" protecting them by telling others
about them before and while you are at the beach

Children's Signs:

--paintings of plovers

--painting of plover chicks

--painting of plover nests with their 3 eggs

--paintings of "What you can do" signs

Bronze plover plaque: "Save Our Pacifica Snowy Plover"

Bronze crabs and starfish around bottom above beach rocks

(standard)
 7' telephone pole
 36" around
 1 1/2 - 2' fiberglass
 snowy plover

*
 signs on
 other side:
 Camouflage: same
 as sandy beach
 Food: insects
 small crustaceans

