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Staff: Brian O'Neill - SC
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Hearing Date: 1/14/2017

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal Numbers: A-3-PSB-12-042 (Capistrano Seawall)
A-3-PSB-12-043 (Vista del Mar Seawall)

Applicant: City of Pismo Beach

Appellants: Commissioners Steve Kinsey and Brian Brennan

Local Government: City of Pismo Beach

Local Decision: Approved by the City of Pismo Beach Planning Commission on September 25, 2012 (Coastal Development Permit (CDP) Application File Numbers P12-000068 and P12-000069).

Project Location: On the bluff face fronting Ocean Boulevard near Capistrano Avenue and Vista del Mar Avenue, City of Pismo Beach, San Luis Obispo County.

Project Description: Authorize the following: 1) Construction of a 128-foot-long, 36-foot-tall, tied-back, contoured shotcrete seawall near Capistrano Avenue (A-3-PSB-12-042); 2) Construction of a 144-foot-long, 30-foot-tall, tied-back, contoured shotcrete seawall near Vista del Mar Avenue, reconstruction of a beach access stairway, demolition of energy dissipater and headwall and construction of a new dissipater (A-3-PSB-12-043).

Staff Recommendation: Substantial Issue Exists; Approval with Conditions

Important Hearing Procedure Note: The Commission will not take testimony on the “substantial issue” recommendations unless at least three commissioners request it. The Commission may ask questions of the Applicant, any aggrieved person, the attorney general or the Executive Director prior to determining whether or not to take testimony regarding whether the appeals raise a substantial issue. (14 CCR § 13115(c).) If the Commission takes testimony regarding whether the appeals raise a substantial issue, testimony is generally and at the discretion of the Chair limited to three minutes total per side. Only the Applicant, persons who opposed the applications before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. (14 CCR § 13117.) Others may submit comments in writing. (*Id.*) If the Commission finds that the appeals raise a substantial issue, the de novo phase of the hearing will follow (unless it has been postponed) during which the Commission will take public testimony. (14 CCR § 13115(b).)

SUMMARY OF STAFF RECOMMENDATION

On September 25, 2012, the City of Pismo Beach Planning Commission approved coastal development permits (CDPs) for two seawalls that had been constructed four months earlier in May 2012. CDP P12-000068 approved the already completed construction of a 128-foot-long, 36-foot-tall, tied-back, contoured shotcrete seawall on the bluff face seaward of Ocean Boulevard at the end of Capistrano Avenue in order to protect a portion of Ocean Boulevard that had been closed and fallen onto the shoreline below.¹ CDP P12-000069 approved the also already completed construction of a 144-foot-long, 30-foot-tall, tied-back, contoured shotcrete seawall on the bluff face seaward of Ocean Boulevard at the end of Vista del Mar Avenue in order to protect a 90-year old subsurface wastewater lift station.² Both seawalls are located within the Shell Beach neighborhood of the City of Pismo Beach. The Appellants contend that the City’s approvals of the CDPs raises questions regarding their consistency with the City’s Local Coastal Program (LCP) policies related to shoreline protection and mitigation of shoreline structures, and applicable Coastal Act and LCP policies maximizing and enhancing public recreational access opportunities. Due to the similarity of the issues presented, the fact that the seawalls are located along and affect the same stretch of coast in relative close proximity to each other, and were constructed at roughly the same time by the same Applicant, this staff report is a

¹ Based on a Commission staff site visit and review of materials that demonstrated that a seven-foot section of roadway had fallen to the shoreline below, and that the rest of the road and utilities in the area of the collapse were potentially going to fall to the beach below next, the Coastal Commission issued an emergency CDP (ECDP) for shoreline protection at this location on May 7, 2012 (ECDP 3-12-019-G). ECDP 3-12-019-G allowed for armoring to abate the emergency, which would need to be removed by October 4, 2012 absent a CDP that approved it on a longer-term basis. ECDP 3-12-019-G also required, amongst other things, final plans to be submitted prior to construction, notice prior to construction, and a follow-up permit application. The City later determined that the seawall was not within the Coastal Commission’s original jurisdiction and constructed the seawall without meeting the ECDP terms and conditions, over the objections of Commission staff. In subsequent discussions, Commission staff has agreed with the City that the seawall is located in the LCP jurisdiction, and as such the City issued itself the CDP that is now on appeal.

² The City issued itself an ECDP for the seawall at this location on December 13, 2011. Prior to that time, Commission staff objected to the ECDP, primarily because staff believed that the lift station was not in danger from erosion, including because the Commission had previously made that determination in denying a proposed seawall for the same purpose at the same location earlier that same year. While City and Commission staff discussions were ongoing, the City constructed the seawall without notifying Commission staff.

combined staff report for both appeals.

Staff recommends that the Commission find that the appeals raise substantial issues with respect to conformance with the City's LCP and the Coastal Act's access policies, and that the Commission take jurisdiction over the CDPs for the projects. Staff further recommends that the Commission approve conditioned CDPs for each of the projects that address the LCP and Coastal Act inconsistencies as much as possible.

In terms of the substantial issue question, the City-approved projects are inconsistent with LCP requirements related to the permissibility of shoreline armoring. Specifically, among other requirements, shoreline armoring is only allowed under the LCP when necessary to protect an existing principal structure in danger from erosion and when armoring is the least environmentally damaging feasible alternative. With respect to the Capistrano seawall, although staff agrees that the road and underlying utilities at the location of the seven-foot-long collapse were in danger, the City did not evaluate any alternatives besides armoring to protect the endangered portion of Ocean Boulevard at and adjacent to the seven-foot-long area, and did not demonstrate that the 128-foot-long full bluff seawall was the least damaging feasible alternative to protect the road. It appears clear that other non-armoring options (e.g., modifying the road, moving inland, etc.) with lesser coastal resource impacts should have been considered and, if armoring were still ultimately deemed to be required, it is not clear that a full bluff seawall extending almost 20 times the length of the seven-foot-long collapse of road was the least amount of armoring required in this case.

With respect to the Vista del Mar seawall, the City did not demonstrate that the lift station was in danger from erosion in a way necessitating armoring, did not evaluate any alternatives to a seawall, and did not demonstrate that the chosen seawall design was the least environmentally damaging feasible alternative. The 90-year-old lift station is located approximately 20 feet from the bluff edge and erosion rates at this location are estimated at approximately six inches per year, meaning the bluff edge would not reach the lift station for about 40 years. Although the lift station might be endangered at some point, it was certainly not in imminent danger with 20 feet of useable setback, and was in fact decades away from meeting that threshold.³ In addition even if it were determined to be in danger, there appear to be a series of non-armoring alternatives, including moving the lift station inland, to address any concerns with fewer coastal resource impacts.

In the case of both seawalls, the LCP also prohibits seawalls from being constructed on significant rocky points and intertidal areas, and these seawalls were constructed on both. In addition, if the seawalls were otherwise approvable, the LCP also requires landform alteration and visual impacts to be minimized with such projects, and these seawalls are both full bluff concrete seawalls that have effectively replaced the natural landforms and have introduced unnatural features into the back-beach environs. Although the surface treatments help to reduce visual impacts somewhat, landform alteration and visual impacts were not minimized to the

³ Again, earlier in the same year that the City granted itself an ECDP for this seawall, the Commission denied a seawall at this very location that was intended to protect this same lift station because the lift station was not in danger, and because the Commission determined that even if the lift station was in danger from erosion, there appeared to be feasible alternatives to armoring at this location.

degree feasible, inconsistent with the LCP.

Finally, the City's LCP requires allowable seawall projects to not only maintain existing access, but also to mitigate for impacts to sand supply and to both provide lateral beach access and to enhance public recreational opportunities. These requirements are amplified by similar Coastal Act access policies, including those requiring that public recreational access be maximized. However, the City did not evaluate, much less mitigate for, sand supply impacts from either of the seawalls. And although the projects maintain some existing blufftop access, they lead to the loss of shoreline and beach access (due to their footprint and passive erosion effects) and they do not provide lateral beach access as required, but rather they will result in its loss over time. Despite the fact that the seawalls protect existing blufftop access to some extent, the projects did not enhance public recreational access opportunities, as required, and reduced such opportunities due to the unmitigated shoreline and sand supply impacts associated with the seawalls. These unmitigated project impacts and project omissions are all inconsistent with the LCP and the Coastal Act.

In short, the City-approved projects raise substantial LCP and Coastal Act conformance issues in terms of allowing shoreline armoring and avoiding, or mitigating where avoiding is not possible, associated coastal resource impacts, including with respect to enhancing and maximizing public recreational access. Thus, staff recommends the Commission find that the appeals raise substantial LCP conformance issues and take jurisdiction over the CDP applications for the projects. With respect to the CDP determination in a de novo review, the Vista del Mar seawall could be denied on the basis that the City has not adequately demonstrated that it is necessary to protect an existing structure in danger from erosion, and both seawalls could be denied because the chosen armoring constructed was not the least environmentally damaging feasible alternative, and due to their siting on significant rocky points and the intertidal areas. However, because the seawalls have already been constructed, denial would necessitate removal of the structures, which could destabilize the bluffs and endanger existing public access infrastructure including a beach staircase, blufftop pathways, and Ocean Boulevard. Such an outcome, while justified under some LCP and Coastal Act policies, would also be inconsistent with the public access and recreation policies of the Coastal Act that require maximization of public access and protection of recreational facilities. The City's decision to construct the seawalls without Commission input has presented a conflict between competing public access and recreation policies where either approval or denial would result in Coastal Act inconsistencies.

The Commission has previously denied and required the removal of seawalls that are found inconsistent with the LCP and Coastal Act in situations where the seawalls were constructed without permits.⁴ While these projects' inconsistencies with the LCP and Coastal Act could suggest that denial of these seawalls is required here, such an outcome is not the most protective of coastal resources given the public access infrastructure at stake. Thus, in the present cases, staff is recommending that the Commission not deny these seawalls but instead approve the seawalls under the conflict resolution provisions of the Coastal Act and structure the approvals to

⁴ See for example, seawall and revetment removal associated with Commission CDP denials where the seawalls and revetments had already been installed in *Royce et al* (6-83-466, see also *Barrie v. California Coastal Com.* (1987) 196 Cal.App.3d 8), *Cliffs Hotel* (A-3-PSB-98-049), and *Filizetti* (3-97-027).

appropriately address Coastal Act and LCP objectives for this stretch of coast.

To this end, in order for the Commission to approve these already constructed seawalls as consistent, to the maximum extent possible, with LCP and Coastal Act policies, the Commission must condition the approvals to mitigate for their impacts. Fortunately, the project area provides an opportunity and a framework for such mitigations given that unconnected pockets of linear access of sorts exists, with a more developed park area (Eldewayen Ocean Park) located midway between the two seawalls. In place of spending more public mitigation dollars on removal of the seawalls and restoration of the bluff areas with potential negative consequences, authorizing these two seawalls provides an opportunity to ensure that these additional public mitigation funds are instead spent on maximizing the area's public coastal access opportunities and amenities, including Ocean Boulevard and the public lateral access parkway that flanks it.

Staff is therefore recommending approval of CDPs for the projects with a series of conditions to mitigate for the impacts to sand supply, natural landforms, public views, and public recreational access caused by the projects. In terms of sand supply and shoreline/beach use loss, staff has used the methodology the Commission has used in the past in an attempt to quantify the degree of impact, and that methodology identified a mitigation fee amount of roughly \$1.3 million for the first 20 years of these impacts. Staff does not intend nor suggest that the City pay such a fee, but rather staff recommends that the City implement a Public Access Enhancement Plan in lieu of paying the mitigation fee. Additional impacts in need of mitigation that are not included in that fee amount include the lack of provision of the required lateral beach access, the lack of offsetting natural landform and visual resource mitigations, and the lack of any measures designed to enhance and maximize public recreational access as required by the LCP and Coastal Act.

Specifically, the bluffs along Ocean Boulevard provide unconnected pockets of linear access of sorts, but they do not provide a continuous lateral pedestrian trail or similar coordinated amenities to connect the seawalls to Eldewayen Ocean Park. This area is currently composed of a patchwork of informal dirt paths, concrete sidewalk, and, in some locations, no path or sidewalk at all, with pedestrians forced to walk along the street itself. Furthermore, there is no uniform design aesthetic, with metal grates, wood bollard pilings, and metal cables serving as various types of fencing along the bluff edge that both obstruct access and detract from public coastal views. In addition, amenities that could enhance the public access and recreational experience, including interpretive signage, overlooks, and picnic tables, are inadequate and/or missing altogether. In short, the particular geography of the project area contains some elements of a six-block public recreational promenade with expansive and uninterrupted coastal views and vertical access down to the sandy beach below, but has inadequacies that prevent it from being a unified public access amenity. Furthermore, these are appropriate areas within which to provide offsetting visual access and natural landform improvements to address the LCP deficiencies identified above, including offsetting the LCP inconsistency associated with the seawalls being located on a significant rocky point and intertidal area.⁵ In short, the projects as conditioned will

⁵ Such a mitigation package is similar to other mitigation packages the Commission has required of other local governments when they proposed armoring to protect public infrastructure (see, for example, recent CDPs 2-11-009 (City of Pacifica Storm Drain Revetment) and CDP A-3-SCO-07-015 and A-3-SCO-07-019 (Santa Cruz County's Pleasure Point seawall)). This case, in fact, is similar to the Pleasure Point seawall case in Santa Cruz County, including that in the Santa Cruz County case the Commission had previously denied an Army Corps

adequately mitigate for impacts caused by the seawalls.

Thus, staff recommends that the Commission approve conditioned CDPs for the projects. The motions are found on pages 8 and 9 below.

seawall at that location, but then ultimately approved a seawall provided its impacts were mitigated via enhancing the blufftop area on the seaward side of the road being protected with a continuous lateral trail and public recreational access amenities, among other things. That project is now fully constructed and has proven to be an extremely successful public recreational access enhancement, including in terms of the California Coastal Trail. The current situation along Ocean Boulevard is much like the situation along Pleasure Point that preceded the Pleasure Point seawall project and its required mitigations and similarly could likewise become a public recreational access amenity and attraction.

TABLE OF CONTENTS

I. MOTIONS AND RESOLUTIONS.....	8
II. STANDARD CONDITIONS.....	10
III. FINDINGS AND DECLARATIONS	18
A. PROJECT LOCATION	18
B. PROJECT DESCRIPTIONS	19
C. PROJECT BACKGROUND	20
D. CITY OF PISMO BEACH APPROVALS	22
E. APPEAL PROCEDURES	22
F. SUMMARY OF APPEAL CONTENTIONS	23
G. SUBSTANTIAL ISSUE DETERMINATION	23
H. COASTAL DEVELOPMENT PERMIT DETERMINATION	28
I. CONFLICT RESOLUTION	49
J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	53

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1: Location Map
- Exhibit 2: Project Plan Area and Site Photos
- Exhibit 3: Project Plans
 - Exhibit 3a: Project Plans for Capistrano Seawall (A-3-PSB-12-042)
 - Exhibit 3b: Project Plans for Vista del Mar Seawall (A-3-PSB-12-043)
- Exhibit 4: City Staff Reports
 - Exhibit 4a: City File Number P12-000068 (Capistrano Seawall)
 - Exhibit 4b: City File Number P12-000069 (Vista del Mar Seawall)
- Exhibit 5: Appeals of City of Pismo Beach CDP Approvals
 - Exhibit 5a: A-3-PSB-12-042 (Capistrano Seawall)
 - Exhibit 5b: A-3-PSB-12-043 (Vista del Mar Seawall)
- Exhibit 6: Emergency Coastal Development Permit 3-12-019-G
- Exhibit 7: Applicable Coastal Act and LCP Policies and Standards
- Exhibit 8: Property Valuation Table
- Exhibit 9: Sand Supply Loss Formula
- Exhibit 10: Correspondence

I. MOTIONS AND RESOLUTIONS

A. Substantial Issue Determinations

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeals were filed. A finding of substantial issue would bring the CDP applications for the proposed projects under the jurisdiction of the Commission for a de novo hearing and action. To implement this recommendation, staff recommends a **NO** vote on the following motions. The Commission needs to make two motions to act on this recommendation, one each for each appeal. Failure of these motions will result in a de novo hearing on the CDP applications, and adoption of the following resolutions and findings. Passage of these motions will result in a finding of No Substantial Issue on the two appeals and the local actions will become final and effective. The motions pass only by affirmative vote of a majority of the Commissioners present.

***Substantial Issue Motion #1:** I move that the Commission determine that Appeal Number A-3-PSB-12-042 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-3-PSB-12-042 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

***Substantial Issue Motion #2:** I move that the Commission determine that Appeal Number A-3-PSB-12-043 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-3-PSB-12-043 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

B. CDP Determinations

Staff recommends that the Commission, after public hearing, **approve** coastal development permits for the proposed developments. The Commission needs to make two motions to act on this recommendation, one each for each CDP application. To implement this recommendation, staff recommends a **YES** vote on the following motions. Passage of these motions will result in approval of the CDPs as conditioned and adoption of the following resolutions and findings. The motions pass only by affirmative vote of a majority of the Commissioners present.

***CDP Approval Motion #1:** I move that the Commission approve Coastal Development Permit Number A-3-PSB-12-042 pursuant to the staff recommendation, and I recommend a yes vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number A-3-PSB-12-042 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity to the maximum extent possible with City of Pismo Beach Local Coastal Program policies and Coastal Act access and recreation 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.*

CDP Approval Motion #2: *I move that the Commission approve Coastal Development Permit Number A-3-PSB-12-043 pursuant to the staff recommendation, and I recommend a yes vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number A-3-PSB-12-043 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity to the maximum extent possible with City of Pismo Beach Local Coastal Program policies and Coastal Act access and recreation 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

These permits are 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.

SPECIAL CONDITIONS

These permits are granted subject to the following special conditions:

1. **Approved Project.** These CDPs (i.e., CDPs A-3-PSB-12-042 and A-3-PSB-12-043) authorize two seawalls (one near Capistrano Avenue and one near Vista del Mar Avenue, respectively), relocation of an outfall adjacent to the Vista Del Mar staircase, installation of a sidewalk adjacent to the Capistrano seawall, and related development along Ocean Boulevard as shown on the plans titled “Ocean Boulevard and Vista Del Mar – Emergency Bluff Stabilization” dated received September 25, 2012 in the Coastal Commission’s Central Coast District Office (see **Exhibit 3**). These CDPs are subject to the terms and conditions below, including the development required pursuant to the approved Public Access Enhancement Plan (see **Special Condition 2** below).
2. **Public Access Enhancement Plan.** PRIOR TO ISSUANCE OF THESE CDPs (and in no case later than one year from approval of these CDPs (i.e., no later than January 14, 2018), the Permittee shall submit two copies of a Public Access Enhancement Plan (Plan) to the Executive Director for review and approval. The Plan shall clearly describe the manner in which public recreational access along the seaward side of Ocean Boulevard between Vista del Mar Avenue and Wawona Avenue (see Plan area in **Exhibit 2**) is to be provided and managed, with the objective of maximizing public recreational access and utility in this area, including specifically through cohesive and continuous trail and linear park improvements on the seaward side of Ocean Boulevard that are integrated with Eldewayen Ocean Park

improvements as described in this condition. The Plan shall at a minimum include and provide for all of the following:

- a. Public Access Areas and Amenities.** The Plan shall clearly identify all existing and proposed public access areas and amenities (including with hatching and closed polygons), including the lateral trail, stairways, overlooks, parking spaces, and other public access amenities and improvements described herein, including at a minimum:
- b. Lateral Trail.** The Plan shall provide for a continuous lateral trail along the blufftop area adjacent to the sea and shall be located, at a minimum, seaward of Ocean Boulevard between Vista del Mar Avenue and Wawona Avenue. The lateral trail shall be separated from the street, except for the area between Morro Avenue and Cuyama Avenue, where the trail may be located within Ocean Boulevard with appropriate striping for safety (i.e. this portion of the trail must be clearly marked to ensure that pedestrians have the right of way) and with curb cuts for ADA access to this portion of the trail. The lateral trail shall be a minimum of five feet wide; shall meander in a curvilinear fashion if feasible and be roughly parallel to the shoreline orientation; shall utilize a consistent and uniform design that seamlessly integrates into and blends with the surrounding shoreline environment as much as possible. The portions of the trail that are not located within the street shall be constructed of concrete, wooden, or composite boardwalk or other suitable all-weather material. If the City wishes to reduce the width of Ocean Boulevard or remove private residential encroachment from the public right-of-way to accommodate an off-street trail between Morro Avenue and Cuyama Avenue, the City shall do so in a manner that minimizes the loss of parking along Ocean Boulevard (see subsection g. below). The trail shall be sited and designed to eliminate the need for railings or other such safety barriers as much as possible (e.g., set back a sufficient distance from the blufftop edge). All safety barriers shall be minimized and only provided when necessary to protect public safety; shall be sited and designed in a manner that does not negatively obstruct public coastal views; and shall be uniform throughout the Plan area as much as possible, including via replacement of existing safety barriers that do not meet these criteria.
- c. Vista Del Mar Overlook.** The Plan shall provide for a separated overlook area near the Vista Del Mar pump station with enough space to provide a convenient and appropriate off-trail location for users to stop and enjoy ocean views. This overlook shall include interpretive signs, benches, and non-coin operated viewing scopes where possible.
- d. Stairway Repairs.** The Plan shall provide for all necessary repairs, improvements, or replacement of the existing damaged public beach stairway located on the bluff between Morro Avenue and Cuyama Avenue to ensure that a beach stairway is open and safe for public use. The stairway shall be located within the same vicinity (i.e. within 100 feet) and shall be roughly proportional in size to the existing stairway, and shall be made to blend into the shoreline environment as much as possible, including through the use of natural materials and colors that blend into the bluff environment. If repair/improvement is infeasible, the Plan shall provide for stairway removal and restoration of the stairway area.

- e. **Outfall Repairs.** The Plan shall provide for removal of the concrete portion of the outfall structure that is located on the beach adjacent to the Morro Avenue stairway. All outfall, drainage, and related elements shall be camouflaged so as to be hidden from view and/or be as inconspicuous as possible when seen from the blufftop and from the beach.
- f. **Existing Access Barriers Removed.** The Plan shall provide for removal of the barriers to pedestrian access located seaward of Ocean Boulevard, including all bollards and similar obstructions that are not necessary for public safety.
- g. **Parking.** The Plan shall ensure that public parking along Ocean Boulevard is maximized as much as possible while still providing for the continuous lateral trail and other Plan improvements as described herein. If the lateral trail or other Plan improvements require use of some areas that are currently used for parking, the Plan shall ensure that any loss of parking along Ocean Boulevard is minimized to the fullest extent feasible.
- h. **Access Amenities.** The Plan shall provide for an adequate number (i.e., commensurate to the expected level of use) of benches, picnic tables, bicycle racks, garbage and recycling receptacles, dog mitt stations, and similar such public access amenities that are distributed appropriately along the lateral trail in a way that maximize their public access utility and minimize their impact on public views.
- i. **Signage.** The Plan shall provide for informational and directional signage at appropriate locations. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, at least one public access interpretive sign (appropriate to City of Pismo Beach shoreline issues, information, and/or history) shall be located at an appropriate location along the lateral accessway or at an overlook location. Sign details showing the location, materials, design, and text of all public access signs shall be provided. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location.
- j. **Landscaping.** The Plan shall provide for the removal of all invasive plants in the project area, including ice plant, which shall not be allowed to persist. The Plan shall also provide for blufftop landscaping in and around the lateral trail where possible and other appropriate Plan areas and all such landscaping shall utilize noninvasive drought-tolerant plant species. Regular monitoring and provisions for remedial action (such as replanting as necessary) shall be identified to ensure landscaping success.
- k. **No Public Access Disruption.** Development and uses within the Plan's public access areas that disrupt and/or degrade public access including areas set aside for private uses, barriers to public access (such as furniture, planters, temporary structures, private use signs, fences, barriers, ropes, etc.) shall be prohibited. The public use areas shall be maintained consistent with the approved Plan and in a manner that maximizes public use and enjoyment.

- l. Public Access Use Hours.** Parking spaces along Ocean Boulevard and access to the beach by way of the lateral accessway and stairways shall be available to the general public free of charge 24 hours per day.
- m. Public Access Areas and Amenities Maintained.** All of the public access areas and amenities shall be constructed in a structurally sound manner and maintained consistent with the terms and conditions of these CDPs, including through ongoing repair, maintenance, or relocation, if necessary to respond to shoreline erosion, of all public access improvements. In addition, the lateral trail on the seaward side of Ocean Boulevard between Vista del Mar Avenue and Wawona Avenue shall be maintained in a manner that ensures continuous lateral access, even if that means modifying, moving, and/or replacing access improvements in light of changing circumstances, including in response to shoreline erosion. Such modification may entail modifying the use of the Ocean Boulevard right-of-way so that all required Plan elements remain present. Prior to any modification, movement, and/or replacement of access improvements, the Permittee shall obtain amendments to these CDPs to authorize such development, unless the Executive Director determines that amendments are not legally necessary. The public use areas shall be maintained consistent with the approved Public Access Enhancement Plan and in a manner that maximizes public use and enjoyment.

All requirements above and all requirements of the approved Public Access Enhancement Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Public Access Enhancement Plan. WITHIN TWO YEARS OF APPROVAL OF THESE CDPs (i.e., by January 12, 2019), the Permittee shall complete, at a minimum, construction of the lateral accessway and blufftop improvements described in Special Condition sections 2(b), 2(c), 2(f), 2(h), and 2(i) in accordance with the approved Public Access Enhancement Plan. WITHIN 5 YEARS OF APPROVAL OF THESE CDPs (i.e., by January 12, 2022), the Permittee shall complete, at a minimum, the outfall repairs and landscaping improvements described in Special Condition sections 2(e) and 2(j) in accordance with the approved Public Access Enhancement Plan. WITHIN 7 YEARS OF APPROVAL OF THESE CDPs (i.e., by January 12, 2024), the Permittee shall complete construction of all the above-described public access improvements, including the stairway repairs described in Special Condition section 2(d), in accordance with the approved Public Access Enhancement Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Plan, which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 3. Construction Plan.** PRIOR TO CONSTRUCTION ASSOCIATED WITH THE APPROVED PUBLIC ACCESS ENHANCEMENT PLAN DESCRIBED IN SPECIAL CONDITION 2 ABOVE, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:
 - a. Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan

view. All such areas within which construction activities and/or staging are to take place shall be minimized to the fullest extent feasible in order to have the least impact on public access and ocean resources, including by using inland areas for staging and storing construction equipment and materials as feasible.

- b. Construction Methods.** 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 unobtrusive fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not significantly degrade public views during construction to the maximum extent feasible.
- c. Construction BMPs.** The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including at a minimum the following: (1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the ocean; (2) equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bluff edge. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (3) the construction site shall maintain good construction 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 site); and (4) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- d. Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with 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 and contact information (i.e., address, email, phone number, etc.) 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. Monitoring and Reporting.** The Permittee shall ensure that the condition and performance of the approved as-built projects are regularly monitored and maintained. 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 or wear and tear requiring repair to maintain the seawalls in a structurally sound manner and in their approved state, including at a minimum with regards to the following:

 - a. Armoring.** The seawalls and related development along the immediate shoreline (including but not limited to outfalls in the project area) shall be monitored by a licensed civil engineer with experience in coastal structures and processes to ensure structural and cosmetic integrity, including evaluation of concrete competence, spalling, cracks, movement, and outflanking.
 - b. Public Access Improvements.** The public access improvements described in Special Condition 2 shall be monitored to ensure that all required public access elements are maintained, even if that means modifying access improvements in light of changing circumstances, including shoreline events, to ensure continued access.
 - c. Landscaping.** All landscaping shall be monitored to ensure that invasive and nonnative plants (e.g., ice plant) are not present and that native noninvasive landscaping continues to thrive.
 - d. Documentation.** All project elements shall be photographed annually from an adequate number of inland and beach locations as to provide complete photographic coverage of the approved project. All photographs shall be documented on a site plan that notes the location of each photographic viewpoint and the date and time of each photograph.
 - e. Reporting.** Monitoring reports covering the above-described evaluations shall be submitted to the Executive Director for review and approval at five-year intervals by May 1st of each fifth year (with the first report due May 1, 2020, and subsequent reports due May 1, 2025, May 1, 2030, and so on) for as long as the approved as-built project exists at this location. The reports shall evaluate whether or not the approved armoring is still required to protect the public improvements in and seaward of the Ocean Boulevard right-of-way. The reports shall also identify the existing configuration and condition of the armoring, the public access improvements, and the landscaping and drainage, and shall recommend actions necessary to maintain these project elements in their approved and/or required state, and shall include the photographic documentation (in color hard copy and jpg format). Actions necessary to maintain the approved as-built projects 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.
- 5. Future Monitoring and Maintenance.** These CDPs require ongoing monitoring of the overall permitted structures and related improvements at these locations and authorize future maintenance as described in this special condition. The Permittee acknowledges and agrees

on behalf of the City and all successors and assigns that it is City's responsibility to: (a) maintain the approved seawalls (see Special Condition 1), the public access improvements (see Special Condition 2), and all related development in a structurally sound manner, visually compatible with the blufftop and shoreline surroundings, and in their approved states, including that the color, texture and undulations of the seawalls' surfaces shall be maintained throughout the life of the structures; (b) retrieve any failing portion of the permitted structures or related improvements that might otherwise substantially impair the aesthetic qualities of the beach; and (c) annually or more often inspect the seawalls for signs of failure and/or displaced structural components. Any such maintenance-oriented development associated with the approved seawalls, public access improvements, and related development shall be subject to the following:

- a. Maintenance.** "Maintenance," as it is understood in this condition, means development that does not constitute replacement of 50 percent or more of the structure, but which would otherwise require a CDP whose purpose is to repair and/or maintain the overall permitted structures and make improvements to their approved configuration, including retrieval of any project components that may be displaced from the approved design.
- 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.** Prior to commencing any maintenance event, the Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office, in writing, regarding the proposed maintenance. Except for necessary emergency interventions, such notice shall be given by first-class mail at least 30 days in advance of commencement of work. The notification shall include a detailed description of the maintenance event proposed, and shall include any plans, engineering and/or geology reports, proposed changes to the maintenance parameters, other agency authorizations, and other supporting documentation describing the maintenance event. The maintenance event shall not commence until the Permittee has been informed by planning staff of the Coastal Commission's Central Coast District Office that the maintenance event complies with these CDPs. If the Permittee has not received a response within 30 days of receipt of the notification by the Coastal Commission's Central Coast District Office, the maintenance event shall be authorized as if Commission planning staff affirmatively indicated that the event complies with these CDPs. The notification shall clearly indicate that the maintenance event is proposed pursuant to these CDPs, and that the lack of a response to the notification within 30 days of its receipt constitutes approval of it as specified in these CDPs.
- d. Non-compliance Proviso.** If the Permittee is not in compliance with any of the conditions of these CDPs 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 may not be allowed by this condition, subject to determination by the Executive Director.

- e. **Emergency.** 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).
 - f. **Duration and Scope of Covered Maintenance.** Future maintenance under these CDPs is allowed subject to the above terms throughout the duration of the armoring authorizations (see **Special Condition 6**) subject to Executive Director review and approval every ten years (with the first approval due May 1, 2025, and subsequent approvals May 1, 2035, May 1, 2045, and so on) to verify that there are not changed circumstances associated with such maintenance that necessitate re-review. It is the Permittee's responsibility to request Executive Director approval prior to the end of each ten-year maintenance period (i.e., with the first period culminating on May 1, 2025). Maintenance can be carried out beyond May 1, 2025 (and beyond subsequent ten-year periods) only if the Permittee requests an extension prior to the end of each ten-year maintenance period and only if the Executive Director extends the maintenance term in writing. The intent of these CDPs is to allow for 10-year extensions of the maintenance term for as long as the approved seawalls, public access improvements, and related development remains authorized unless there are changed circumstances that may affect the consistency of this maintenance authorization with the policies of the City of Pismo Beach LCP and/or Chapter 3 of the Coastal Act and thus warrant a re-review of this maintenance condition. The Permittee shall maintain the approved seawalls, public access improvements, and related development in their approved state.
6. **Duration of Armoring Authorizations.** These CDPs authorize the approved armoring until the time when the public improvements inland of it within and seaward of the Ocean Boulevard right-of-way are no longer present, or no longer require armoring, whichever occurs first. If some portion of the public improvements are removed, while some portion are retained, the armoring shall be reduced or modified so that it is the minimum necessary to protect the public improvements that are retained. At such time (i.e., when public improvements are removed or when the public improvements no longer require armoring), the Permittee shall submit complete CDP amendment applications to the Coastal Commission to remove or modify the approved armoring and to appropriately restore the affected area.
7. **Coastal Resource Impact Mitigation.** The adverse coastal resource impacts of the approved project have been mitigated through these CDPs for the first 20 years from the date of the installation of the seawalls (i.e., until May 1, 2032). If the Permittee intends to keep the armoring in place after May 1, 2032, the Permittee must submit complete CDP amendment applications prior to that time that analyze the continued need for armoring and propose any necessary and/or desired project modifications. If the CDP amendments demonstrate that the public access improvements installed under this approval will not sufficiently mitigate for the adverse coastal resource impacts associated with the retention of the armoring beyond the preceding 20-year period, additional mitigation may be required.
8. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of these CDPs, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (a)

that the project area is subject to extreme coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same; (b) to assume the risks to the Permittee and the property that are the subject of these CDPs of injury and damage from such hazards in connection with the 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 these projects against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims due to such hazards), expenses, and amounts paid in settlement arising from any injury or damage; and (e) that any adverse effects to properties caused by the permitted project shall be fully the responsibility of the Permittee.

- 9. Liability for Costs and Attorneys' Fees.** The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of these CDPs, the interpretation and/or enforcement of CDP conditions, or any other matter related to these CDPs. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION

The projects are located along the shoreline-fronting street, Ocean Boulevard, between where it intersects with Vista del Mar and Capistrano Avenues⁶ on the coastal bluff face fronting the Pacific Ocean in the Shell Beach neighborhood of the City of Pismo Beach in San Luis Obispo County. Ocean Boulevard is the primary street providing lateral shoreline access for the public, including pedestrians and vehicles, in this portion of Shell Beach, a predominantly residential neighborhood located upcoast from downtown Pismo Beach. Seaward of the paved Ocean Boulevard road area is a linear area atop the bluffs that provides public access along the blufftop. The bluffs at these sites are fairly typical of the bluffs along the northern portion of the Pismo shoreline. These bluffs are composed of dolomitic claystones and diatomaceous siltstones of the Monterey Formation overlain with terrace deposit sediments consisting of moderately consolidated silty to clayey sand and some gravel. Highly erodible fill soils of varying depths (two to six feet) lie atop the terrace deposit sediments. Because wave refraction around Point San Luis (to the north) causes wave action to strike the Shell Beach coastline fairly directly head-on,

⁶ Vista del Mar Avenue is located about 1,300 feet north of Capistrano Avenue.

and because sediment from the Santa Maria shoreline littoral cell offshore travels south and away from Pismo Beach, little to no littoral drift or sediment transport is assumed in this area. This allows for the formation of relatively protected pocket beaches in this area. Photographic evidence shows that the historical rate of long-term average annual erosion of the bluff in this area is approximately six inches per year, although erosion is significantly less in areas with existing seawalls. Erosion processes have occurred much slower on the near-vertical bedrock formations than on the sloping terrace deposits. The notched erosion features of the underlying bedrock formations are consistent with erosion caused by wave action, while the rilling⁷ features of the terrace deposits and surface fill provide evidence of erosion due to a combination of surface drainage and direct rainfall.

The blufftop area along and between the two seawalls is heavily used by the public and constitutes a section of the California Coastal Trail. A formal trail surrounding Eldwayen Ocean Park⁸ provides partial lateral access in the area. Less formal paths of varying widths provide an almost complete pedestrian connection between the two project sites, although pedestrians are forced to walk in the street for short stretches where the pathways have eroded and/or are blocked otherwise by bollards.⁹ Public amenities such as picnic tables, grills, and a viewing scope are located at Eldwayen Ocean Park, with additional public benches found in other locations in the area. Two public staircases in the vicinity provide access to the popular beaches below the cliffs, although the stairway located near the intersection of Ocean Boulevard and Morro Avenue was closed last year due to disrepair.

See **Exhibit 1** for a project location map and **Exhibit 2** for site photos.

B. PROJECT DESCRIPTIONS

The projects include a 128-foot-long, 36-foot-tall, tied-back, contoured shotcrete seawall on the bluff face at Ocean Boulevard near Capistrano Avenue (A-3-PSB-12-042, “Capistrano seawall”) and a 144-foot-long, 30-foot-tall, tied-back, contoured shotcrete seawall on the bluff face at Ocean Boulevard near Vista del Mar Avenue (A-3-PSB-12-043, “Vista del Mar seawall”). Specifically, the Capistrano seawall included a 12-inch-thick lower section of high-strength concrete that was set into the erosion-resistant bedrock with shotcrete tied back into the bluff face approximately every twelve feet. This project also included removal of an existing bin wall, replacement of an existing storm drain with a new drain line, and construction of a sidewalk at the top of the wall. The surface of the seawall was naturalized and contoured to help it blend into the adjacent geological features.

The Vista del Mar seawall used a similar design, with thick concrete set into the bedrock and shotcrete along the terrace deposits. This seawall is tied into an existing private seawall to the north and extends 20 feet south of an existing sewer lift station (the Vista del Mar lift station). This project also included demolition of an energy dissipater and headwall that were located on

⁷ Meaning “indented with small grooves.”

⁸ Eldwayen Ocean Park is located along Ocean Boulevard about midway between Vista del Mar and Capistrano Avenues.

⁹ There are bollards of various sizes in some locations along the blufftop that interfere with public access.

the beach and construction of a new dissipater within an existing storm drain, and construction of a replacement beach access stairway. As with the Capistrano seawall, the surface was naturalized and contoured to blend into the adjacent geological features.

Both of the seawalls have already been constructed, and the City issued CDPs (which are the subject of these appeals) to authorize and retain these previously constructed seawalls and associated development. See **Exhibit 3** for project plans for both seawalls and associated development.

C. PROJECT BACKGROUND

The Capistrano Seawall

The primary driver for the Capistrano seawall was the City's concern to prevent the loss of a portion of Ocean Boulevard. Specifically, in December 2011, the City issued itself an emergency coastal development permit (ECDP) for construction of temporary bluff stabilization measures to protect a portion of Ocean Boulevard that was under an immediate threat of loss due to failure of an aging bin wall on the bluff face, and where approximately seven linear feet of the road had collapsed to the beach below. Commission staff visited the site to assess the damage and concurred with the existence of an emergency. The City subsequently closed a portion of the roadway, filled the eroded areas behind the bin wall (which did not extend to the toe of the bluff), and installed a temporary cap just below the bin wall. Although the temporary measures were implemented, the roadway was still under a continued threat of failure. For this reason, on May 7, 2012 Commission staff issued an ECDP (ECDP 3-12-019-G – see **Exhibit 6**) for the construction of a seawall,¹⁰ which allowed the minimum necessary development to abate the emergency, and was conditioned to require that site plans identifying all development done pursuant to ECDP 3-12-019-G be submitted to the Commission by June 6, 2012 and that a regular follow-up CDP application to authorize the emergency seawall development be submitted by July 6, 2012. The City then determined that a seawall at this location was not within the Commission's original jurisdiction and issued its own ECDP for the project. The City then constructed the 128-foot-long seawall in April 2012 without notifying Commission staff of its actions. The City then approved, over the objections of Commission staff,¹¹ a CDP in September 2012 for the Capistrano seawall, which is the subject of one of these appeals (A-3-PSB-12-042).

The Vista del Mar Seawall

The primary impetus for the construction of the Vista del Mar seawall was to protect the City-owned Vista del Mar sewer lift station. Specifically, a 2007 coastal hazards study determined that the bluff near Vista del Mar Avenue had eroded to within 15 feet of the subsurface 90-year-

¹⁰ At the time ECDP 3-12-019-G was issued, Commission staff and the City believed that the project was within the Commission's original jurisdiction. After the seawall was constructed and the City issued a follow-up CDP for the project (which was appealed), the City provided additional information on the jurisdictional boundary of the project. After further discussions, Commission staff ultimately agreed that the Capistrano seawall was within the City's jurisdiction as discussed in Section G of this report.

¹¹ At the time, Commission staff believed that the project was at least partially located within the Commission's retained permitting jurisdiction and thus was concerned that the City did not have sole authority to approve a CDP for the entire seawall project.

old sewer lift station. The study stated that failure of this lift station would potentially cause uncontrolled effluent release into the ocean. The Army Corps of Engineers (Army Corps) proposed a seawall in this area in 2010 to protect the lift station. That project was understood to be located in the Commission's CDP jurisdiction. Because it was sponsored by Army Corps, the project was reviewed by the Commission under its federal consistency authorities (Consistency Determination CD-061-10). Ultimately, the Commission found the proposed seawall to be inconsistent with the California Coastal Management Program because, among other issues, the Commission determined that the lift station was not in imminent danger¹² and that the Army Corps had not provided an adequate project alternatives analysis even if it were in danger. The Commission objected to the project in March 2011,¹³ and the Army Corps subsequently withdrew its pursuit of the project.

However, following the Commission's seawall denial, the City chose to issue itself an ECDP for a seawall at the site later that same year in December 2011, although it did not construct the seawall until April 2012.¹⁴ At the time that the City issued the ECDP, Commission staff again questioned whether the lift station was in danger from erosion in a way necessitating a seawall, including for the same reasons articulated in the Commission's Army Corps seawall objection from earlier that same year where the Commission had found the lift station to not be in danger for another 40 years. Commission staff continued to engage the City on its proposed emergency seawall project, including in relation to the jurisdictional questions, which were at that time still undetermined. Commission staff suggested that a seawall was not appropriate in light of the Commission's recent denial of same for lack of identified threat, including because there had been no appreciable changes in the bluff since that time. However, despite Commission staff's objections, and despite the Commission previously denying the Army Corps seawall project at this same location less than a year prior, the City nonetheless constructed the seawall (and the other project elements described above) in April 2012 without notifying Commission staff.¹⁵ The City then approved, over the objections of Commission staff, a CDP recognizing the Vista del Mar seawall in September 2012, which is the subject of the second appeal (A-3-PSB-12-043).

¹² The Commission found that the lift station was 20 feet from the edge of the bluff and would not be in danger for approximately 40 years.

¹³ An objection to a project in a federal consistency framework is similar to a denial in a CDP framework. Thus, in other words, the Commission denied the proposed seawall.

¹⁴ At the time the emergency permit was issued, and based on the recent experience with the Army Corps project, Commission staff believed that the project was within the Commission's original jurisdiction and that the City did not have the authority to issue a permit for the seawall. After the seawall was constructed and the City issued a follow-up CDP for the project (which is the subject of this appeal), the City provided additional information on the location of the project. After further discussions, Commission staff ultimately agreed that the Vista del Mar seawall was within the City's jurisdiction as discussed in Section G of this report.

¹⁵ City staff and Commission staff were in active discussions regarding the appropriateness of a seawall (or lack of same) at the time, but the City did not inform Commission staff when construction of the seawall commenced. Commission staff only discovered that the seawall had been constructed via notification by members of the public.

D. CITY OF PISMO BEACH APPROVALS

On September 25, 2012, the City of Pismo Beach Planning Commission approved CDPs (P12-000068 and P12-000069) recognizing the already constructed Capistrano and Vista del Mar seawalls (see **Exhibit 4**). Notices of the City's actions on the CDPs were received in the Coastal Commission's Central Coast District Office on October 11, 2012. The Coastal Commission's ten-working-day appeal period for these actions began on October 12, 2012 and concluded at 5 p.m. on October 25, 2012. Both CDP actions were validly appealed to the Commission during the appeal period (see below, and see **Exhibit 5**).

E. APPEAL PROCEDURES

Coastal Act Section 30603(a) provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. These projects are appealable because they are located between the first public road and the sea, are located within 300 feet of the beach and within 300 feet of the bluff, and because they are major public works projects.

The grounds for appeal under Section 30603(b) are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct the de novo portion of the hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission considers the CDP de novo and finds that the proposed development is in conformity with the certified LCP, the Commission must approve a CDP for a project. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. These projects are located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission approves the projects following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question is the Applicant (or its representatives), persons who made their views known before the local government (or their representatives), and the local government. (14 CCR § 13117.) Testimony from other persons regarding substantial issue must be submitted in writing. (*Id.*) Any person may testify during the de novo CDP determination stage of an appeal.

F. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the City's actions raise consistency issues with the City's certified LCP policies and standards related to coastal armoring and the Coastal Act policies related to public access and recreation. Specifically the Appellants contend that there appears to be a lack of evidence to show: 1) the City-approved projects' consistency in meeting the LCP's requirement to only allow for armoring where a principal structure is in danger from erosion and armoring is determined to be the least environmentally damaging alternative; 2) the projects' consistency in meeting LCP and Coastal Act requirements to identify and mitigate the impacts of shoreline protective structures on coastal resources, including with respect to modifications to natural landforms and sand supply loss; and 3) whether the City had legal authority to issue CDPs for the projects because the seawalls appeared to be located wholly or partly within the Coastal Commission's original jurisdiction. See **Exhibit 5** for the full text of the appeals.

G. SUBSTANTIAL ISSUE DETERMINATION

Substantial Issue Background

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (14 CCR § 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission determines that the City's approval of the projects presents a substantial issue.

Substantial Issue Analysis

Shoreline armoring

The City's LCP states that shoreline protective devices are only permitted "when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion" (LCP Land Use Plan (LUP) Safety Element Policy S-6). Implementation Plan (IP) Section 17.078.060 further states that shoreline protective devices are allowed only when such devices are "the least environmentally damaging feasible alternative." In sum, the LCP requires three initial tests in order to allow for shoreline protective devices, such as seawalls: (1) there is an existing principal structure; (2) the existing principal structure is in danger from erosion; (3) shoreline-altering construction is required to protect the existing endangered structure (i.e. is determined to be the least environmentally damaging feasible alternative to address and abate the danger). Once the initial tests are satisfied and it is determined that shoreline protection is allowable, other LCP provisions further protect against coastal resource impacts for the

allowable armoring, and require that such armoring: (4) is designed to avoid significant rocky shoreline and tidal areas; (5) avoids (or if avoidance is not possible, mitigates for) adverse impacts on local shoreline sand supply; (6) maintains public access to and along the shoreline, provides for lateral beach access, and enhances public recreational opportunities as part of the project (LUP Policy S-6 and IP Section 17.078.060). The public access components of these policies are amplified by Coastal Act access policies that also apply to the substantial issue question. See **Exhibit 7** for the full text of these applicable LCP and Coastal Act provisions.

Capistrano seawall (A-3-PSB-12-042)

As described above, the Capistrano Avenue seawall is designed to protect a portion of Ocean Boulevard. Ocean Boulevard is an existing roadway constructed prior to the Coastal Act that serves as the main shoreline connection in this portion of the Shell Beach neighborhood, and thus constitutes an existing principal structure for purposes of shoreline armoring evaluation under the LCP. Due to the failure of a then-existing bin wall along the bluff below the road at this project site, a portion of Ocean Boulevard had collapsed onto the beach below, leaving a hole in the road that the City estimated to extend about seven linear feet. In December of 2011, the City deemed this portion of Ocean Boulevard unsafe for use and subsequently closed the road between Palomar Avenue and Wawona Avenue. Commission staff visited the site and confirmed the nature of the danger. In short, the road was in danger from erosion as that term is understood in an LCP sense, and thus the Capistrano site met the first LCP armoring test.

However, the City approval of the Capistrano seawall did not provide the LCP-required evaluation of alternatives to shoreline armoring (e.g., reducing road width, reducing travel lanes, moving the road inland within the right-of-way, etc.). Additionally, the City approval and supporting geotechnical reports do not clearly describe nor support how the 128-foot-long, 30-foot-tall seawall was the least amount of armoring necessary and the least environmentally damaging alternative to protect the endangered section of Ocean Boulevard, as required by the LCP. In fact, the City had estimated the damaged area as a seven-foot section of the road. Although it is likely that an area of bluff somewhat longer than seven feet might need to be armored to protect the road, it is not as clear that armoring an area of bluff almost 20 times that length was necessary to protect the road.

Finally, the City did not evaluate nor address the project's impacts to significant rocky points and intertidal areas (where armoring is prohibited), to natural landforms, and to public viewsheds. The Capistrano seawall was constructed atop a rocky shoreline feature in an area washed by tides, which is prohibited by the LCP. In addition, if the seawall were otherwise approvable, the LCP also requires landform alteration and visual impacts to be minimized with such projects, and this seawall is a full bluff concrete seawall that has effectively replaced the natural landform and introduced decidedly unnatural features into the back-beach environs. Although the surface treatment helps to reduce visual impacts somewhat, landform alteration and visual impacts were not minimized to the degree feasible, inconsistent with the LCP.

For these reasons, the approved Capistrano seawall project raises substantial LCP conformance issues with respect to the LCP provisions cited above.

Vista del Mar seawall (A-3-PSB-12-043)

The Vista del Mar seawall was intended to protect an existing sewer lift station that pre-dates the Coastal Act. The Vista del Mar sewer lift station is a part of the City's wastewater treatment infrastructure that serves to transport wastewater from the Shell Beach neighborhood to the City's wastewater treatment plant. The lift station thus constitutes an existing principal structure for purposes of shoreline armoring evaluation under the LCP.

The City's geotechnical report prepared for the Vista del Mar seawall cited a 2007 report that stated that the bluff edge had eroded to within 15 feet of the lift station, and also stated that a more recent site survey estimated a 12-foot distance between the bluff edge and the lift station. Both of these distances are at odds with the evaluation of the bluff edge distance in the 2010 project proposed by the Army Corps. Specifically, after Commission staff requested precise measurements for the 2010 project, the Army Corps provided plan drawings of the lift station overlain with the blufftop line that confirmed a 20-foot distance between the lift station and the bluff edge. With an estimated rate of erosion at this site of six inches per year,¹⁶ the bluff edge would not erode to reach the main components of the lift station for approximately 40 years. Additionally, the geotechnical report for the 2010 project stated that the consultants "do not anticipate that the lift station itself will be directly affected by the next two to three storm cycles."¹⁷ Again, as described above, the Commission objected to the Army Corps seawall project at this same location in March 2011 due primarily to a lack of demonstrated threat necessitating a seawall. The City evaluated the same site but arrived at a different conclusion, constructing the seawall over Commission staff objections in April 2012, and following up later in 2012 with a CDP that recognized that construction. However, the report does not demonstrate that geologic and erosion conditions had appreciably changed from the time the Army Corps permit was denied to the time the City issued an emergency permit, and it does not appear that the lift station was any more 'in danger' (as that term is understood in the LCP) in 2012 than it was when the Commission denied a seawall at this location in 2011, citing a roughly 40-year effective setback buffer. The City has confirmed that the lift station is still currently 20 feet away from the bluff edge. In short, the City's action on the Vista del Mar seawall does not meet the LCP's first armoring test and on this basis alone the City's approval raises a substantial LCP conformance issue.

Even if the lift station were in danger from erosion, the City approval of the Vista del Mar seawall did not provide the LCP-required evaluation of alternatives to shoreline armoring, as required by IP Section 17.32.070. Alternatives, such as relocation of the 90-year-old lift station to a more inland location, were not evaluated. On this point, and in relation to the 2010 Army Corps seawall proposal, the City stated that relocating the lift station would cost approximately \$3.3 million. In the Commission's denial of the then-proposed seawall in 2011, the Commission found that this estimate was extremely high and that the City did not provide any evidence in

¹⁶ The Geotechnical Report prepared for this project identified an erosion rate of six inches per year based upon photographic evidence, previous erosion rate estimates, and site-specific field surveys (see **Appendix A**).

¹⁷ In previous seawall projects, the Commission has generally found that "in danger" from erosion to mean the existing structure would become unfit for use within the next two or three storm season cycles or generally within the next few years (see, for example, CDP A-3-SCO-07-015/3-07-019 (Santa Cruz Pleasure Point seawall); CDP 3-09-025 (Pebble Beach Co. Beach Club seawall); CDP 3-09-042 (O'Neill seawall); and CDP 2-10-039 (Lands End seawall)).

support of their estimate, despite repeated requests. As determined by the Commission in its denial findings, there is clearly space inland in the Vista del Mar and Ocean Boulevard rights-of-way within which to relocate the sewer lift station and avoid the need for armoring altogether. And absent compelling evidence to the contrary, such relocation must be considered a potential option were the lift station to be shown to be in danger. Despite this Commission direction to the City, the City chose to not further evaluate this option, nor did it evaluate any alternatives to a seawall at this location. In addition, the City approval and supporting geotechnical reports do not clearly describe nor support how the 144-foot-long, 30-foot-tall seawall to protect the lift station is the least environmentally damaging alternative as required by the LCP. Thus the City's approval does not meet the second test to allow armoring, and on this basis alone it raises a substantial LCP conformance issue.

Finally, the City did not evaluate nor address the project's impacts to significant rocky points and intertidal areas (where armoring is prohibited), to natural landforms, and to public viewsheds. The Vista del Mar seawall was constructed along a sandy beach in an area washed by tides that reach the seawall on a regular basis (making it an intertidal area), which is prohibited by the LCP. In addition, if the seawall were otherwise approvable, the LCP also requires landform alteration and visual impacts to be minimized with such projects, and this seawall is a full bluff concrete seawall that has effectively replaced the natural landform and introduced a decidedly unnatural feature into the back-beach environs. Although the surface treatment helps to reduce visual impacts somewhat, landform alteration and visual impacts were not minimized to the degree feasible, inconsistent with the LCP. Thus, the City's approval also raises a substantial LCP conformance issue on these points.

Public Access and Shoreline Sand Supply

LUP Policy S-6 states that seawalls must be designed and constructed consistent with Coastal Act Section 30235 and further requires that shoreline protective structures be designed to eliminate or mitigate adverse impacts on local shoreline sand supply and to maintain public access to and along the shoreline. IP Section 17.78.060 reiterates the requirement to avoid or mitigate for impacts to shoreline sand supply. LUP Policy S-6 and IP Section 17.078.060 further protect against coastal resource impacts for allowable armoring, and require that any allowable armoring projects maintain public access to and along the shoreline, provide for lateral beach access, and enhance public recreational opportunities as part of the project. Coastal Act Sections 30210 through 30224 reinforce these LCP requirements, and require that public recreational access be maximized and that existing access be protected, among other things. LUP Policies P-22, PR-2, and PR-6 also identify public access to the coastline to be "an integral and critical part of the City's parks and recreation program," call out the beach area as "principal recreation and visitor-serving feature in Pismo Beach," and require that loss of park or open space area be replaced with at least "the equivalent quality of acreage or facilities lost." See **Exhibit 7** for these LCP and Coastal Act provisions.

The projects include two concrete seawalls on the bluff face and shoreline that: 1) occupy space on the shoreline/beach; 2) fix the back beach, which will result in the narrowing of shoreline/beach space over time; and 3) prevent sand in the bluff material retained behind the walls from contributing to the local shoreline sand supply. Natural bluff erosion allows beaches to migrate naturally over time, and allows eroding material to contribute sand to the local shoreline sand supply. Construction of shoreline protective devices, such as the Capistrano and

Vista del Mar seawalls, interferes with these natural processes, which impacts public shoreline and beach access by reducing the shoreline/beach area that is available for public use. The City's approvals did not identify, evaluate, or provide mitigation for these impacts, inconsistent with the above-cited LCP policies and IP standards. The Capistrano and Vista del Mar shoreline/beach area is a significant rocky and sandy beach resource and recreation area along this stretch of coast, and such impacts are likely significant. Finally, in addition to the lack of mitigation for impacts, the City did not evaluate nor address the LCP requirement that existing access be maintained, lateral beach access be provided, and public recreational opportunities be enhanced (and maximized per the Coastal Act) as part of the projects. It would appear that both projects lead to a loss of shoreline/beach access and thus do not provide for lateral beach access, and also do not provide for enhanced or maximized public recreational access opportunities, as required by the LCP and the Coastal Act (though the Commission acknowledges that the seawalls do provide some public access benefits by protecting the blufftop public access amenities). Thus, the City's approvals raise substantial LCP and Coastal Act conformance issues with respect to the City's lack of evaluation of and mitigation for shoreline sand supply and public recreational access impacts.

Landform Alteration

The LCP prohibits armoring on "significant rocky points and intertidal or subtidal areas" (IP Section 17.078.060(F)). The Capistrano seawall was constructed on a significant rocky formation at the base of the bluff that is a unique natural shoreline feature made up of angled and parallel extensions of striated rock. The seawall was placed atop this rocky formation when the LCP prohibits same. In addition, this area may be located above the mean high tide line, but it is in an intertidal area (i.e., the area between the high and low tides). On the latter point, the same applies to the Vista del Mar seawall, which is located in an intertidal area, and is itself washed regularly by the tides. Thus, neither of these locations is consistent with the LCP.

Furthermore, the LCP requires that natural landforms be respected and natural landform alteration and visual impacts be minimized for shoreline armoring. In this case, the natural bluff formation consists of sloping rock features. The sloping bedrock was cut and removed and two near vertical flat concrete seawalls were installed over the entire bluff face. Natural landforms thus were replaced with a concrete seawall, not respecting the natural landform and not minimizing their alteration as required by the LCP. Although the concrete has been manipulated with coloring and texture to try to approximate a coastal bluff, even well-camouflaged concrete seawalls are unnatural additions to the public viewshed. The public view impacts have been minimized to a certain degree, but certainly not in a way that makes the seawalls consistent with the LCP.

Thus, the City's approval raises a substantial LCP conformance issues with respect to its alteration of natural landforms and impacts on visual resources.

Coastal Commission's Original Jurisdiction

The final appeal contention is whether the City had the authority to issue CDPs for the projects because the seawalls lie wholly or in part within the Coastal Commission's original jurisdiction. At the time of the appeals, it appeared that some or all of the seawall projects were located in the Commission's jurisdiction, including because the Commission had denied a seawall at the Vista del Mar site the year before. However, the Applicant provided further documentation to

demonstrate that the seawalls were constructed within the underlying bedrock formation landward of the toe of the bluff and approximately five feet above the MHTL. Thus, this contention does not raise a substantial issue of LCP conformance.

Substantial Issue Conclusion

As discussed above, the Commission has been guided by five factors to determine whether an appeal raises substantial LCP and Coastal Act conformance issues. The City-approved projects here do raise substantial conformance issues because: (1) the City lacked factual and legal support to demonstrate the seawalls were the least environmentally damaging alternative or that the Vista Del Mar lift station was in danger from erosion; (2) the extent and scope of the City's construction of a 128-foot-long, 36-foot-tall seawall near Capistrano Avenue and 144-foot-long, 30-foot-tall seawall near Vista del Mar Avenue was significant; (3) the unmitigated impacts to sand supply, public access, public recreation, visual resources, and natural landforms are significant; (4) the City's decision to install the seawalls without a proper alternatives analysis or mitigation may impact future interpretations of its LCP with regard to shoreline protection; and (5) the appeals raise significant regional or statewide issues related to the necessity of shoreline armoring and the impact of such armoring on coastal resources. Therefore, the Commission finds that **a substantial issue** exists with respect to the projects' conformance with the provisions of the certified City of Pismo Beach LCP and the Coastal Act's access policies, and takes jurisdiction over the CDP applications for the projects.

H. COASTAL DEVELOPMENT PERMIT DETERMINATION

The standard of review for this CDP determination is the City of Pismo Beach certified LCP and, because it is located between the first public road and the sea, the public access and recreation policies of the Coastal Act. All Substantial Issue Determination findings above are incorporated herein by reference.

Applicable Policies

Shoreline protective devices, such as the seawalls proposed, can have a variety of negative impacts on coastal resources including sand supply, public access, coastal views, water quality, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of the beach. Accordingly, the LCP limits the construction of shoreline protective devices to those required to protect existing principal structures, coastal-dependent uses, or public beaches in danger from erosion (see LUP Policy S-6). The LCP also requires that such devices shall only be permitted if there are no other less environmentally damaging feasible alternatives for protection of existing development (LUP Policy S-6 and IP Section 17.078.060(D)), and further requires that such devices eliminate or mitigate adverse impacts on sand supply, and enhance public recreational access and opportunities (IP Section 17.078.060(F)). Specifically, these LCP provisions state:

***LUP Policy S-6 Shoreline Protective Devices.** Shoreline protective devices, such as seawalls, revetments, groins, breakwaters, and riprap shall be permitted only when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion. If no feasible alternative is available, shoreline protection structures shall be designed and constructed in conformance with Section 30235 of the Coastal Act and all other policies and standards of the City's Local Coastal Program.*

Devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to maintain public access to and along the shoreline. Design and construction of protective devices shall minimize alteration of natural landforms, and shall be constructed to minimize visual impacts. The city shall develop detailed standards for the construction of new and repair of existing shoreline protective structures and devices. As funding is available, the city will inventory all existing shoreline protective structures within its boundaries.

IP Section 17.078.060(D). *Seawalls shall not be permitted, unless the city has determined that there are no other less environmentally damaging alternatives for protection of existing development or coastal dependent uses. If permitted, seawall design must (a) respect natural landforms; (b) provide for lateral beach access; and (c) use visually compatible colors and materials and will eliminate or mitigate any adverse impacts on local shoreline sand supply.*

IP Section 17.078.060(F). *Shoreline structures, including groins, piers, breakwaters, pipelines, outfalls or similar structures which serve to protect existing structures, or serve coastal dependent uses and that may alter natural shoreline processes shall not be permitted unless the city has determined that when designed and sited, the project will:*

- 1. Eliminate or mitigate impacts on local shoreline sand supply;*
- 2. Provide lateral beach access;*
- 3. Avoid significant rocky points and intertidal or subtidal areas; and*
- 4. Enhance public recreational opportunities.*

Additionally, 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 projects are located seaward of the first through public road (Ocean Boulevard), and as such are subject to these additional findings and requirements. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. Particularly applicable to this appeal:

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 blufftop access and pathways, stairways, the beach and shoreline (and access to and along it) and offshore waters for public access and recreation purposes, particularly for free and low cost access. In addition, the City's LCP contains the following public recreational access policies:

LUP Policy P-22 Public Shoreline Access. *The continued development and maintenance of public access to the Pismo Beach coastline shall be considered an integral and critical part of the city's parks and recreation program.*

LUP Policy PR-2 Ocean and Beach are the Principal Resources. *The ocean beach and its environment is, and should continue to be, the principal recreation and visitor-serving feature in Pismo Beach. Oceanfront land shall be used for recreational and recreation-related uses whenever feasible.*

LUP Policy PR-6 Retention of All Existing Parks and Dedicated Open Space. *Any proposed loss of parks or dedicated open space areas shall be replaced at a minimum with the equivalent quality of acreage or facilities lost.*

LUP Policy PR-28 Access Signs Required. *Signs should be located at all access points and street leading to access points to assist the public in recognizing and using major coastal access points. Such signs should be designed and located for easy recognition.*

The LCP also contains other policies applicable to the proposed seawalls, including:

LUP Policy CO-15 Ocean Shore-Principal Open Space Resource. *The ocean shore is, and shall continue to be, the principle open space feature of Pismo Beach. Ocean front land shall be used for open space, recreation and related uses where feasible and where such uses do not deteriorate the natural resource.*

LUP Policy CO-17 Man-made Changes. *Shoreline structures, including piers, breakwaters, channel dredges, pipelines, outfalls and similar structures shall be sited to*

avoid significant rocky points and intertidal and sub tidal areas. The design and construction of revetment devices and other shoreline structures shall be prepared by qualified engineers in accordance with city standards which will avoid or minimize disturbance of sensitive coastal ecological resources.

Consistency Analysis

LUP Safety Element Policy S-6, which specifically incorporates Coastal Act Section 30235 by reference, and IP Section 17.078.060(F) limit the construction of shoreline protective devices to those required to protect existing principal structures, coastal dependent uses, or public beaches in danger from erosion. These LCP policies sections, as well as IP Section 17.078.060(D), also require that any allowable shoreline protective device must also: avoid (or mitigate if avoidance is not possible) impacts to shoreline sand supply; avoid significant rocky shoreline and tidal areas; minimize alterations of natural landforms and public viewshed impacts; maintain public access to and along the shoreline; provide for lateral beach access and enhance public recreational opportunities as part of the project; and overall be the least environmentally damaging feasible alternative to protect the endangered principal structure.

The public recreational access portions of the above-cited LCP provisions are amplified by Coastal Act access and recreation policies that also apply in a de novo review, including the requirements to prohibit interference with existing access and to maximize public recreational access opportunities overall. As such, under the LCP a shoreline protective device may be approved if: (1) there is an existing principal structure; (2) the existing principal structure is in danger from erosion; (3) shoreline-altering construction is required to protect the existing endangered structure (i.e. is determined to be the least environmentally damaging feasible alternative to address and abate the danger); and if the required protection (4) is designed to avoid significant rocky shoreline and tidal areas; (5) avoids (or if avoidance is not possible, mitigates for) adverse impacts on local shoreline sand supply; (6) maintains public access to and along the shoreline, provides for lateral beach access, and enhances public recreational opportunities as part of the project. The first three questions relate to whether the proposed armoring is necessary, while the remaining three questions require allowed armoring to avoid and minimize coastal resource impacts, to mitigate impacts that are unavoidable, and to maintain and enhance public recreational access, including specifically in terms of a requirement that lateral beach access be provided.

Existing Principal Structures to be Protected

The Applicant indicates that the purpose of the proposed seawalls is to protect existing City infrastructure, namely Ocean Boulevard (for the Capistrano seawall) and the Vista del Mar sewer lift station (for the Vista del Mar seawall). The portion of Ocean Boulevard at the location of the Capistrano seawall appears visible on aerial photos that predate the coastal permitting requirements of both 1972's Proposition 20 (the Coastal Initiative) and the 1976 Coastal Act. This road serves as a primary shoreline lateral connection in the Shell Beach neighborhood, with utilities, such as wastewater and electrical lines, located under the roadway. The Vista del Mar lift station located adjacent to the Vista del Mar seawall was installed in the 1920s and thus also predates the coastal permitting requirements of both 1972's Proposition 20 and the 1976 Coastal Act. The lift station serves to transport wastewater from the Shell Beach neighborhood to the City's wastewater treatment plant. In addition, both the road and the lift station constitute

principal structures for LCP purposes. Thus, the lift station at the Vista del Mar seawall and the road at both the Vista del Mar and Ocean Capistrano seawalls constitute existing principal structures for purposes of armoring evaluation under the LCP.

Danger from Erosion

The LCP allows consideration of shoreline protective devices, such as the seawalls proposed here, when required to protect existing principal structures in danger from erosion, but, like the Coastal Act, does not define the term “in danger.” There is a certain amount of risk in maintaining development along a California coastline that is actively eroding and can be directly subject to violent storms, large waves, flooding, landslides, and other 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, all development along the immediate California coastline, including Pismo Beach, is to some extent under threat from erosion. It is a matter of the degree of threat that distinguishes between danger that represents an ordinary and acceptable risk not warranting shoreline armoring, and danger that requires shoreline armoring pursuant to the Coastal Act and the LCP. Lacking Coastal Act definition, and here lacking LCP definition as well, the Commission has in the past evaluated the immediacy of any threat in order to make determinations as to whether an existing structure is “in danger” for purposes of determining allowable shoreline protection. 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 use or otherwise 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).¹⁸

In the case of the Capistrano seawall, the City provided evidence of danger in the form of a geotechnical report,¹⁹ which concluded the following:

An existing bin wall at the south end of the site has also been compromised as a result of ongoing erosion, which could trigger additional significant failures, including the loss of a portion of the northbound lane of Ocean Boulevard. We recommend that this slope be repaired expeditiously, recognizing that future failures have the potential to be substantial, requiring significantly larger and more expensive repair. Failure to repair this section of coastal bluff will cause imminent loss of City infrastructure, permanently eliminate vehicular access along this section of Ocean Boulevard, and threaten pedestrian traffic along the bluff top.

The geotechnical report states that photographic evidence of the site prior to construction of the project demonstrates active erosion (about 0.5 feet per year) consistent with this conclusion. Based on review of these materials and a Commission staff site visit to the area that showed an active erosion area immediately adjacent to the edge of the road, the Commission concurs that the road was in danger from erosion. Accordingly, this portion of Ocean Boulevard and its related elements constitute existing principal structures that were in danger from erosion and thus

¹⁸ See, for example, CDP 3-07-019 (Pleasure Point seawall); CDP 3-09-025 (Pebble Beach Company Beach Club seawall); CDP 3-09-042 (O’Neill seawall); CDP 2-10-039 (Lands End seawall); and 3-14-0488 (Iceplant LLC seawall).

¹⁹ *Geotechnical Basis of Design Shoreline Stabilization Projects Vista del Mar and Ocean Boulevard Pismo Beach California*, Terra Cost Consulting Group, April 20, 2012.

qualify for shoreline protection consideration on the basis of need for the purposes of the LCP.

In the case of the Vista del Mar seawall, the same geotechnical report stated the following:

*Per our site survey, the lift station is approximately 12 feet away from the bluff edge. Earth Systems' 2007 study stated a 15-foot distance between the lift station and the bluff edge. **Although we do not anticipate that the lift station itself will be directly affected by the next two or three storm cycles**, it is important to note that ancillary improvements critical to the functioning of the lift station are located 6 to 7 feet of the bluff edge.*
(emphasis added)

However, photographic evidence and prior site surveys conflict with the distance between the lift station and the bluff edge as stated in the report. After the Commission requested precise measurements for the 2010 seawall project proposed by Army Corps at this site, the City provided plan drawings of the lift station overlain with the blufftop line that confirmed the distance between the lift station and bluff edge at 20 feet. The City has confirmed that the “ancillary equipment” referenced in the City’s 2012 geotechnical report, including electrical equipment and a ventilation system, is approximately 12 feet from the bluff edge (not six to seven feet), with the main components of the lift station located farther landward at 20 feet from the bluff edge (as identified by the City in 2010), which could explain the different distances cited. Additionally, the City’s geotechnical report states that the City’s consultants “do not anticipate the lift station itself will be directly affected by the next two or three storm cycles.” With an estimated rate of erosion at this site of six inches per year²⁰ and the 20-foot bluff setback distance, the bluff edge would not be expected to erode to reach the main components of the lift station for approximately 40 years, well beyond the two- to three-year “danger” threshold.²¹ And although some amount of setback would likely be appropriately maintained to ensure the subsurface lift station would not daylight in such a future scenario, the danger to the lift station was and is still decades away. This is the reason that the Commission determined that the lift station was not in danger in such a way as to warrant or allow consideration of a shoreline protective device when it objected to the Army Corps’ seawall project in 2010 (and why Commission staff objected to the City’s issuance of an ECDP for the project in 2011).

Thus, the Vista del Mar lift station does not meet the “in danger” criteria of the LCP, and thus the LCP does not allow a seawall at this location under LUP Policy S-6.²² In short, the Vista del

²⁰ The Geotechnical Report prepared for this project identified an average long term annual erosion rate of six inches per year based upon photographic evidence, previous erosion rate estimates, and site-specific field surveys (see **Appendix A**).

²¹ And the other ancillary equipment could more easily be relocated out of harm’s way if needed without the need for shoreline protection.

²² Note too that the LCP’s framework for allowing a seawall pursuant to LUP Policy S-6 differs in this respect from Coastal Act Section 30235. Section 30235 *requires* permitting seawalls that meet certain criteria (i.e., it states that they “...shall be permitted...”), and could allow seawalls for other reasons. The LUP, however, states that they “...shall be permitted **only** when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion ...” (emphasis added). This distinction evinces a different intent, namely that these are the *only* times when seawalls are allowed in this LCP area. This is a critical policy difference, meaning that the LCP is even more conservative as regards armoring than is the Coastal Act (which is allowed, whereas an LCP that is less protective of coastal resources than the Coastal Act could not be certified).

Mar seawall is not necessary to protect an existing principal structure in danger of erosion because erosion would not be expected to affect the lift station within the next few years. Because there is no structure in danger from erosion as the Commission understands these terms, the proposed Vista del Mar seawall is inconsistent with the LCP's shoreline protective device requirements, and should be denied on this basis. (Despite this LCP inconsistency, as will be explained further below, the Commission approves the Vista del Mar seawall on the basis that project denial will also result in significant Coastal Act inconsistencies, whereas approval is necessary to achieve other Coastal Act policies.)

Alternatives Analysis

The third LCP test that must be met is that the proposed armoring may only be permitted if there are no other less environmentally damaging feasible alternatives for the protection of existing endangered principal structures. In other words, shoreline armoring can be permitted if it is the only feasible alternative capable of protecting the endangered principal structure.²³ Other alternatives to shoreline protection typically considered include: the "no project" alternative; abandonment of threatened structures; removal and/or relocation of threatened structures; sand replenishment programs; drainage and vegetation measures on the blufftop; and combinations of each. Additionally, if shoreline armoring is determined to be the only feasible alternative, this test also requires that the chosen structural design of the shoreline protective device be the least environmentally damaging option, including being the minimum necessary to protect the endangered principal structure.

In this case, the City provided little analysis of alternatives for either the Capistrano or the Vista del Mar seawalls. The City's geotechnical report did generally discuss that the "no project" alternative could result in the unacceptable loss of public infrastructure at both sites. However, the City did not explore alternatives such as abandonment, relocation, or drainage and vegetation measures, which are particularly important considerations given that, for the Vista del Mar seawall at least, the lift station it is designed to protect is over 90 years old, and may be at an appropriate juncture to consider replacing it, which could be done at a more inland location within the rights-of-way. Further, the City did not provide an analysis to demonstrate that the chosen designs, one 128-foot long, 36-foot tall concrete seawall (Capistrano) and a 144-foot long, 30-foot tall concrete seawall (Vista del Mar), were the least environmentally damaging options for shoreline armoring. Given that only about seven feet of Ocean Boulevard was undermined at the Capistrano site, it is not clear that a 128-foot long and 36-foot-tall concrete seawall, extending nearly 20 times the seven-foot-long undermined length of the road, is appropriate, or whether a more limited solution that would have fewer coastal resource impacts could have sufficed. Thus, for the Capistrano seawall, the Commission cannot determine whether the City ultimately constructed the least environmentally damaging feasible alternative as required by the LCP. Furthermore, the Vista del Mar seawall cannot be considered a viable alternative as there is no existing principal structure in danger from erosion that would necessitate such analysis in the first place. Thus, both projects are inconsistent with respect to the LCP-required alternatives analysis. Thus, the Vista del Mar seawall fails to meet two tests required by LUP Policy S-6 (no primary structure in danger and least environmentally damaging

²³ Coastal Act Section 30108 and IP Section 17.006.0450 define 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 not analyzed), and the Capistrano seawall fails the least environmentally damaging alternative test. Both seawalls are thus inconsistent with the LCP on these points.

Other Coastal Resource Impacts

The two seawalls also present other LCP inconsistencies. For example, the LCP prohibits armoring on “significant rocky points and intertidal or subtidal areas” (IP Section 17.078.060(F)). As described earlier, the Capistrano seawall was constructed on a significant rocky formation at the base of the bluff. This rocky formation is a unique natural shoreline feature made up of angled and parallel extensions of striated rock (see photos in **Exhibit 2**), that provides a striking natural landform that contributes to the natural shoreline aesthetic. The seawall was placed atop this rocky formation when the LCP prohibits same. In addition, this area may be located above the mean high tide line, but it is in an intertidal area (i.e., the area between the high and low tides). On the latter point, the same applies to the Vista del Mar seawall, which is located in an intertidal area, and is itself washed regularly by the tides. Neither of these locations are allowed by the LCP.

Furthermore, the LCP requires that natural landforms be respected and natural landform alteration be minimized for any allowable shoreline armoring (LUP Policy S-6 and IP Section 17.078.060). In this case, both seawalls are full bluff seawalls that cover the entire bluff with concrete. As described above, it is not clear that this degree of protection was the minimum amount necessary to protect the road at the Capistrano site, and such protection is not allowed at the Vista del Mar site because no structure was in imminent danger from erosion. As such, natural landforms were replaced with a concrete seawall when it was not necessary at the Vista del Mar site, thus not respecting the natural landform and not minimizing its alteration as is required by the LCP. Similarly, although some landform alteration may have been necessary if a seawall were deemed to be the only solution capable of protecting the road at the Capistrano site, it is not clear that the amount of coverage there was appropriate as described above. Thus, the LCP prohibits both of these seawalls for these reasons as well.

The LCP also requires that visual impacts be minimized for any allowable shoreline armoring (LUP Policy S-6). Again, these seawalls are full bluff features that have replaced the natural shoreline with concrete. Although the concrete has been manipulated with coloring and texture to try to approximate a coastal bluff, even well camouflaged concrete seawalls are unnatural additions to the public viewshed. Contouring and coloring as applied in these cases can help to limit such impacts to public views, but they cannot avoid such impacts, and did not avoid such impacts here. The public view impacts have been minimized to a certain degree, but certainly not offset in any way that would satisfy LCP requirements that overall the view has been appropriately protected. For example, the Commission has commonly applied a series of viewshed mitigation tools in this respect that have not been used here, including the use of cascading landscaping that can drape over the top of approvable armoring, and removal of existing visual impediments in the overall area (e.g., removal of unsightly fencing, retaining walls, barriers, etc.).²⁴

²⁴ See, for example, CDPs 3-09-017-G (Rusconi seawall), 3-03-036 (Filizetti revetment), 3-03-016 (Lang revetment), etc.

Finally, the LCP requires that existing public access be maintained, lateral beach access be provided, and public recreational access opportunities be enhanced as part of any shoreline protection project (LUP Policy S-6 and IP Section 17.078.060). These requirements are echoed by the Coastal Act (Sections 30210 through 30224). Due to the effects of shoreline coverage, passive erosion, and sand supply loss (all as calculated and explained in more detail below), the seawalls will result in a narrowing of the shoreline/beach area, and eventually the loss of this area to public use altogether. Thus, although the effect of the two seawalls will be to maintain some public access (i.e., the area directly inland of the seawalls on the blufftop), the shoreline and beach area will be slowly lost, inconsistent with the requirement that public access to and along the shoreline be maintained. In addition, and in a similar manner, the project leads to a *loss* of lateral beach access as opposed to *providing* it as required by the LCP. And the LCP requirement to enhance public recreational access opportunities has not been met. Though some existing access is maintained inland of the seawall locations as part of the project, by the same token public recreational access opportunities have been negatively impacted as part of the projects given the expected impacts along the shoreline due to shoreline coverage, passive erosion, and sand supply loss. These same issues apply with respect to Coastal Act consistency, including that public recreational access opportunities have not been maximized (due to shoreline, beach, and sand supply impacts) and existing and lower-cost access along the shoreline has not been protected.

Project Denial Will Result in Significant Public Access Impacts

For all of the above reasons, the two seawalls are inconsistent with the LCP. The Vista del Mar seawall does not meet LCP tests to allow for consideration of a seawall, most importantly there is no structure in imminent danger. And both seawalls suffer from LCP inconsistencies related to: their siting on significant rocky points and intertidal areas; finding the least environmentally damaging feasible alternative; minimizing landform alteration and public viewshed impacts; and addressing the impacts associated with allowable seawalls under the LCP. On this latter point, which is also implicated by relevant Coastal Act policies relating to public access, the projects do not provide lateral beach access, do not adequately maintain public access overall (given shoreline, lateral beach access, and sandy supply impacts), and do not enhance and maximize public beach and shoreline recreational access opportunities. As a result of these LCP and Coastal Act inconsistencies, the LCP and Coastal Act suggest that denial of the seawalls would be appropriate. For the Vista del Mar seawall, such a denial would be due to a lack of demonstrated threat, and would be without direction to pursue any alternatives at this time. For the Capistrano seawall, such a denial would behoove the City to identify appropriate alternatives to address the identified danger in the least impactful way possible, including in terms of potential alternatives to armoring. If the seawalls were not already constructed, then such denials would be the obvious and most consistent LCP and Coastal Act outcome.

In this case, because the seawalls have already been constructed, such denials would necessitate their removal. The Commission has previously denied and required removal in other similar situations where seawalls were installed without proper permits or analysis.²⁵ In this case, though, the benefits associated with these seawalls and the adverse impacts caused by their

²⁵ See for example, seawall and revetment removal associated with Commission CDP denials where the seawalls and revetments had already been installed in Royce et al (6-83-466, see also *Barrie v. California Coastal Com.* (1987) 196 Cal.App.3d 8), Cliffs Hotel (A-3-PSB-98-049), and Filizetti (3-97-027).

removal would all accrue to the public, whereas other denial and removal cases involved undoing a private benefit that had come at the expense of public resources.²⁶ Removal of these seawalls would cause both temporary and permanent impacts to public access and recreation at the project sites inconsistent with several Coastal Act policies. Removal could destabilize the bluffs and endanger public access infrastructure including blufftop pathways, the Vista Del Mar beach staircase, public parking, and Ocean Boulevard itself. Endangering these public access and recreational facilities, rather than protecting or providing for them, would be inconsistent with Coast Act Sections 30212, 30213 and 30221. Destabilization of the bluffs could also lead to potential failure of the Vista Del Mar lift station and cause effluent releases that necessitate beach closures and prevent access to the water, which is also inconsistent with Coastal Act Section 30212(a). Denial of the seawalls in this case would not maximize public access as required by Coastal Act Section 30210. Therefore removal of these seawalls, while consistent with what the LCP and Coastal Act would require if the seawalls had not already been constructed, would paradoxically result in significant impacts and inconsistencies related to the public access and recreation policies of Chapter 3 of the Coastal Act. Therefore, as conditioned below to mitigate for impacts to public access, the seawalls should be approved under the conflict resolution provision of the Coastal Act (*see Section I* below) because on balance project approval is more protective of public access here than project denial and removal.

Beach and Shoreline Access and Sand Supply Impact Assessment and Mitigation

The Commission has historically evaluated seawall impacts under the Coastal Act in terms of a variety of potential impacts, and the LCP here provides a similar framework. Namely, the LCP requires that any allowable shoreline protective device must: avoid (or mitigate if avoidance isn't possible) impacts to shoreline sand supply; avoid significant rocky shoreline and tidal areas; minimize alterations of natural landforms and public viewshed impacts; maintain public access to and along the shoreline; provide for lateral beach access and enhance public recreational opportunities as part of the project; and overall be the least environmentally damaging feasible alternative to protect the endangered principal structure (see LUP Policy S-6 and IP Section 17.078.060).

Some of the effects of seawalls 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. The first two calculations affect beach and shoreline use areas, and the third is related to shoreline sand supply impacts, but all three impact public access to the beach.

Beach/Shoreline Loss

With respect to the loss of beach (and shoreline area that could become beach over time) on which a structure is located, shoreline protective devices are physical structures that occupy space. When a shoreline protective device is placed on a beach area, the underlying beach area

²⁶ Id.

cannot be used as beach. When a shoreline protective device is placed on a rocky back beach area, the underlying rocky area will not be allowed to become beach as the shoreline naturally erodes. This generally results in a loss of public recreational access. The area where the structure is placed will be altered from the time the protective device is constructed until the structure is removed or moved from its initial location. The 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 projects together will cover approximately 680 square feet of shoreline and beach area. This coverage includes the area that is occupied by the base of both concrete seawalls. The Vista del Mar seawall is approximately 144 feet long and 2.5 feet thick and covers a total beach area of 360 square feet. The Capistrano seawall is approximately 128 feet long and 2.5 feet thick and covers a total beach area of 320 square feet. Thus the two seawalls cover 680 square feet of shoreline and beach area that can no longer be used by the public, either currently or in the future were the shoreline to be allowed to erode naturally.

In terms of fixing the back beach, on an eroding shoreline a beach will exist between the shoreline/waterline and the bluff as long as there is space to form a beach between the bluff and the ocean. 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 seawall. 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. 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 or coastal squeeze. The beach area will narrow, being squeezed between the moving shoreline and the fixed backshore, and this represents the loss of a beach and shoreline as a direct result of the armor. The problem of coastal squeeze caused by seawalls is exacerbated by climate change and sea-level rise. As climate change causes the seas to rise, beach areas will be lost at an increasingly faster pace.

The passive erosion impacts of a seawall, or the long-term loss of beach due to fixing the back beach, 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 combined seawalls are approximately 272 feet in length. The City's geotechnical consultant estimated the average bluff recession for this site at six inches per year. Therefore, the average impacts from fixing the back beach will be the annual loss of six inches of beach over the span of 272 feet, or 136 square feet of beach annually. Based on past experience, the Commission has found that shoreline armoring that has been in use for a few decades often needs major maintenance or modifications, or entire redevelopment of an armoring structure. As a result, the Commission has traditionally used a 20-year initial mitigation time period to establish the length

²⁷ The Commission's long-standing equation for calculating this impact is that 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: $Aw = R \times L \times W$. The annual loss of beach area can be expressed as $Aw' = R \times W$.

of time over which the initial impacts will be assessed and initial mitigations applied.²⁸ After this 20-year initial mitigation period, additional impact analysis will be needed (see **Special Condition 7**) to assess the appropriate mitigation necessary at that time. Over the first 20 years of these seawalls being present, a loss of 136 square feet of beach/shoreline annually would result in a loss of 2,720 square feet of beach/shoreline that would have been created naturally if the back beach had not been fixed by the seawalls.²⁹

Thus, the two seawall projects lead to beach and shoreline use area impacts of approximately 3,400 square feet (680 square feet associated with the seawall's footprint and 2,720 square feet associated with passive erosion due to fixing the back beach) over the first 20 years. There is no doubt that such impacts represent a significant public recreational access impact, including a loss of the social-economic value of beach and shoreline recreational access, for which the LCP and the Coastal Act requires mitigation.

The most obvious in-kind mitigation for these impacts would be to create a new 3,400-square-foot area of beach/shoreline to replace that which will be lost over the first 20 years with an identical area of beach/shoreline in close proximity to the eliminated beach/shoreline area. While in concept this would be the most direct mitigation approach, in reality, finding an area that can be turned into a beach and ensuring it does so appropriately over time is very difficult in practice. At the same time, the calculations of affected area do provide an appropriate relative scale for evaluating alternative mitigations. Historically, the Commission has looked at several ways to value such beach and shoreline areas in order to determine appropriate in-lieu mitigation fees, including evaluating the recreational value of the beach/shoreline 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 recreational beach/shoreline value, the Commission has recognized that in addition to the more qualitative social benefits of beaches and shoreline areas (recreational, aesthetic, habitat values, etc.), beaches and shoreline areas 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 tourism, fishing, 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, and being able to walk along a stretch of beach and shoreline.

However, these recreational impacts are in many cases difficult to quantify, including at these sites where data are lacking. Therefore, the Commission has found that using a real estate valuation method as a basis for identifying mitigation allows for objective quantification of the value of beach and shoreline area, and is related in both nature and extent to the impact. This method requires an evaluation of the cost of land that could be purchased and allowed to erode and turn into beach naturally to offset the area that will be lost due to the construction of the two

²⁸ As differentiated from the time period for which the armoring is authorized. Consistent with the Commission's typical approach of tying the duration of the authorization to the structures being protected, the armoring in this case would be allowed until the public improvements inland of it within and seaward of the Ocean Boulevard right-of-way are no longer present, or no longer require armoring, whichever occurs first (see **Special Condition 6** and the discussion on page 48 of this report).

²⁹ Note that the seawalls were installed in 2012, so the initial 20-year mitigation timeframe extends to 2032.

seawalls.

Toward this end, Commission staff identified the market value of a number of blufftop properties throughout the Shell Beach area as a means to identify the going rate for such property that could be purchased and allowed to erode in this way. Specifically, this review was conducted by looking at the sales of blufftop property in this specific area within the last five years. This value is then divided by the property square footage to arrive at a price per square-foot. The square-foot calculated value serves as a way to gauge the cost of acquiring an equivalent blufftop property area that could be allowed to erode to provide an equivalent amount of beach and shoreline area to that which will be lost due to the seawalls, and initially over the first 20-year mitigation timeframe. This evaluation focused on a total of 15 blufftop properties within the vicinity of the seawalls for which sales information was available over the past four years. The range of values starts at the low end for the property at 311 Indio Drive with a value of \$153.33 per square-foot and at the top of range for the property at 702 Ocean Boulevard with a value of \$673.53 per square-foot (see a map of the properties, table of land values, and property reports in **Exhibit 8**). The average value per square foot for these fifteen properties is \$329.65. This value represents a reasonable estimate of the market value of blufftop lots nearest the subject site based on actual sales data in the last four years. Given median sales prices have been rising in the Pismo Beach area over the same timeframe, such a value may slightly underestimate current costs, but it is still a valid conservative estimate of the cost of mitigation.

Applying this land acquisition value to the 3,400-square-foot impact due to both seawalls would result in a mitigation fee of \$1,120,810 for the loss of beach and shoreline use areas based on the initial 20-year mitigation period (i.e., 3,400 square feet x \$329.65/square foot = \$1,120,810). The Commission finds that this mitigation fee amount is most closely tied to specific land values in the vicinity of the projects, and is thus both reasonably related, and roughly proportional to the anticipated impacts of the seawalls on beach and shoreline use areas.

Shoreline Sand Supply Impact

With respect to the projects' impacts to local shoreline sand supply, 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. Bluff retreat is one of several ways that sand is added to the shoreline. 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 bluff is protected by a shoreline protective device, the natural exchange of material 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.

In these cases, bluff sediment would be added to the beach at these locations, as well as to the larger littoral cell sand supply system fronting the bluffs, if natural erosion were allowed to continue. 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. The Commission's Senior Coastal Engineer determined that this

impact is roughly equal to 165.3 cubic yards of sand per year for the two seawalls.³⁰ Over the course of the initial 20-year mitigation horizon, the two seawalls will thus result in the loss of about 3,306 cubic yards of sand (i.e., 165.3 cubic yards/year x 20 years = 3,306 cubic yards).

To mitigate for this loss of sand, the Commission oftentimes requires payment of an in-lieu fee to contribute to ongoing sand replenishment or other appropriate mitigation programs. In such cases, the Commission has typically mitigated for such sand retention impacts with an in-lieu fee based on the cost of buying and delivering an equivalent volume of beach quality sand to the affected area. In this case, as discussed above, the seawalls would result in the retention of about 3,306 cubic yards of sandy material over the initial 20-year mitigation horizon, which is sandy material that would have been added to the littoral cell (i.e., about 165.3 cubic yards of sand per year). Based on recent estimates of costs for beach quality sand for other projects, the cost of purchasing and delivering 3,306 cubic yards of beach quality sand is currently approximately \$50 per cubic yard.³¹ Thus, an in-lieu fee to address this sand supply impact would be approximately \$165,300 (i.e., \$50/cubic yard x 3,306 cubic yards = \$165,300).

Therefore, over the first 20-year mitigation timeframe, sand supply and beach/shoreline loss impacts associated with the two seawalls would result in a required mitigation fee of \$1,286,110 (i.e., \$1,120,810 + \$165,300 = \$1,286,110). Although this figure is reasonably related, and roughly proportional to the quantifiable impacts of the two seawalls, this figure in no way can compensate for the unquantifiable adverse impacts of the seawalls on the economy, public recreation, and well-being of the public. Rather than requiring a specific mitigation fee for possible access improvements in the future, a series of public access improvements, described in more detail below, can be used to help offset the impacts of the seawalls and the City's actions.

Approvable Mitigation Package

The City has suggested that an appropriate mitigation package would be to credit public access improvements associated with the project, and to fix an existing damaged stairway and an outfall in the project area. On the former, the City argues several points. First, the City contends that the Capistrano seawall is protecting Ocean Boulevard and the public coastal access it provides and allows for, and thus by definition the seawall is enhancing public access given that such infrastructure would otherwise be destroyed by coastal hazards. Second, as part of the Capistrano seawall, the City also installed a four-foot-wide and 125-foot-long sidewalk on top of the seawall that connects with the upcoast informal lateral accessway, thereby providing for continued pedestrian access laterally along the bluff (see **Exhibit 2**). Third, as part of the Vista del Mar seawall, a concrete stormwater outfall structure was removed from the beach and a new energy dissipater was constructed within the seawall. Removal of the concrete structure provided additional beach space for public use and enhanced the beach's visual aesthetic. And finally, the City indicates that the Vista del Mar seawall project also included replacing tiebacks on the

³⁰ Sand supply loss is calculated with a formula that utilizes factors such as the fraction of beach quality material in the bluff material; the height of the seawall from the base of the bluff to the top; height of the unprotected upper bluff measured from the top of the seawall to the crest of the bluff; and the predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming no seawall were installed. See **Exhibit 9** for the sand supply formula.

³¹ See, for example, CDPs 3-14-0569 (Custom House Embankment Repairs), A-3-STC-12-011 (4th Ave. Armoring), 2-11-009 (City of Pacifica Shoreline Protection), 2-10-039 (Land's End Seawall), etc.

existing public beach staircase to secure the staircase to the new seawall to ensure its continued utility in providing access down to the beach from the bluff.³²

In terms of proposed new offsetting mitigation, the City currently proposes two additional improvements as mitigation for the impacts of the two seawalls. First, the City has proposed to repair and reopen the existing beach staircase near Morro Avenue. This staircase has fallen into disrepair and was closed by the City this past winter. And second, the City has also proposed to remove another concrete outfall structure from the beach in the area adjacent to the Morro Avenue beach staircase and construct a new outfall structure into the face of the bluff.

However, while all of these constructed and proposed public access improvements may help to address LCP and Coastal Act requirements to maintain existing public access to some extent, they do not provide mitigation that is roughly proportional to the impacts identified above. First, maintaining the existing accessways, including the access available atop the bluff and along Ocean Boulevard, and fixing the existing stairway, are already the minimum required by the LCP (i.e., LUP Policy S-6 requires all such access to be maintained). The LCP also requires lateral beach and shoreline access to be both maintained *and* provided as part of any shoreline protective device project. While removing two stormwater outfalls from the beach will help to provide for some limited “new” lateral beach access in the short-term (in that such infrastructure blocking some access will be removed from the beach), the two seawalls will significantly diminish lateral access over time. As described above, fixing the back beach will cause “coastal squeeze” that will narrow lateral beach access over the long term. Sea-level rise due to climate change will exacerbate this problem and the continued existence of the seawalls may eventually lead to elimination of the beach area and lateral access in this area altogether. Thus, the outfalls’ removal, while beneficial in the short-term, does not adequately provide for continued lateral access over time.

Furthermore, the LCP and Coastal Act require public recreational opportunities to be maximized *and enhanced* as part of all shoreline protective device projects (see Coastal Act Section 30210 and IP Section 17.078.060(F)). Again, while maintaining Ocean Boulevard, repairing the existing staircase, and building a sidewalk atop the Capistrano seawall help to maintain existing access, they do not adequately address the area’s public access inadequacies in a way that maximizes and enhances public recreational access opportunities as required (particularly considering that the City’s proposed public access features do nothing to mitigate for the projects’ impacts to shoreline, lateral beach access, and sand supply impacts). For example, the bluffs along Ocean Boulevard do not provide a continuous lateral pedestrian trail, but rather are composed of a patchwork of informal dirt paths, concrete sidewalk, and, in some locations, no path or sidewalk at all, with pedestrians forced to walk within the street itself. While building a sidewalk atop the Capistrano seawall may help to maintain access specifically *at the Capistrano seawall*, this is not an adequate alternative to an in-lieu fee payment for the seawall’s various impacts to public beach access. A more commensurate mitigation for the coastal squeeze that will be caused by the seawalls would be to improve and provide for a continuous lateral pedestrian trail connecting the patchwork of informal dirt paths, concrete sidewalks, and unimproved areas along the six-block stretch of Ocean Boulevard between Vista del Mar Avenue

³² Additional repairs may have occurred, but the City was unable to confirm what other, if any, improvements to the staircase were done.

and Capistrano Avenue (generally paralleling Eldwayen Ocean Park on the blufftop). Furthermore, there is no uniform design aesthetic, with metal grates, wood bollard pilings, and metal cables serving as various types of fencing along the bluff edge that both obstruct access and detract from public coastal views. And finally, amenities that would enhance the public access and recreational experience, including interpretive signage, overlooks, and picnic tables, are lacking and/or are inadequate (see **Exhibit 2**). In short, the particular geography and existing conditions of the project areas contains some elements of a six-block public recreational promenade with expansive and uninterrupted coastal views and vertical access down to the sandy beach below, but has inadequacies that prevent it from being a unified public access amenity. This area forms an appropriate foundation from which to address the projects' recreational impacts in terms of sand supply and shoreline/beach loss. In addition, these are appropriate areas within which to provide offsetting visual access and natural landform improvements to address the LCP deficiencies identified above to help offset the LCP inconsistency associated with the seawalls. The blufftop area currently includes visual obstructions; including various different types of bollards and fencing that do not provide a coherent visual scheme. Some portions of the blufftop, including the areas around the seawalls, are completely devoid of native vegetation. This area could be visually enhanced and the natural environment improved through the removal of visual obstructions, installation of uniform safety barriers, and planting of vegetation to provide a natural park-like atmosphere. The City's constructed and proposed improvements are simply not sufficient to offset these impacts proportionately, and thus are inadequate to meet LCP and Coastal Act requirements.

Given these inadequacies in the City's proposed mitigation package, one option would be to require the City to provide a \$1,286,110 mitigation fee, and look to provide offsetting visual and landform alteration mitigations and recreational access enhancements in another way, whether via additional fee or via direct improvements. While requiring a mitigation fee could commensurately mitigate for sand supply and beach/shoreline use impacts, if such fees are used to provide public access improvements, the Commission has also required the actual provision of public recreational access improvements to offset such impacts, particularly when a public agency, such as the City of Pismo Beach, is the applicant for a shoreline armoring project.³³ Such mitigation strategies can allow for bona fide improvements to public recreational access infrastructure and utility so that mitigation benefits can be realized in the near term, and in an area close to the site of the impacts. Additionally, as described previously, the proposed projects here offer an important opportunity to better improve the area's public access infrastructure, including enhancing the California Coastal Trail in this location by addressing its existing inadequacies and creating a public promenade that maximizes lateral and vertical public access and recreation. Thus, in this case, the Commission finds that the best way to mitigate for the seawalls' sand supply, beach and shoreline use, landform alteration, and public view impacts, as well as to enhance and maximize public access and recreational opportunities in the project area as required by the LCP and Coastal Act, is to require that the City prepare a Public Access Enhancement Plan (Plan) with the objective of maximizing public recreational access and utility

³³ There is also a history of the Commission requiring local governments to pay fees in this respect in the past. For example, in 2014 the Commission required the City of Pacifica to either pay both a shoreline recreational access fee and a sand supply mitigation fee (totaling approximately \$335,000) or to develop identified public recreational shoreline access improvements (CDP 2-11-009) as mitigation for armoring associated with an outfall. In that case, the City ultimately chose to develop the access improvements.

in this area, including specifically through continuous trail and linear park improvements on the seaward side of Ocean Boulevard, and improving the public views and natural landforms, including specifically through the removal of visual obstructions and landscaping the area.

This Plan, described in **Special Condition 2**, gives the City discretion and an opportunity to develop a project that better achieves public access goals than just the City's proposed mitigation package. **Special Condition 2** accomplishes this by allowing the City one year to develop the Plan through a public process, during which time the City will develop specific designs to address issues and site constraints. The Plan will incorporate the improvements proposed by the City (i.e., Morro Avenue staircase repair and outfall replacement), while also including additional parameters aimed at maximizing public recreational access and utility in this area.

The primary focus of the Plan is to offset the impact of the two seawalls via the creation of an improved lateral accessway on the blufftop in the area between the two seawalls along Ocean Boulevard. Though not in-kind, maintaining an improved blufftop lateral accessway is one way to appropriately offset the losses in lateral beach and shoreline access due to the projects (at a minimum) by ensuring that at least enhanced lateral access on the blufftop is maintained. Such a lateral accessway would also provide, at a minimum, enhanced recreational amenities to mitigate for the beach and shoreline area that was lost due to construction of the two seawalls, and will be lost over time due to their continued presence. The LCP also contains a public access policy, PR-6, that requires any loss of open space area to be replaced at a minimum with an equivalent quality of acreage or facilities lost. An enhanced lateral accessway within an enhanced linear park along Ocean Boulevard (Eldwayen Park) will help to offset beach acreage lost due to the seawalls. **Special Conditions 2(a)** and **(b)** therefore require the City to plan and construct a continuous lateral trail and related amenities in the area between the two seawalls,³⁴ and there are several options for doing so.

A stretch of Ocean Boulevard between and including the two seawalls, roughly between Vista del Mar Avenue and Wawona Avenue (see **Exhibit 2**), is the appropriate location to provide enhanced park and continuous lateral trail connections. The City contends that to do so will result in the loss of parking to provide for the trail. However, for most of this area, there is blufftop space available for such improvements seaward of the paved edge of the road. There is a portion of the Ocean Boulevard between Cuyama and Morro Avenues where the existing blufftop area has receded to where there would likely not be sufficient space to accommodate a new formal pathway without realigning the curb. Ocean Boulevard in this stretch is approximately thirty feet in width, with two eight-foot-wide parking lanes and a 14-foot-wide

³⁴ Such a mitigation package is similar to other mitigation packages the Commission has required of other local governments when they proposed armoring to protect public infrastructure (see, for example, recent CDPs 2-11-009 (City of Pacifica Stormdrain Revetment) and CDP A-3-SCO-07-015 and A-3-SCO-07-019 (Santa Cruz County's Pleasure Point seawall)). This case, in fact, is very similar to the Pleasure Point seawall case in Santa Cruz County. In that case the Commission had previously denied an Army Corps seawall at that location, but then ultimately approved a seawall provided its impacts were mitigated via enhancing the blufftop area on the seaward side of the road with a continuous lateral trail and public recreational access amenities. That project is now fully constructed and has proven to be an extremely successful public recreational access enhancement, including in terms of the California Coastal Trail. The current situation along Ocean Boulevard is much like the situation along Pleasure Point that preceded the Pleasure Point seawall project and its required mitigations. And there are many reasons to believe that the Ocean Boulevard blufftop area would likewise become a public recreational access amenity and attraction in similar ways.

two-way travel lane (see **Exhibit 2**). Pedestrians walking along the informal lateral accessway in the area between Cuyama and Morro Avenues are currently forced to walk into Ocean Boulevard, either squeezing through the seaward side of parked cars and the bluff edge or walking directly into oncoming traffic without any signage or clear markings to indicate the presence of pedestrians.

In areas where portions of the existing road may be needed to accommodate the trail, one option would be for the City to construct the five-foot lateral accessway and prohibit parking on one side of the street. The road would be reduced to 25 feet in width, enough to maintain one eight-foot-wide parking lane, increase the two-way travel lane from 14 feet to 17 feet, and create a safe separated lateral accessway for pedestrians to recreate and enjoy coastal resources. Commission staff has estimated that a maximum length of about 180 feet of Ocean Boulevard would need to be reduced where there are such potential pinch points (see **Exhibit 2**). Given that a standard parking space is approximately 18 feet long, this would result in the loss of approximately 10 parking spaces. Ocean Boulevard in this area currently provides approximately 200 street parking spaces, in addition to the free public parking space available on all of the cross streets in the area. Allowing some recreational space to accommodate the trail at the expense of some ten parking spaces could be an appropriate tradeoff in this location.

Additionally, in areas where space is pinched, the City could choose to keep parking on both sides of Ocean Boulevard by utilizing the City's right-of-way on the landward side of Ocean Boulevard. The City owns approximately six feet of right-of-way that is currently covered in private landscaping that could be removed. This area could possibly be utilized to create additional parking spaces to maintain parking on both sides of Ocean Boulevard, if the need arose. The 36-foot-wide space (30 feet of Ocean Boulevard and six feet of additional right-of-way) could accommodate a five-foot-wide lateral accessway, while maintaining two eight-foot-wide parking lanes, and increasing the width of the two-way travel lane from 14 feet to 15 feet.

Another option for the City would be to divert the lateral pedestrian pathway into the existing roadway at the pinch points only by cutting the curb and clearly striping the area for pedestrian safety. This design would obviate the need for realigning the entire curb and would not reduce the width of the existing roadway, while still allowing for safer pedestrian access and parking along both sides of Ocean Boulevard.

In order to provide flexibility for the City to determine which design is appropriate to meet its needs, **Special Condition 2(b)** would allow the City to construct any of these options (or any option of the City's choosing) in the stretch of Ocean Boulevard between Cuyama Avenue and Morro Avenue, as long as a continuous five-foot ADA-accessible pedestrian path is provided. To ensure that the Plan's impact on parking is minimized, **Special Condition 2(g)** also requires parking along Ocean Boulevard to be maximized as much as possible. In short, the width of City property along this stretch of Ocean Boulevard, both the right-of-way and the area seaward of it, would allow the City to provide enhanced lateral access public recreational access opportunities to offset public recreational access impacts associated with the construction of the two seawalls, as required by the LCP and the Coastal Act.

Coastal Act 30210 and IP Section 17.17.078.060 require public recreational access opportunities to be both maximized and enhanced. To provide maximum and enhanced public recreational access, **Special Condition 2(c)** requires the plan to provide a public overlook in the area

surrounding the Vista Del Mar lift station with enhanced access amenities for users to enjoy coastal views. To address access amenity deficiencies in the area, **Special Condition 2(h)** requires an adequate number of benches, picnic tables, bicycle racks, garbage and recycling receptacles, doggie mitt stations, and similar such public access amenities to be distributed appropriately along the entire lateral trail in a way that maximizes their public access utility and minimizes their impact on public views. Given that the Public Access Enhancement Plan does not even fully mitigate for the seawalls' impacts to shoreline, lateral beach access, and sand supply in kind, these addition improvements are relatively minor requirements to maximize and enhance public recreational access opportunities as called for by the Coastal Act and the LCP.

Coastal Act Section 30211 prohibits development from interfering with the public's access to the sea. To ensure that the proposed developments adequately mitigate for their adverse impacts to public access, **Special Condition 2(f)** requires removal of all existing obstructions to public access, while **Special Condition 2(k)** prohibits future development and uses that may disrupt public access. **Special Condition 2(l)** also prohibits interference of public access by requiring access amenities to be open to the public 24 hours a day free of charge. Thus, as conditioned, the projects ensure that development will not interfere with the public's access to the sea, as required by Coastal Act Section 30211.

Both Coastal Act Section 30210 and LCP Policy PR-28 require conspicuously posted signs directing the public toward coastal access points. **Special Condition 2(i)** requires the Access Plan to include conspicuously posted access and parking signs that provide clear information regarding public parking and public access opportunities at appropriate intervals. As required by Coastal Act Section 30212, **Special Condition 2(m)** requires that the public access areas and amenities be maintained through repairs, replacement, or relocation if necessary. Thus, as conditioned, the project can be found consistent with the Coastal Act and the City's LCP with regard to public access signage and maintenance.

The Plan required by **Special Condition 2** is to be submitted and reviewed by the Executive Director within one year after Commission approval of these CDPs. To accommodate the City's budget cycles and allow time to fully fund the improvements, implementation of the Plan can be phased over a period of seven years with the lateral accessway and amenities completed within two years, storm outfall repairs within five years, and the entire plan implemented within seven years. Therefore, this CDP is conditioned for recreational and public access offsets (e.g., public access improvements) as the most appropriate mitigation method, given the above-described factors. Accordingly, as conditioned, the projects can offset impacts to public access and sand supply through recreational resource benefits. Therefore, as conditioned, the projects satisfy LCP and Coastal Act requirements regarding mitigation for seawall impacts.

Finally, with respect to construction impacts associated with the Public Access Enhancement Plan, these projects will temporarily: require the movement of equipment, workers, materials, and supplies at the project locations near Eldwayen Ocean Park, in and around Ocean Boulevard, and the adjacent beach area; result in the loss of recreational beach and other public access use areas to a construction zone (at the immediate project areas); and generally intrude and negatively impact the aesthetics, ambiance, serenity, and safety of the recreational experience at these locations. These public recreational use impacts can be contained through construction

parameters that limit the area of construction, limit the times when work can take place (to avoid both weekends and peak summer use months when recreational use is highest), clearly fence off the minimum construction area necessary, require inland equipment and material storage during non-construction times, clearly delineate and avoid to the maximum extent feasible public use areas, and restore all affected public access areas at the conclusion of construction. A detailed construction plan is required for this purpose (see **Special Conditions 3a and 3b**). In addition, to provide maximum information to the beach-going public during all construction, the Applicant must maintain copies of the CDPs and approved construction plans available for public review at the construction sites, as well as provide a construction coordinator whose contact information is posted at the site to respond to any problems and/or inquiries that might arise (see **Special Conditions 3d and 3e**). Although the required construction conditions can minimize the impacts of this project on the public, the conditions cannot completely compensate for the unavoidable degradation of the usual public recreational experience available at this location, including the overall diminution of aesthetics and ambiance, during construction of the proposed public access enhancements. However, the long-term benefit of the mitigation package described above will adequately mitigate these remaining temporary construction impacts as well.

The construction activities necessary to implement the components of the required Public Access Enhancement Plan could also have impacts to water quality and coastal resources if construction debris and other materials entered ocean waters. LCP Policy CO-15 prohibits degradation of coastal resources, while LCP Policy CO-17 requires development to minimize potential impacts to coastal resources. **Special Condition 3c** requires the Permittee to submit a construction plan that limits impacts to public access and provides for appropriate Best Management Practices to protect coastal resources during construction. As conditioned, the projects are consistent with the public access and coastal resource protection policies of the LCP.

Landform Alteration and Visual Resources

LCP Safety Element Policy S-6 also requires shoreline protective devices to minimize visual impacts. IP Section 17.078.060(D) further requires seawalls to respect natural landforms and use visually compatible colors and materials.

The seawalls as constructed include natural colors as required by the LCP, which are visually compatible with the surrounding bluffs. This design helps blend the seawalls with the natural bluff landforms as much as possible. Remaining impacts (associated with replacing the existing natural bluffs with unnatural concrete structures, as more fully described earlier) can be partially offset by the removal of visual obstructions in the area and installation of vegetation that will enhance the natural environment. Thus the above described mitigation package, including the components related to removing visual and access obstructions, and landscaping (see **Special Conditions 2(f) and (j)**) achieves LCP consistency in terms of minimizing visual impacts to the maximum extent possible (short of denying the projects). **Special Condition 5** also requires that the color, texture and undulations of the seawalls' surfaces shall be maintained throughout the life of the structures.

Duration of Authorization

The LCP only authorizes shoreline protection devices when necessary to protect an existing principal structure in danger of erosion, and therefore shoreline protective devices are no longer authorized by the LCP after the existing structures they protect are no longer present or no longer require armoring. Although the purpose of these projects is to protect a public road and utilities,

the proposed shoreline armoring nevertheless impedes public access to and along the shoreline, adversely impacts beaches and shoreline areas, potentially increases erosion on adjacent properties, and visually impairs this coastal area. Although in this case it is likely that Ocean Boulevard, the structure being protected by the Capistrano seawall, will be in place for many years, it is unclear how sea level rise and other geologic hazards may affect the shoreline in this area over time, so it is still necessary to ensure that the shoreline protection as constructed does not outlast the structure it was designed to protect, even in the case of public infrastructure.

Special Condition 6 thus limits the duration of this armoring approval to the time when the public improvements inland of the seawalls, i.e. within and seaward of the Ocean Boulevard right-of-way, are no longer present or no longer require armoring, whichever occurs first. If some portion of the public improvements are removed, while some portion are retained, the armoring shall be reduced or modified so that it is the minimum necessary to protect the public improvements that are retained.

In terms of impact mitigation for the approved projects, as discussed above, the mitigation for the impacts associated with the seawalls is based on an initial 20-year time period. These impacts will continue to occur, though, for the full time that the approved armoring structures are in place, including beyond 20 years if it continues to be necessary to protect Ocean Boulevard and related infrastructure. Using a time period of 20 years for the mitigation calculations ensures that the mitigation will cover the likely initial impacts from the armoring, but future impacts are far more uncertain and virtually impossible to predict. The public access improvements required under this approval may very well be sufficient to offset the continued impacts of retaining the seawalls, but changed circumstances may demonstrate that additional mitigation is necessary in order to maintain public access and recreation. **Special Condition 7** therefore requires the City to reevaluate the impacts associated with the retention of armoring beyond the initial 20-year period and provide additional mitigation if deemed necessary.

Repair and Maintenance

LUP Policy S-6 states that the City shall develop detailed standards for the construction of new and repair of existing shoreline protective structures. The City's approval did not describe the expected life of the projects, nor consider the stability of the developments over time, especially as the bluff continues to erode and is impacted by sea level rise. Without this information, it is difficult to determine whether or not the City-approved projects ensure stability over the life of the projects, as required by the LCP. Given the geological instability of the landform at these locations, there is a possibility that the structures and related improvements may fail in the future as well. Failure might include displacement of the structures, or portions thereof, which may result in structural components falling to the beach located below the project site. To ensure that the project continues to provide mitigation for its public access impacts, it is also important to ensure that all public access improvements remain functional. Accordingly, **Special Condition 4(a)** requires monitoring of the seawalls, **Special Condition 4(b)** requires monitoring of the public access improvements, and **Special Condition 4(c)** requires monitoring of all landscaping. **Special Conditions 4(d)** and **4(e)** require annual photographic documentation with reports submitted to the Executive Director for review and approval every five years. **Special Condition 5** requires the City to implement any necessary repairs to ensure that the improvements remain stable, and also requires that if any or all of the portions of the structures fail and are displaced to the beach below, that such structural components be retrieved from the beach in a timely manner.

Special Condition 5(a) states that the maintenance events allowed under these CDPs is work that would otherwise normally require a CDP, but **Special Condition 5(b)** does not obviate the City's need to require any other agency approvals that may be necessary for the repairs. **Special Condition 5(c)** requires notification 30 days prior to any maintenance events and **Special Condition 5(d)** requires compliance with any repair conditions that the Executive Director determines are necessary, except that **Special Condition 5(e)** does allow the City to proceed with emergency repairs. **Special Condition 5(f)** allows for the maintenance provision to be revisited every ten years in case of changed circumstances.

Finally, there are inherent risks associated with development on and around eroding slopes in a dynamic coastal bluff environment; this applies to the projects as well as for the roadway development in this area in general. The approved projects are likely to be affected by bluff and shoreline erosion in the future. Although the Commission has sought to minimize the risks associated with the development proposed in these applications (and in past actions with other development at this location), the risks cannot be eliminated entirely. Accordingly, this approval is conditioned for the City to assume all risks for developing at this location (see **Special Condition 8**).

Liability for Costs of Attorneys' Fees

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its actions on the pending CDP applications in the event that the Commission's action is challenged by a party other than the Applicant. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition 9** requiring reimbursement for any costs and attorneys' fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicant challenging the approval or issuance of these permits.

I. CONFLICT RESOLUTION

Section 30007.5: Legislative findings and declarations; resolution of policy conflicts. The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Section 30200(b): Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

As explained previously in this report, construction of these seawalls was inconsistent with the public access and recreation policies of the Coastal Act due to their encroachment on the beach,

fixing of the back beach, and impacts to sand supply. However, if the Commission denied the seawalls and required their removal to eliminate these inconsistencies, such actions would also lead to nonconformity with the public access and recreation policies in Coastal Act Sections 30210, 30211, 30212, 30213 and 30221 due to the adverse impacts of removal on public access infrastructure such as blufftop pathways, public roads, and a beach staircase. In such a situation, when a proposed project is inconsistent with a Chapter 3 policy and denial or modification of the project would be also be inconsistent with Chapter 3 policies, Section 30007.5 of the Coastal Act provides for resolution of such a policy conflict in a manner that is most protective of coastal resources.

Analysis

Resolving conflicts through application of Sections 30007.5 and 30200(b) involve the following seven steps:

- 1) The project, as proposed, is inconsistent with at least one Chapter 3 policy;
- 2) The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources;
- 3) The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement;
- 4) The project, if approved, would result in tangible resource enhancement over existing conditions;
- 5) The benefits of the project are not independently required by some other body of law;
- 6) The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict;” and,
- 7) There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

The proposed developments meet all of the above criteria for applying conflict resolution, as follows:

Step 1

First, for the Commission to apply Section 30007.5, a proposed project must be inconsistent with an applicable Chapter 3 policy. Here, approval of the proposed development would be inconsistent with: Sections 30210 and 30211 because the seawalls will not maximize public access and recreational opportunities; 30214 because public access is not implemented in a manner taking into account facts and circumstances including, among other things, the topographic and geologic site characteristics; and 30221 because oceanfront land suitable for recreational use is not protected as such. Instead, the seawalls significantly interfere with the public use of coastal beaches due to their encroachment on the beach, fixing of the back beach, and impacts to sand supply.

Step 2

Second, the project, if denied to eliminate the inconsistencies, would affect coastal resources in a manner inconsistent with at least one Chapter 3 policy that affirmatively requires protection or enhancement of those resources. A true conflict between Chapter 3 policies results from a

proposed project which is inconsistent with one or more policies, and for which denial of the project would be inconsistent with at least one Chapter 3 policy. Further, the policy inconsistency that would be caused by denial must be with a policy that affirmatively mandates protection or enhancement of certain coastal resources.

By denying the projects on the basis of inconsistency with Coastal Act sections 30210, 30211, 30214, and 30221, the seawalls would need to be removed, and removal would endanger public access infrastructure and the recreational opportunities that they provide. Although the Vista Del Mar lift station was not in danger at the time the seawall at this location was installed, removal of the seawall at this point could lead to bluff failure that would endanger the a lift station, which could spill wastewater into coastal waters and prevent public use, in addition to endangering the public staircase that is also present at this location. Removal of the Capistrano seawall could lead to bluff failure that would endanger portions of Ocean Boulevard falling into the ocean again. For both the Vista del Mar and Capistrano seawalls, removal of the seawalls would endanger the existing shoreline and lateral beach access seaward of the seawalls due to bluff failure. These outcomes would be inconsistent with: Section 30210, which affirmatively requires the Commission to provide “maximum access ... and recreational opportunities”; Section 30211 which affirmatively requires protection of the public’s access to the sea; Section 30212, which requires “public access from the nearest public roadway to the shoreline and along the coast” to be provided; Section 30213, which affirmatively requires lower-cost visitor-serving and recreational facilities “to be protected, encouraged, and where feasible, provided”; Section 30214, which requires Coastal Act public access policies to “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 ... topographic and geologic site characteristics”; and Section 30221, which requires that “oceanfront land suitable for recreational use shall be protected for recreational use and development.” In most cases, denying a proposed project (*i.e.*, the no project alternative) will not cause adverse effects on coastal resources for which the Coastal Act mandates protection or enhancement, but will simply maintain the status quo. Here, however, project denial is complicated by the fact that removal of the existing seawalls will result in significant public access and recreation impacts for which the Coastal Act mandates protection.

Step 3

The project, if approved, would be fully consistent with the Coastal Act policies that affirmatively mandate resource protection or enhancement. For denial of a project to be inconsistent with a Chapter 3 policy, the proposed project would have to protect or enhance the resource values for which the applicable Coastal Act policy includes an affirmative mandate. That is, if denial of a project would conflict with an affirmatively mandated Coastal Act policy, approval of the project would have to conform to that policy. If the Commission were to interpret this conflict resolution provision otherwise, then any proposal, no matter how inconsistent with Chapter 3, that offered a slight incremental improvement over existing conditions could result in a conflict that would allow the use of Section 30007.5. The Commission concludes that the conflict resolution provisions were not intended to apply to such minor incremental improvements. In this case, approval of the projects would protect existing public access amenities including an informal blufftop pathway, beach staircase, and highly scenic portions of

Ocean Boulevard, and, as conditioned to ensure maximization of public access, the projects will conform to the Coastal Act public access and recreation policies to the maximum extent possible.

Step 4

The project, if approved, would result in tangible resource enhancement over existing conditions. This is the case here for several reasons. For purposes of Step 4, “existing conditions” should be understood as the already-built, existing seawalls. Denial of the projects would result in significant public access impacts due to bluff instability, as discussed above. Approval of the projects, ***as conditioned*** (i.e., the Public Access Enhancement Plan) will result in tangible resource enhancement over existing conditions because the proposed mitigation package will mitigate for the seawalls’ impacts to shoreline, lateral beach access, and sand supply, whereas under existing conditions the seawalls do not adequately mitigate for those impacts.

Step 5

The benefits of the project are not independently required by some other body of law. The benefits of approval cannot be those that a project proponent is already being required to provide pursuant to another agency’s directive under another body of law. In other words, if the benefits would be provided regardless of the Commission’s action on the proposed projects, the project proponent cannot seek approval of an otherwise unapprovable project on the basis that the project would produce those benefits, i.e., the project proponent does not get credit for resource enhancements that it is already being compelled to provide. For these projects, the public access amenities required by these permits have not been required by any agency and would only be achieved through approval of these CDPs. The benefits of the projects are therefore not independently required by some other body of law.

Step 6

The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict.” A project’s benefits to coastal resources must be integral to the project purpose. If a project is inconsistent with a Chapter 3 policy, and the main elements of the project do not result in the cessation of ongoing degradation of a resource the Commission is charged with enhancing, the project proponent cannot “create a conflict” by adding to the project an independent component to remedy the resource degradation. The benefits of a project must be inherent in the purpose of the project. If this provision were otherwise, project proponents could regularly “create conflicts” and then request that the Commission use Section 30007.5 to approve otherwise unapprovable projects. The conflict resolution provisions of the Coastal Act were not intended to foster such an artificial and easily manipulated process, and were not designed to barter amenities in exchange for project approval. In this case the benefits of the project result from its primary purpose – to protect and make available infrastructure for public access, including a beach staircase, a blufftop pathway, and Ocean Boulevard; and which are conditioned to provide more extensive public access amenities and improvements.

Step 7

There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies. The ideal solution in this case would have been for the City to follow the proper CDP process, adequately analyze seawall alternatives, consult with

Commission staff, and most likely construct a less robust shoreline protective device with regard to the Capistrano seawall and wait until an existing structure was in danger from erosion with regard to the Vista Del Mar seawall. The City's actions have put the Commission in the regrettable position where a decision to approve or deny the seawalls would have adverse public access and recreation impacts, unlike situations where the negative impacts from an unpermitted private seawall are borne primarily by the public while removal would primarily negatively impact private development. Here, the only feasible alternative to approval or complete removal would be for the seawalls to be scaled back and partially removed. However, such a solution would be very costly, would have impacts to public access during removal activities, and would still present similar shoreline, lateral beach access, and sand supply impacts from the portions of the seawalls that remain. Thus, there are no feasible alternatives that would achieve the objectives of the projects without violating any Chapter 3 policies.

Based on the above, the Commission finds that the proposed projects present a conflict between the public access and recreation policies in Chapter 3 of the Coastal Act, and must be resolved through application of Section 30007.5 and 30200(b).

Conflict Resolution Conclusion

With the conflict among the public access policies of the Coastal Act established, the Commission must resolve the conflict in a manner which on balance is the most protective of significant coastal resources. In reaching this decision, the Commission evaluates the project's tangible, necessary resource enhancements over the current state and whether they are consistent with resource enhancements mandated in the Coastal Act. In the end, the Commission must determine whether its decision to either deny or approve a project is the decision that is most protective of significant coastal resources.

In these cases, the threatened coastal resource in the project area is to public access whether the projects are approved or denied. On balance, approval of the projects is more protective of public access and coastal resources than denial would be because the seawalls protect important public infrastructure including a blufftop pathway, public staircase, and scenic public road. Approval, as conditioned, also makes possible the many public access improvements that will be approved as mitigation for the seawalls' impacts. Further, denial of the seawalls would be a waste of public funds, threaten those same public infrastructure resources, and would not permanently prevent the impacts of denial because the project sites would likely be eligible for some type of shoreline protection in the future, albeit less robust than the seawalls that have already been constructed. In resolving the identified Coastal Act conflicts, the Commission finds that the impacts on coastal resources from denying and removing the projects will be more significant than the projects' impacts as proposed and conditioned. Therefore, the Commission finds that approving the projects, as conditioned, is, on balance, the most protective of coastal resources.

J. 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 City of Pismo Beach, acting as lead agency, found that the projects were exempt from CEQA requirements and issued a Categorical Exemption for each of the projects under section 15269 regarding emergency projects. The Coastal Commission's CDP program has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. (14 CCR § 15251(c).) The preceding substantial issue and coastal development permit findings discuss the relevant coastal resource issues with after-the-fact approval of the two seawalls, including coastal and geological hazards, impacts to sand supply, and impacts to public recreational access. The permit conditions identify appropriate modifications and mitigation measures to avoid and/or lessen any potential for adverse impacts to said resources.

The Commission finds that only as modified and conditioned by b these permits will the proposed projects avoid significant adverse effects on the environment within the meaning of CEQA. 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 projects, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed projects 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

Geotechnical Basis of Design Shoreline Stabilization Projects Vista del Mar and Ocean Boulevard Pismo Beach California, Terra Cost Consulting Group, April 20, 2012.

Mean High Tide Line Jurisdictional Boundary Vista del Mar and Ocean Boulevard Pismo Beach California, Terra Costa Consulting Group, April 9, 2012.

References for Determination of Mean High Tide Line; Vista del Mar, Cannon Survey, April 6, 2012.

Final Pismo Beach Shoreline Protection Project Environmental Assessment/Mitigated Negative Declaration, Army Corps of Engineers, April 2014.

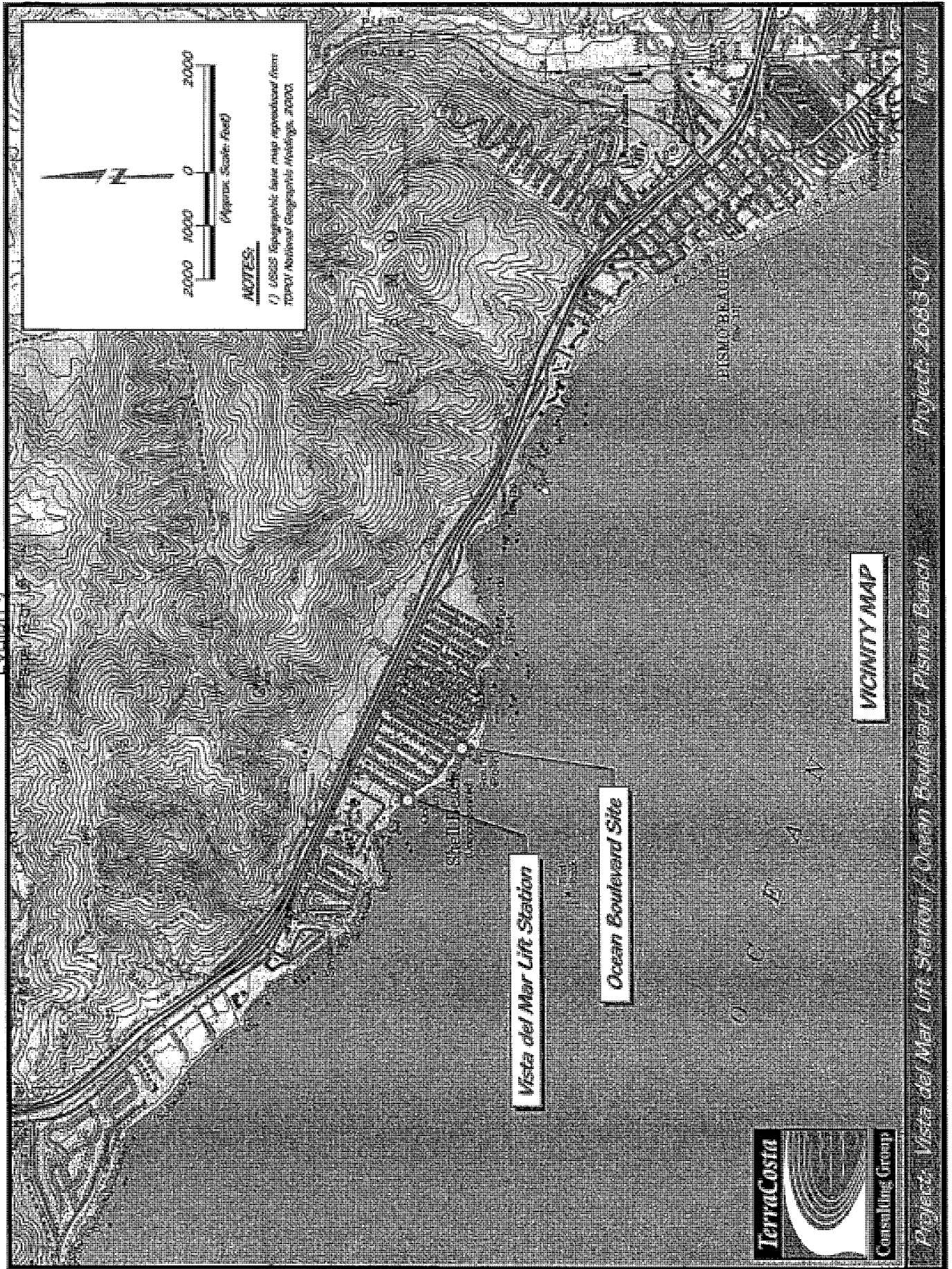
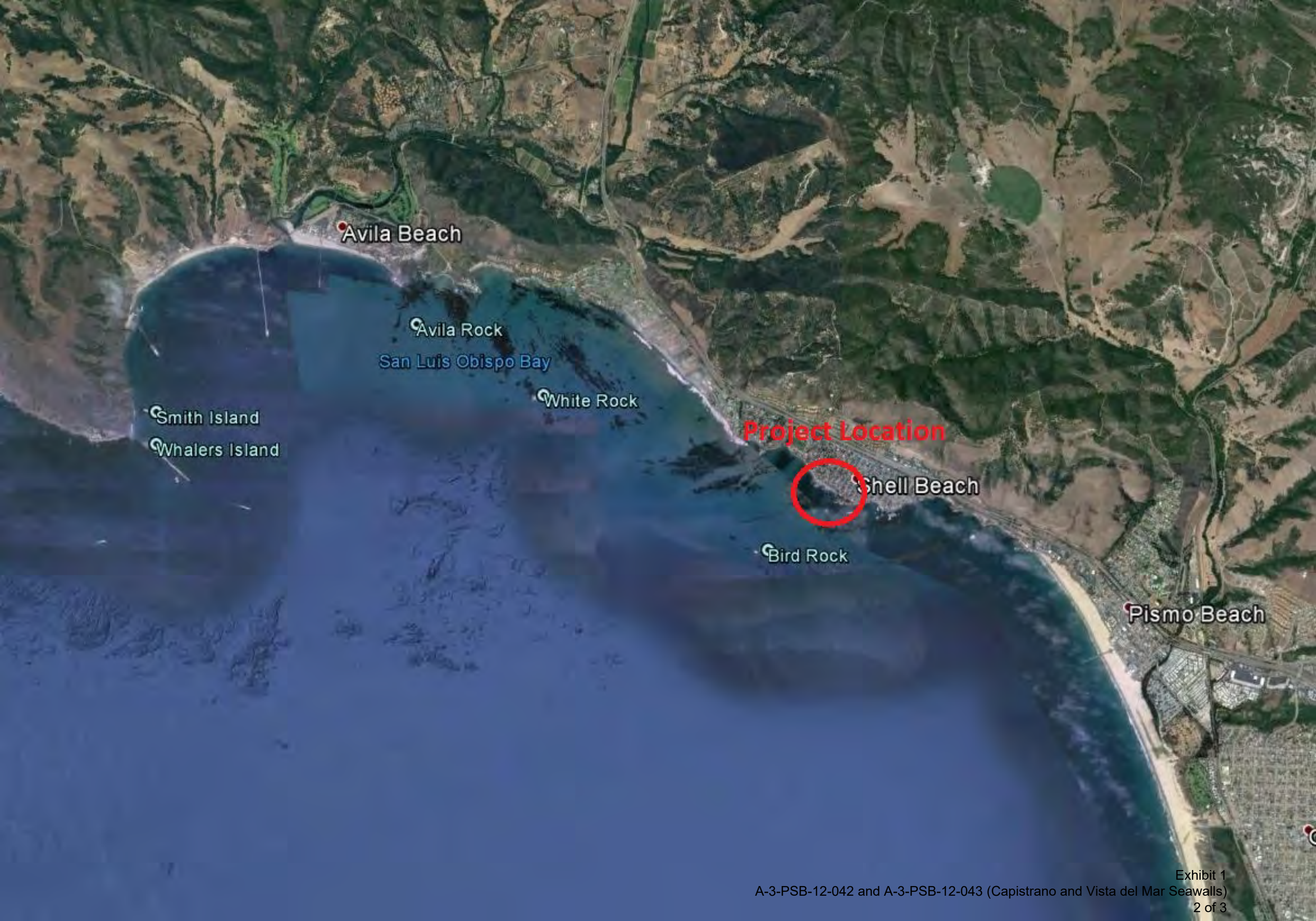


Exhibit 1

A-3-PSB-12-042 and A-3-PSB-12-043 (Capistrano and Vista del Mar Seawalls)



Avila Beach

Avila Rock

San Luis Obispo Bay

White Rock

Smith Island

Whalers Island

Project Location

Shell Beach

Bird Rock

Pismo Beach



Vista del Mar Seawall

This is an aerial photograph of a coastal residential area. The ocean is on the left, with waves breaking against a sandy beach. A road runs parallel to the beach, with several cars visible. To the right of the road is a dense residential neighborhood with many houses and trees. Two red circles are drawn on the image: one in the upper left, highlighting a section of the beach and road, and another in the lower right, highlighting a section of the beach and road. The text 'Vista del Mar Seawall' is written in white, bold font near the first red circle, and 'Capistrano Seawall' is written in white, bold font near the second red circle.

Capistrano Seawall



Lift Station

An aerial photograph showing a coastal area with a sandy beach, a concrete staircase leading down to the water, and a road with a lift station. A red arrow points to the lift station. The text "Vista Del Mar before installation of seawall" is overlaid in a white box at the top. The text "Lift Station" is overlaid in black text with a red arrow pointing to the lift station. The text "Exhibit 2" is overlaid in black text at the bottom right. The text "A-3-PSB-12-042 and A-3-PSB-12-043" is overlaid in black text at the bottom right. The text "(Capistrano and Vista del Mar Seawalls)" is overlaid in black text at the bottom right. The text "2 of 16" is overlaid in black text at the bottom right.

**Vista Del Mar before
installation of seawall**

Lift Station

Exhibit 2

A-3-PSB-12-042 and A-3-PSB-12-043
(Capistrano and Vista del Mar Seawalls)

2 of 16

Vista Del Mar Seawall



Exhibit 2

A-3-PSB-12-042 and A-3-PSB-12-043
(Capistrano and Vista del Mar Seawalls)


3 of 16

Vista Del Mar Seawall



Outfall that was removed near Vista Del Mar Seawall



An aerial photograph showing a coastal area. A red circle highlights a section of a seawall that appears to be damaged or under construction, with exposed rocks and debris. The seawall runs along a road that borders a residential area with houses and greenery. The ocean is visible on the left side of the image.

Capistrano Seawall Location

Ocean Boulevard site before installation of Capistrano Seawall





Capistrano Seawall

Exhibit 2
A-3-PSB-12-042 and A-3-PSB-12-043 (Capistrano
and Vista del Mar Seawalls)
8 of 16

Capistrano Seawall



Morro Avenue staircase to be repaired



Exhibit 2

A-3-PSB-12-042 and A-3-PSB-12-043 (Capistrano and Vista del Mar Seawalls)

10 of 16

A photograph showing a concrete staircase leading down to the ocean. The concrete steps are heavily eroded and crumbling. A wooden ramp with a metal railing is built over the damaged concrete, leading down to the water. The ocean waves are crashing against the base of the structure. The text "Morro Avenue staircase to be repaired" is overlaid in a white box at the top center.

**Morro Avenue staircase
to be repaired**

Exhibit 2

A-3-PSB-12-042 and A-3-PSB-12-043 (Capistrano and Vista
del Mar Seawalls)

11 of 16

**Morro Avenue outfall
to be repaired**



**Blufftop area with no formal path
or public access amenities**



Lateral Accessway Location

Area of potential
road realignment

Ocean Boulevard Pinch Point Between Cuyama and Morro Avenues





6 ft.

30 ft.

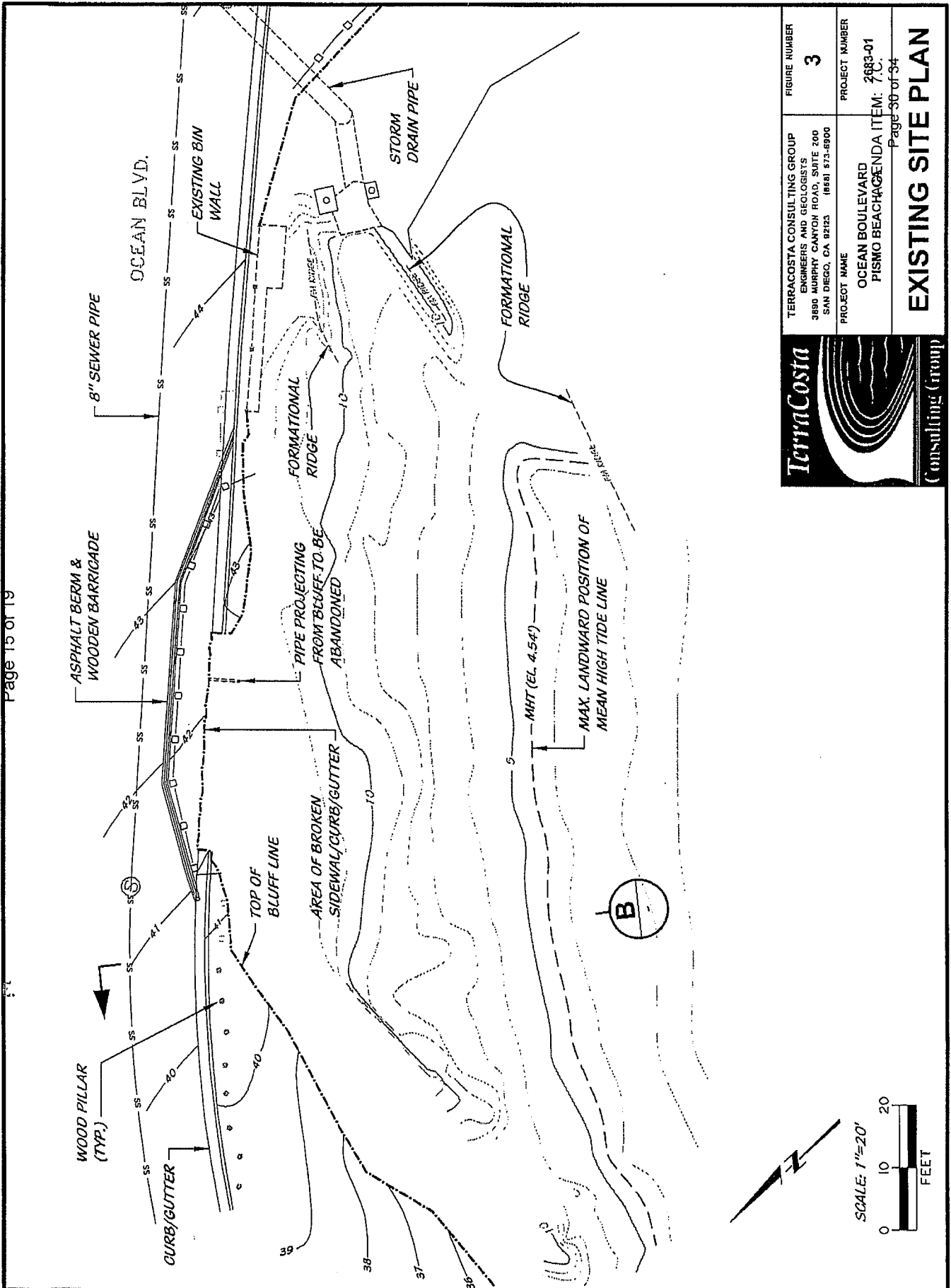
180 ft.

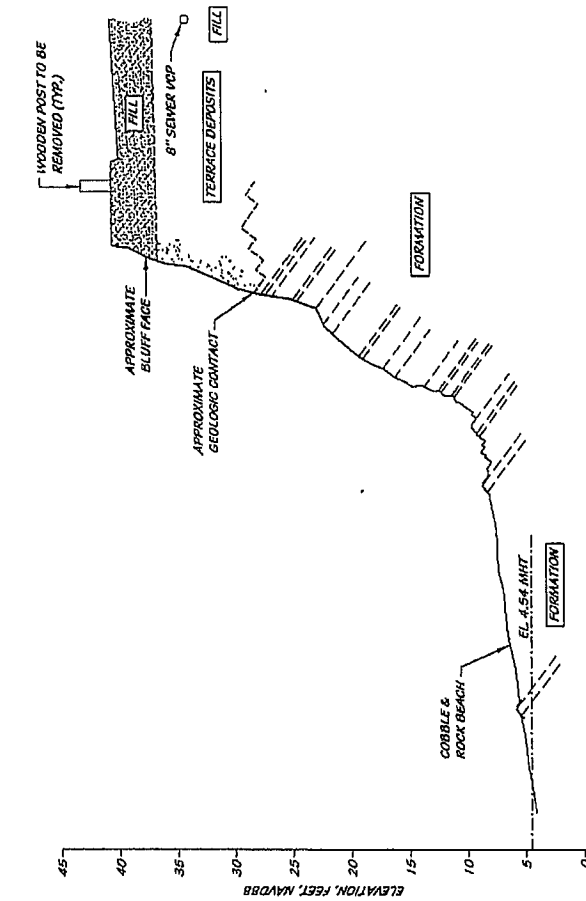
Exhibit 2

A-3-PSB-12-042 and A-3-PSB-12-043 (Capistrano and Vista del Mar Seawalls)

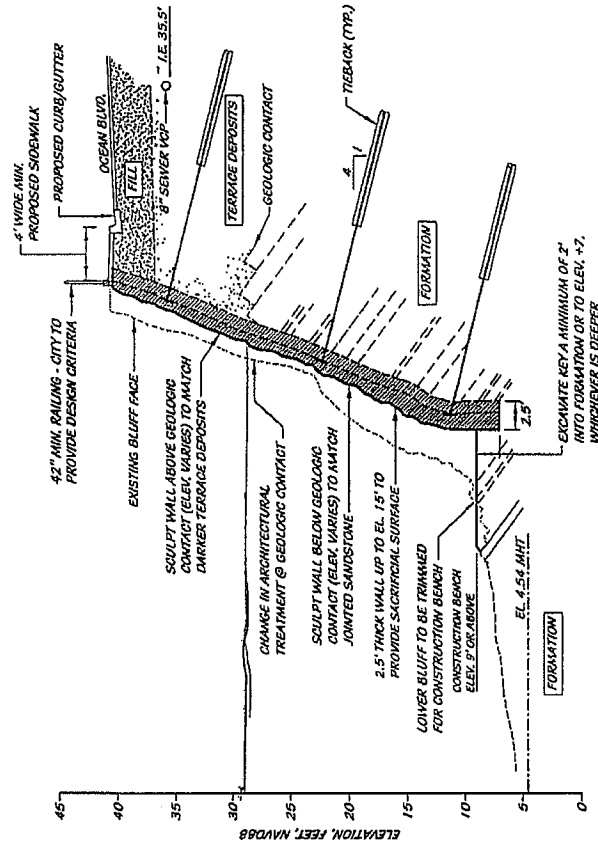
16 of 16

EXHIBIT 3
Page 15 of 19





EXISTING
CROSS SECTION B
SCALE: 1"=10'



PROPOSED
CROSS SECTION B
SCALE: 1"=10'


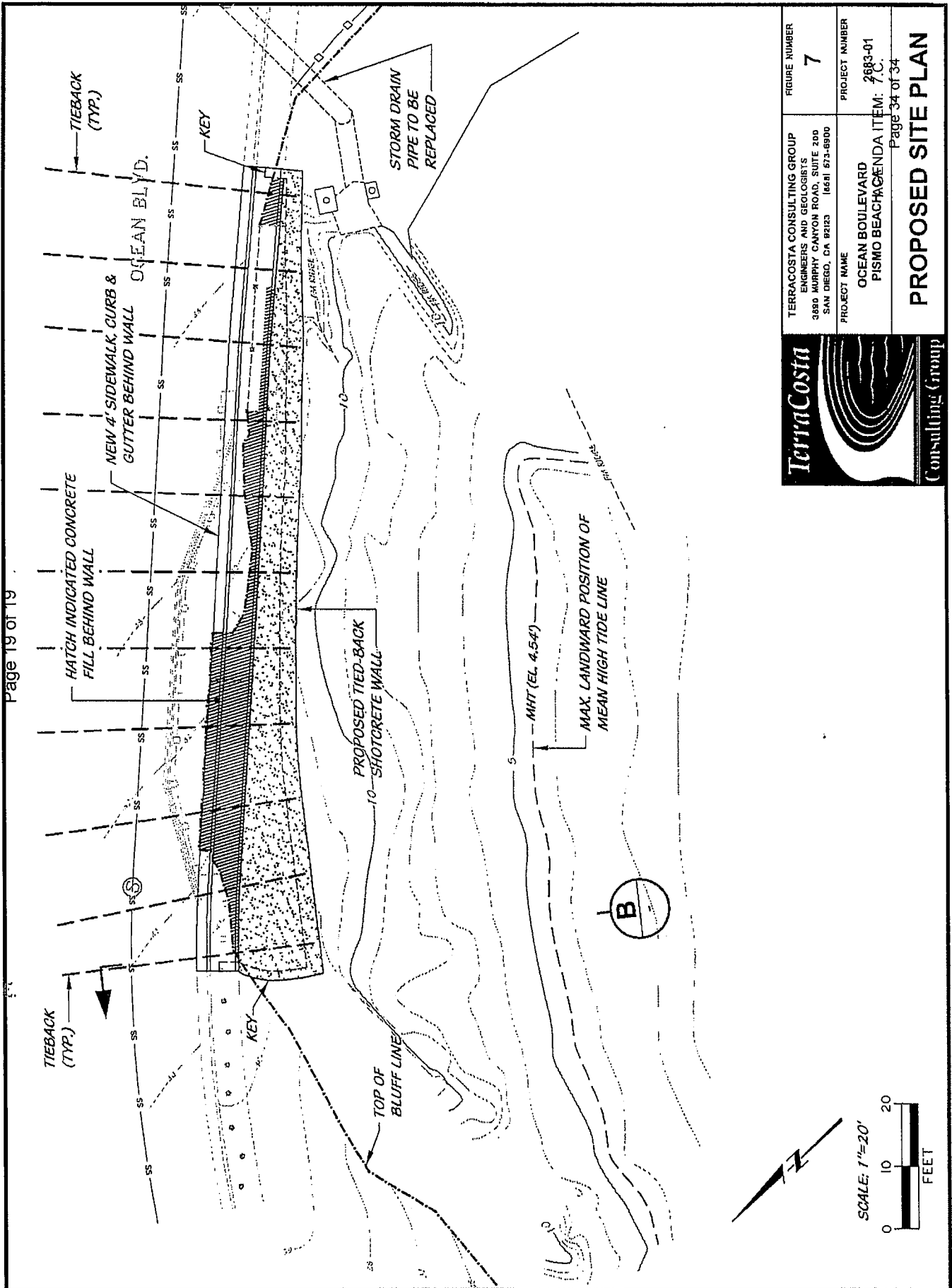
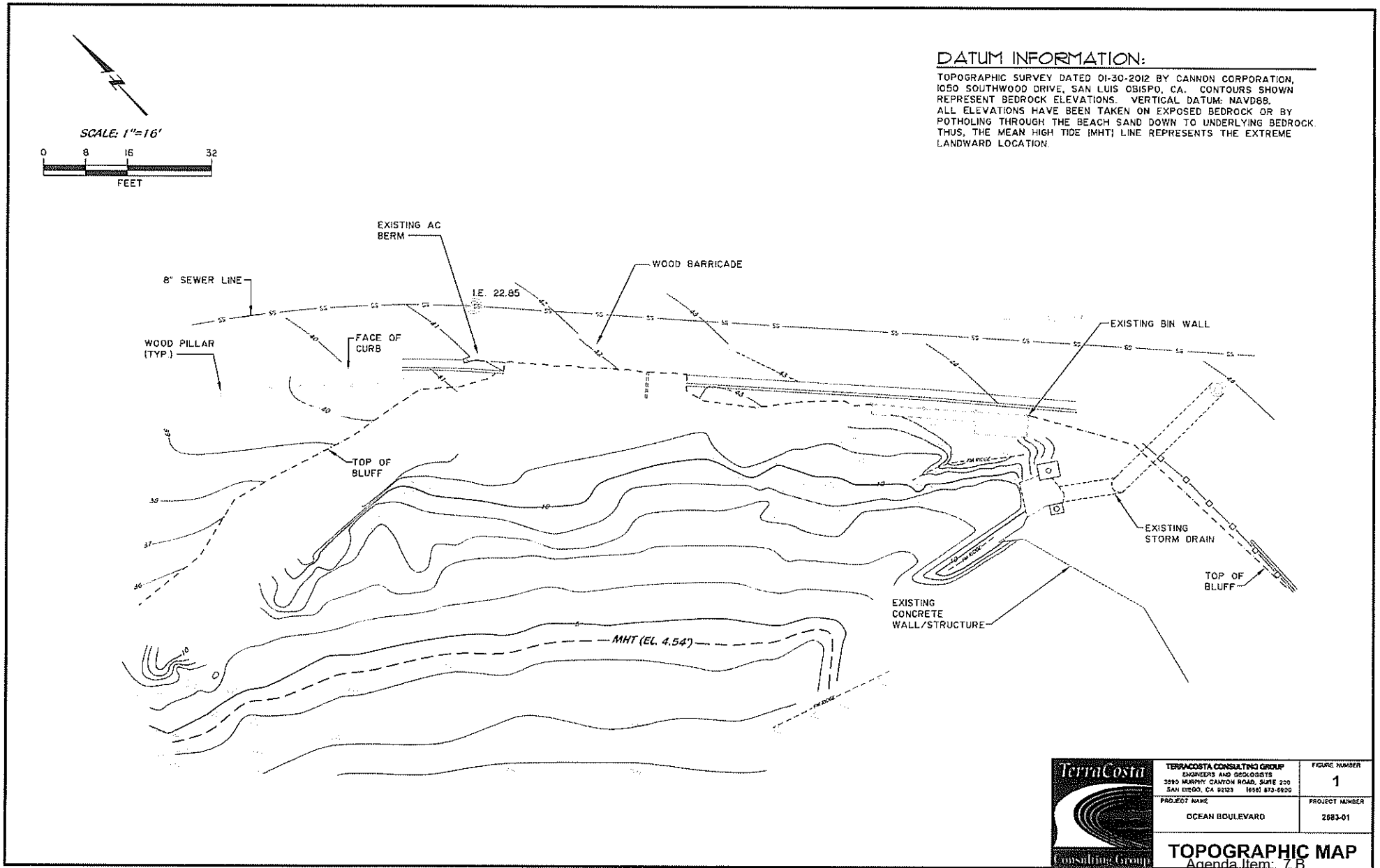
	TERRACOSTM CONSULTING GROUP 2500 MARIN AVENUE, SUITE 200 SAN FRANCISCO, CA 94133	PROJECT NAME OCEAN BOULEVARD PISMO BEACH, CA	PROJECT NUMBER 2463-01
	PROJECT DATE 10/1/2011	CROSS SECTIONS GENERAL ITEM: 7C	

EXHIBIT 3
Page 19 of 19



Capistrano Seawall Project Plans



OCEAN BOULEVARD - EMERGENCY BLUFF STABILIZATION

PISMO BEACH, CALIFORNIA

UTILITY NOTE

UTILITIES HAVE BEEN SHOWN AS ACCURATELY AS POSSIBLE USING EXISTING RECORDS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL LOCATIONS AND ELEVATIONS OF ALL EXISTING UNDERGROUND AND OVERHEAD UTILITIES AS REQUIRED PRIOR TO THE START OF WORK.

2. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO LOCATE AND PROTECT ANY UNDERGROUND OR CONCEALED CONDUIT, PLUMBING OR OTHER UTILITIES WHERE NEW WORK IS BEING PERFORMED. BEFORE EXCAVATING, VERIFY LOCATION OF UNDERGROUND UTILITIES.

UNDERGROUND SERVICE ALERT 800-422-4133

PISMO BEACH PUBLIC UTILITIES:
CHARTER COMMUNICATIONS 544-2688
PACIFIC BELL (800) 310-3255
PACIFIC GAS & ELECTRIC (800) 743-5000
SOUTHERN CALIFORNIA GAS (800) 427-2200

REINFORCED CONCRETE

ALL STRUCTURAL CONCRETE SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH OF 5,000 PSI.

2. TYPICAL COVER FOR REINFORCING STEEL:

FOOTINGS: 3"
WALLS: 3"
WALLS AGAINST EARTH: 3"
BEAMS, GIRDERS AND COLUMNS: 3"

3. REINFORCING: ASTM A615 GRADE 60.

WORK TO BE DONE

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND SPECIFICATIONS.

STANDARD SPECIFICATIONS

1. THE CURRENT EDITION OF THE CBC.

2. CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (FHWA'S MUTCD, 2003 EDITION, AS AMENDED FOR USE IN CALIFORNIA, DOCUMENT NO. AEC231064, FILED DECEMBER 31, 2006.

REFERENCE DRAWINGS:

S-088 "PLAN & PROFILE-SANITARY SEWER, OCEAN BOULEVARD", SHELL BEACH SANITARY DISTRICT-SHELL BEACH, CALIFORNIA DATED 3-20-02.

EARTHWORK:

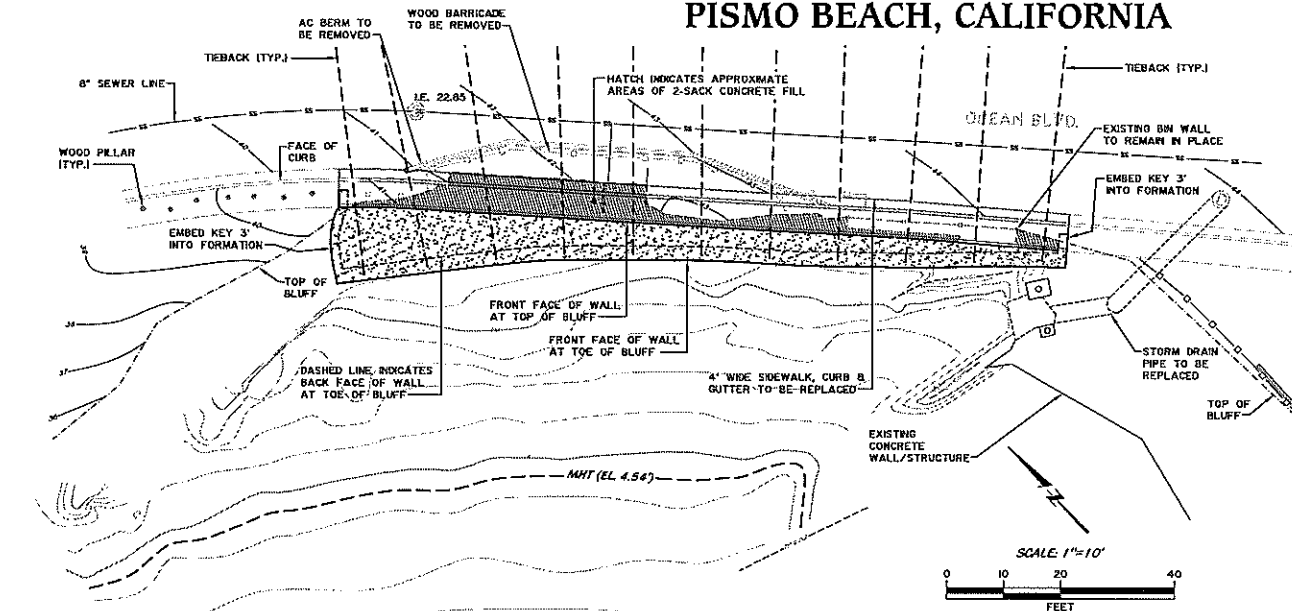
NO EARTHWORK IS PROPOSED FOR THIS PROJECT.

BMP'S NOTE

1. DURING CONSTRUCTION, CONTRACTOR MAY BE REQUIRED TO INSTALL TEMPORARY BMP'S AS NECESSARY TO PREVENT STORMWATER POLLUTION AND EROSION.

DATUM INFORMATION:

TOPOGRAPHIC SURVEY DATED 01-30-2012 BY CANNON CORPORATION, 1050 SOUTHWOOD DRIVE, SAN LUIS OBISPO, CA. CONTOURS SHOWN REPRESENT BEDROCK ELEVATIONS. VERTICAL DATUM: NAVD83. ALL ELEVATIONS HAVE BEEN TAKEN ON EXPOSED BEDROCK OR BY POT-HOLES THROUGH THE BEACH SAND DOWN TO UNDERLYING BEDROCK. THUS, THE MEAN HIGH TIDE (MHT) LINE REPRESENTS THE EXTREME LANDWARD LOCATION.



BENCHMARK:

THE BENCHMARK USED FOR THIS SURVEY IS A 4" BRASS DISK SET IN CONCRETE, DESIGNATION "BEACH", PID# FV169, SAN LUIS OBISPO COUNTY, CALIFORNIA, HAVING A NAVD83 PUBLISHED ELEVATION OF 122.42 FEET.

PROPOSED REPAIR SITE PLAN

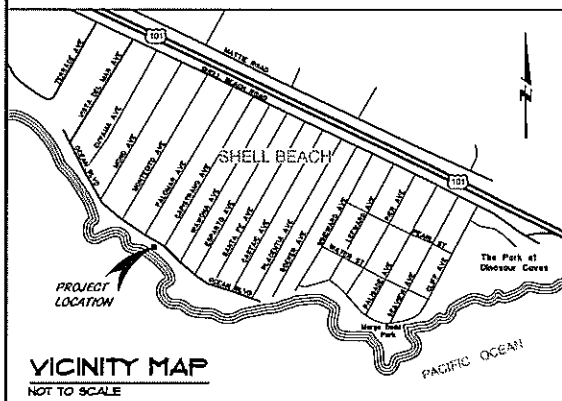
SCALE: 1"=10'

GENERAL NOTES:

1. PERFORM CONSTRUCTION AND WORKMANSHIP IN COMPLIANCE WITH THE DRAWINGS, SPECIFICATIONS AND THE CURRENT EDITION OF THE CBC.
2. GENERAL NOTES AND TYPICAL DETAILS APPLY TO THE DRAWINGS UNLESS NOTED OR DETAILED OTHERWISE.
3. WHERE DISCREPANCIES BETWEEN GENERAL NOTES AND DRAWINGS OCCUR, DRAWINGS TAKE PRECEDENCE.
4. DRAWINGS INDICATE GENERAL AND TYPICAL DETAILS OF CONSTRUCTION. WHERE CONDITIONS ARE NOT SPECIFICALLY INDICATED BUT ARE OF SIMILAR CHARACTER TO DETAILS SHOWN, USE SIMILAR DETAILS OF CONSTRUCTION SUBJECT TO REVIEW BY ENGINEER.
5. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES.
6. ALL CONDITIONS SHOWN OR NOTED AS EXISTING ARE BASED ON BEST INFORMATION CURRENTLY AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. CONTRACTOR SHALL FIELD VERIFY ALL CONDITIONS AND IMMEDIATELY BRING TO THE ATTENTION OF THE ENGINEER, WHEN IT BECOMES APPARENT, ANY CONDITIONS THAT DIFFER FROM THE CONDITIONS SHOWN HEREIN. THE ENGINEER WILL THEN PREPARE ADDITIONAL DRAWINGS AS MAY BE NEEDED TO ACCOMMODATE THE CONDITIONS AS BROUGHT TO THEIR ATTENTION.

NOTE: IF DRAWING IS NOT FULL SIZE (24X36) THEN REDUCE SCALE ACCORDINGLY

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



VICINITY MAP

NOT TO SCALE

SHEET INDEX

SHEET NO.	TITLE
C-1	TITLE SHEET, SITE PLAN & NOTES
C-2	WALL PROFILE, SECTIONS & DETAILS
C-3	TIEBACK NOTES & DETAILS
S-1	STRUCTURAL NOTES & DETAILS



TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLOGISTS
3150 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
(619) 573-6900



EMERGENCY REPAIR PLANS FOR:

OCEAN BOULEVARD EMERGENCY BLUFF STABILIZATION

CITY OF PISMO BEACH, CALIFORNIA ENGINEERING DEPARTMENT SHEET 1 OF 4 SHEETS				PROJECT NUMBER W. CRAMPTON SEAL NUMBER
DATE 12/12/13	BY [Signature]	APPROVED [Signature]	DATE 12/12/13	
CONTRACTOR [Signature]				DATE STARTED [Signature]
DATE COMPLETED [Signature]				1-D

Agenda Item: 7.B.

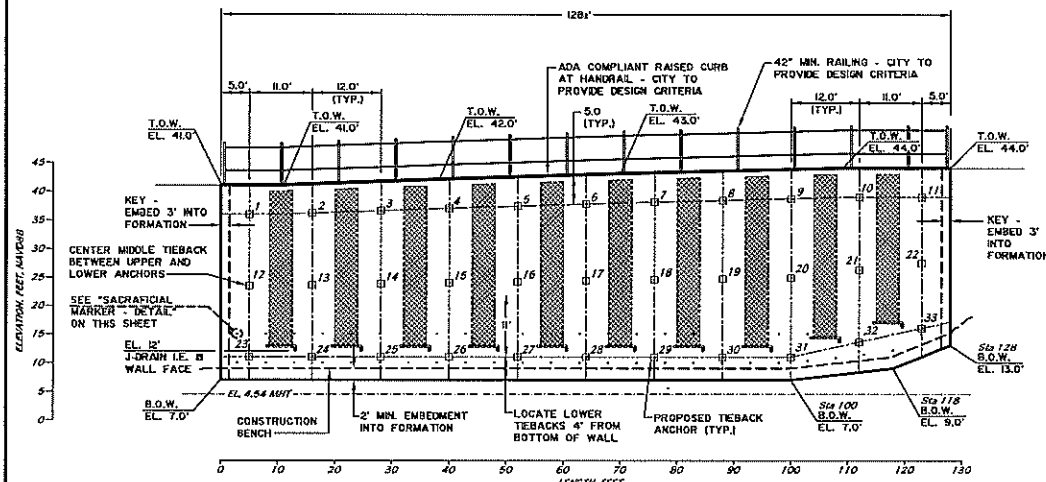
Page 12 of 34

Exhibit 3a

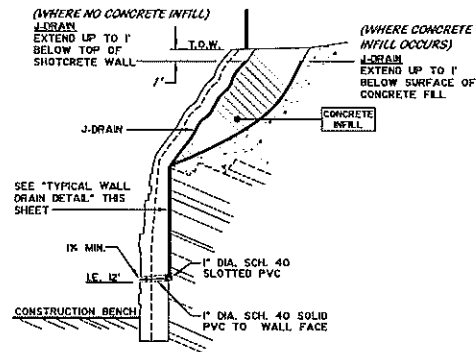
A-3-PSB-12-042 and A-3-PSB-12-043 (Capistrano and Vista del Mar Seawalls)

5 of 8

Capistrano Seawall Project Plans

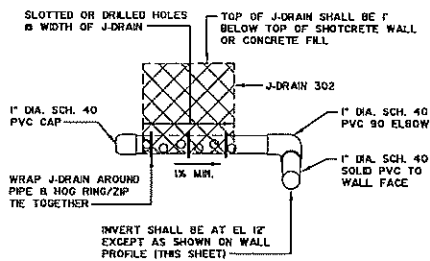


PROPOSED WALL PROFILE
SCALE: 1"=10'

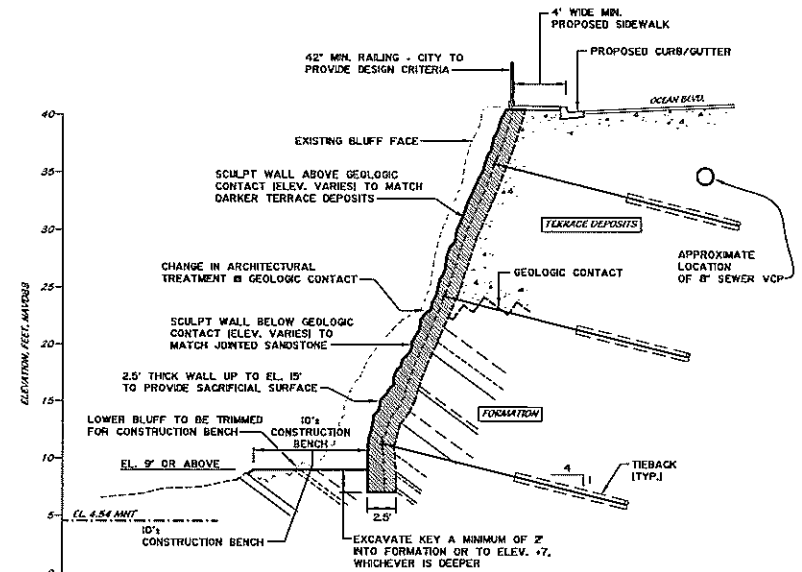


TYPICAL WALL DRAIN SECTION
NOT TO SCALE

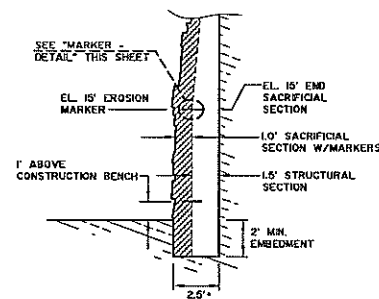
NOTE: IF DRAWING IS NOT FULL SIZE (24X36)
THEN REDUCE SCALE ACCORDINGLY
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



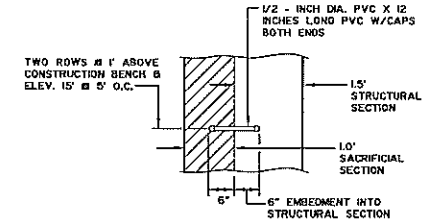
TYPICAL WALL DRAIN DETAIL
NO SCALE



TYPICAL CROSS SECTION 1
SCALE: 1"=5'



SACRIFICIAL MARKER - DETAIL
NO SCALE



MARKER - DETAIL
NO SCALE

EMERGENCY REPAIR PLANS FOR:									
OCEAN BOULEVARD									
EMERGENCY BLUFF STABILIZATION									
CITY OF PISMO BEACH, CALIFORNIA									
DRAWING DEPARTMENT									
SHEET 2 OF 4 SHEETS									
FOR CITY ENGINEER		DATE		BY		APPROVED		DATE	
DESCRIPTION		DATE		DATE		DATE		DATE	
AS BUILT		-		-		-		-	
PROJECT NUMBER		W. GRAMPTON							
CONTRACTOR		DATE STARTED							
WORKING		DATE COMPLETED							

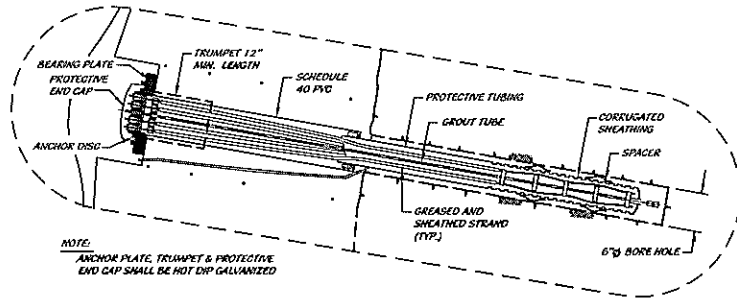


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3090 MURPHY CANYON ROAD, SUITE 200
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(619) 573-4200

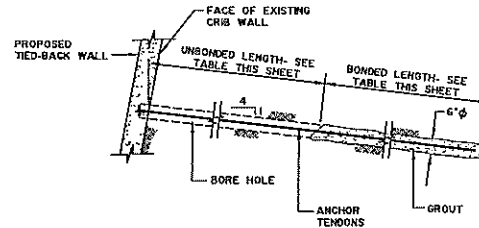


Capistrano Seawall Project Plans

Page 4 of 5



MULTISTRAND ANCHOR DETAIL
WITH DOUBLE CORROSION PROTECTION
NOT TO SCALE



TYPICAL ANCHOR SCHEMATIC
NO SCALE

SPECIAL INSPECTION LIST

PROJECT NO. _____	PERMIT NO. _____
PROJECT LOCATION _____	
DESCRIPTION OF TYPE OF INSPECTION REQUIRED (LOCATION, REMARKS, ETC.) _____	
	STRENGTH INSPECTOR DATE
FINAL ENGINEERING REPORT FROM SOILS ENG. INSTALLATION OF TIEBACK ANCHOR SYSTEMS	
DEPTH OF TIEBACK	
INSTALLATION AND GROUTING OF TIEBACK	
TIEBACK ANCHOR TESTING	
STRUCTURAL SHOTCRETE	Fc = 6000 psi
OWNER IS ADVISED THAT SPECIAL INSPECTION IS REQUIRED FOR THE ABOVE INDICATED REPAIR COMPONENTS.	

TIEBACK ANCHOR TESTING

TEST ALL TIEBACKS TO 133% DESIGN LOAD.

THE LOAD CYCLE SHALL CONSIST OF THE FOLLOWING SEQUENCE:

0.10 P, 0.25 P, 0.50 P, 0.75 P, 1.00 P, 1.25 P, 1.33 P
(HOLD FOR CREEP TEST)

P (DESIGN LOAD)

AT EACH INCREMENT, THE MOVEMENT OF THE TENDON SHALL BE RECORDED TO THE NEAREST 0.001 INCH WITH RESPECT TO AN INDEPENDENT FIXED REFERENCE POINT. THE JACK LOAD SHALL BE MONITORED WITH A PRESSURE GAUGE OR LOAD CELL.

THE CREEP TEST SHALL CONSIST OF THE FOLLOWING:

HOLD THE 133% LOAD FOR 10 MINUTES. WITH THE LOAD HELD CONSTANT, ANCHOR MOVEMENT (TOTAL MOVEMENT) SHALL BE RECORDED AT THE 1-MINUTE, 2-MINUTE, 3-MINUTE, 4-MINUTE, 5-MINUTE, 6-MINUTE AND 10-MINUTE TIME INTERVALS.

IF THE MOVEMENT BETWEEN THE 1 MINUTE AND THE 10 MINUTE INTERVAL READING IS 0.040 INCH OR MORE, THE LOAD SHALL BE MAINTAINED FOR AN ADDITIONAL 50 MINUTES FOR EXTENDED CREEP TESTING.

EXTENDED CREEP TEST SHALL CONSIST OF HOLDING THE 133% LOAD FOR 60 MINUTES. WHILE THE LOAD IS MAINTAINED CONSTANT, ANCHOR MOVEMENT (TOTAL MOVEMENT) REFERENCED TO A FIXED POINT SHALL BE RECORDED AT 15, 20, 25, 30, 45, AND 60 MINUTES.

ACCEPTANCE AND REPLACEMENT: THE ENGINEER SHALL REVIEW ALL TESTS AND DETERMINE IF AN ANCHOR IS ACCEPTABLE.

TIEBACK ANCHOR SCHEDULE

ANCHOR	MIN. BOND LENGTH (FT)	TOTAL LENGTH (FT)	DESIGN LOAD (kips)	NO. OF 0.6\"/>
--------	-----------------------	-------------------	--------------------	----------------

NOTE: IF DRAWING IS NOT FULL SIZE (24X36)
THEN REDUCE SCALE ACCORDINGLY
0 1 2 3
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLOGISTS
3040 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
(619) 573-4500



EMERGENCY REPAIR PLANS FOR:						C-3
OCEAN BOULEVARD EMERGENCY BLUFF STABILIZATION						
CITY OF PISMO BEACH, CALIFORNIA (EMERGENCY REPAIRS) SHEET 3 OF 4 SHEETS						
FOR CITY ENGINEER		DATE				
DESCRIPTION	BY	APPROVED	DATE	YEAR	PROJECT NUMBER	
AS BUILT					W. CRAMPTON DESIGN ENGINEER	
CONTRACTOR		DATE STARTED		DATE COMPLETED		3-D

Agenda Item: 7.B

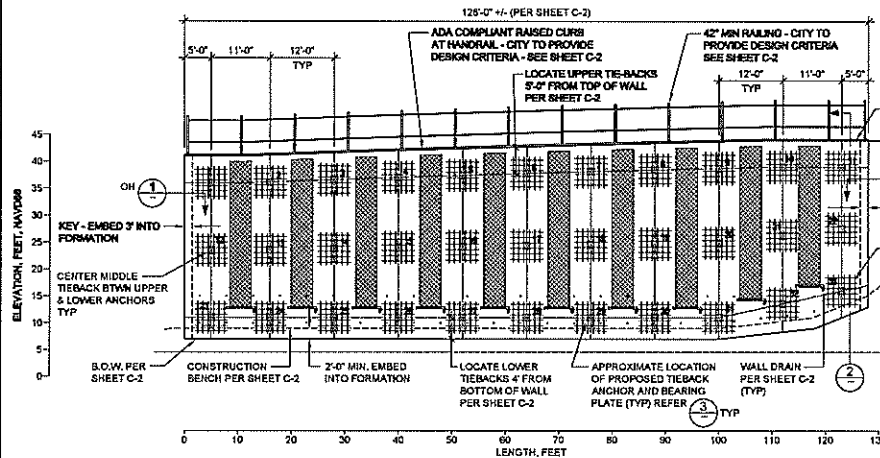
Page 14 of 34

Exhibit 3a

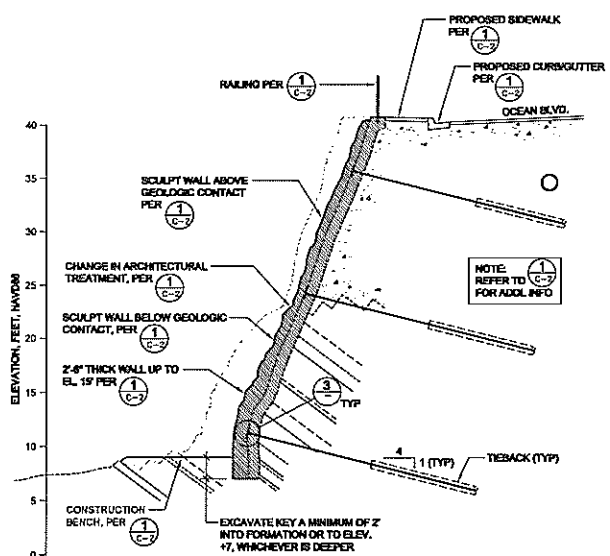
A-3-PSB-12-042 and A-3-PSB-12-043 (Capistrano and Vista del Mar Seawalls)

7 of 8

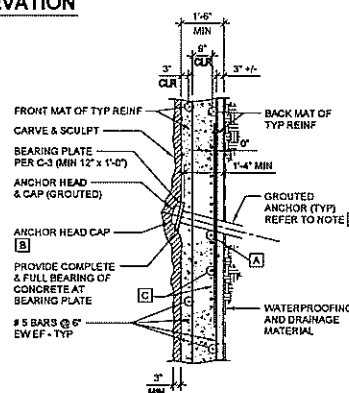
Capistrano Seawall Project Plans



TIE-BACK SHOTCRETE SKIN WALL ELEVATION
SCALE: 3/32" = 1'-0"



TYPICAL CROSS SECTION
SCALE: 3/16" = 1'-0"



TIE-BACK ANCHOR MAX LOADING SCHEDULE

ANCHOR	DESIGN LOAD (kpa)	PROOF LOAD (kpa)	LOCK OFF LOAD (kpa)
UPPER	180	213	180
MIDDLE	180	213	180
LOWER	150	200	150

REFER TO SHEET C-3 FOR ADDITIONAL INFORMATION

TIE-BACK ANCHOR LAYOUT - SECTION
SCALE: 1/2" = 1'-0"

REINFORCING NOTES:

- A) NO CUTTING OR SPLICING OF BARS ALLOWED IN VICINITY OF TIEBACK ANCHORS
- B) ANCHOR HEAD CAP SHALL HAVE A MIN. OF 4" SCULPTED COVER
- C) ALL ANCHORS HAVE AN ADDITIONAL MAT OF REINFORCING (#5 x 6'-0" LONG @ 12" E.W. CENTERED ON THE TIEBACK AT THE BACK FACE. (12 TOTAL, 3 EACH SIDE OF TIEBACK, EQUALLY SPACED)

NOTE: REFER TO SHEETS C-1 THRU C-3 FOR ADDL INFO

3



TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLGISTS
4455 MURPHY CANYON ROAD, SUITE 110
SAN DIEGO, CALIFORNIA 92121
(619) 574-4500

GENERAL:

1. PERFORM CONSTRUCTION AND WORKMANSHIP IN COMPLIANCE WITH THE DRAWINGS, SPECIFICATIONS AND THE CURRENT EDITION OF THE CBC.
2. GENERAL NOTES AND TYPICAL DETAILS APPLY TO THE DRAWINGS UNLESS NOTED OR DETAILED OTHERWISE.
3. WHERE DISCREPANCIES BETWEEN GENERAL NOTES AND DRAWINGS OCCUR, DRAWINGS TAKE PRECEDENCE.
4. DRAWINGS INDICATE GENERAL AND TYPICAL DETAILS OF CONSTRUCTION. WHERE CONDITIONS ARE NOT SPECIFICALLY INDICATED BUT ARE OF SIMILAR CHARACTER TO DETAIL SHOWN, USE SIMILAR DETAILS OF CONSTRUCTION SUBJECT TO REVIEW BY THE STRUCTURAL ENGINEER.
5. THE CONTRACT DOCUMENTS REPRESENT THE FINISHED STRUCTURE. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES.
6. ALL CONDITIONS SHOWN OR NOTED AS EXISTING ARE BASED ON BEST INFORMATION CURRENTLY AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. CONTRACTOR SHALL FIELD VERIFY ALL CONDITIONS AND IMMEDIATELY BRING TO THE ATTENTION OF THE ENGINEER, WHEN IT BECOMES APPARENT, ANY CONDITIONS THAT DIFFER FROM THE CONDITIONS SHOWN HEREIN.
7. STRUCTURAL DRAWINGS INDICATE ONLY THE APPROXIMATE LOCATION OF UTILITIES, WALL DRAIN, GEOLOGIC CONDITIONS, SACRIFICIAL CONCRETE, ARCHITECTURAL TREATMENT AND CITY PROVIDED DESIGN CRITERIA. CONTRACTOR SHALL VERIFY ALL CONDITIONS PER NOTE #8.

UTILITY NOTE

1. UTILITIES HAVE BEEN SHOWN AS ACCURATELY AS POSSIBLE USING EXISTING RECORDS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL LOCATIONS AND ELEVATIONS OF ALL EXISTING UNDERGROUND AND OVERHEAD UTILITIES AS REQUIRED PRIOR TO THE START OF WORK. SEE SHEETS C-1 THRU C-3.
2. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO LOCATE AND PROTECT ANY UNDERGROUND OR COHESSED CONDUIT, PLUMBING OR OTHER UTILITIES WHERE NEW WORK IS BEING PERFORMED. BEFORE EXCAVATING, VERIFY LOCATION OF UNDERGROUND UTILITIES. SEE SHEETS C-1 THRU C-3.

REINFORCED CONCRETE:

1. ALL STRUCTURAL CONCRETE SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 5,000 PSI.
2. CONCRETE SHALL BE NORMAL WEIGHT PER ACI 318-05 AND ACI 308R-05 FOR SHOTCRETE APPLICATION.
3. TYPICAL COVER FOR REINFORCING STEEL:
WALLS: 3"
FLOORS: 2"
SLABS: 1.5" (MIN. 1")
4. REINFORCING: ASTM A615 GRADE 60
5. WHERE REQUIRED, REINFORCING SHALL BE LAP SPICED A MINIMUM OF 50 DIAMETERS, TO AVOID CONGESTION, LAP SPICES SHALL BE STAGGERED 4'-0" MINIMUM.

WORK TO BE DONE

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND SPECIFICATIONS.

STANDARD SPECIFICATIONS

1. THE CURRENT EDITION OF THE CBC.
2. CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (FHWA'S MUTCD, 2003 EDITION, AS AMENDED FOR USE IN CALIFORNIA), DOCUMENT NO. AEC1231064, FILED DECEMBER 31, 2006.

BMP'S NOTE

1. DURING CONSTRUCTION, CONTRACTOR MAY BE REQUIRED TO INSTALL TEMPORARY BMP'S AS NECESSARY TO PREVENT STORMWATER POLLUTION AND EROSION.

NOTE: IF DRAWING IS NOT FULL SIZE (24X36) THEN REDUCE SCALE ACCORDINGLY
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

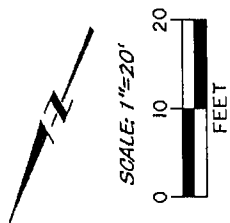
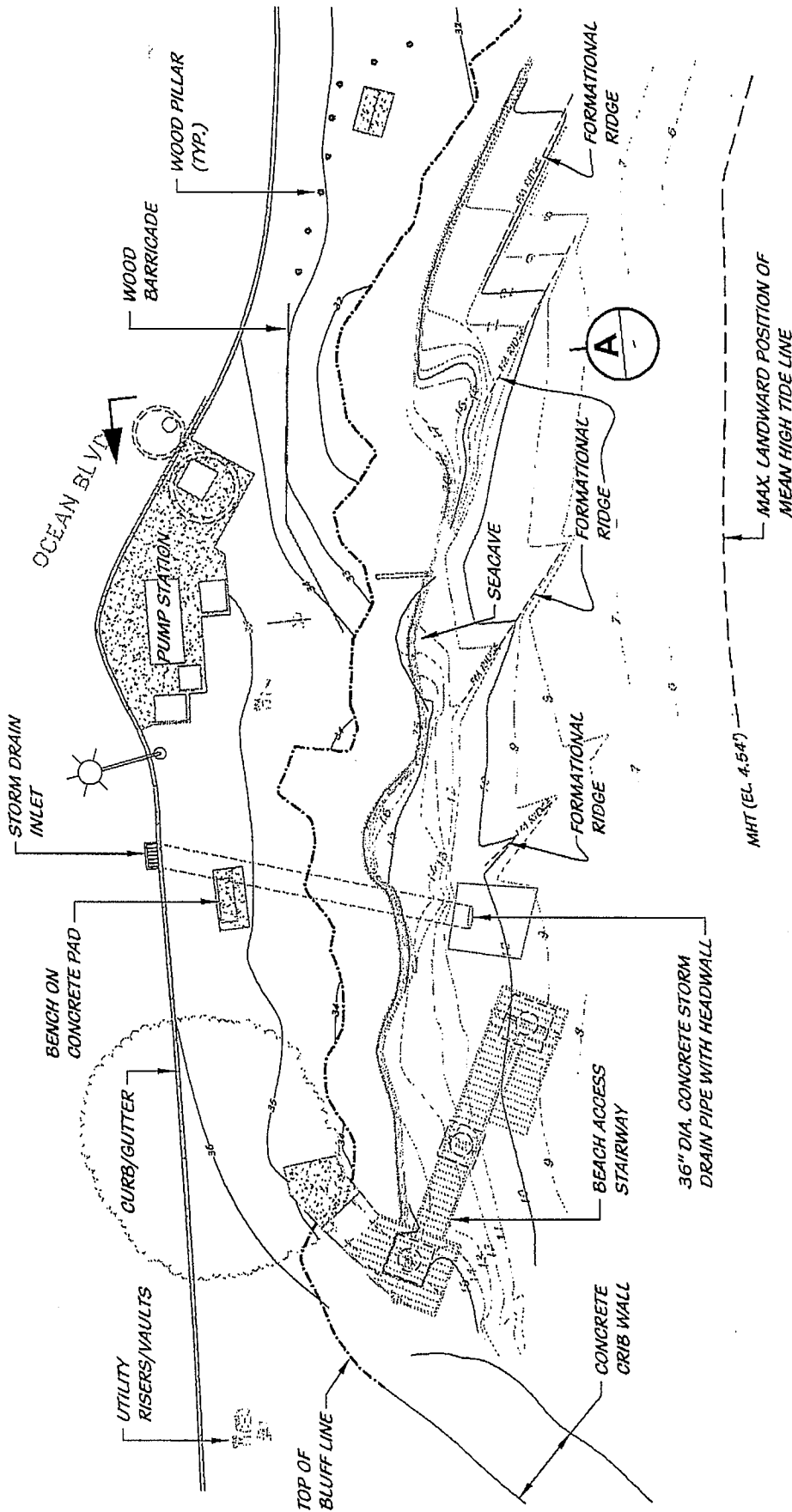
STRUCTURAL DETAILS FOR:									
OCEAN BOULEVARD									
EMERGENCY BLUFF STABILIZATION									
CITY OF PISMO BEACH, CALIFORNIA									
ENGINEER'S SIGNATURE									
FOR CITY ENGINEER		DATE		BY		APPROVED		DATE	
DESIGNED	DATE	BY	APPROVED	DATE	FILED	PROJECT MANAGER			
						DESIGN ENGINEER			
CONTRACTOR		DATE STARTED		DATE COMPLETED		4-D			



Agenda Item: 7.B

Page 15 of 34

EXHIBIT 3
Page 14 of 19




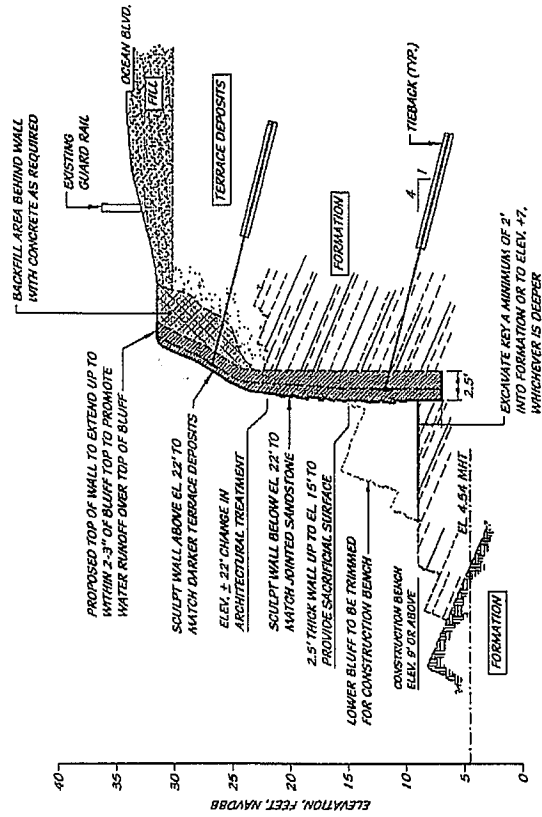
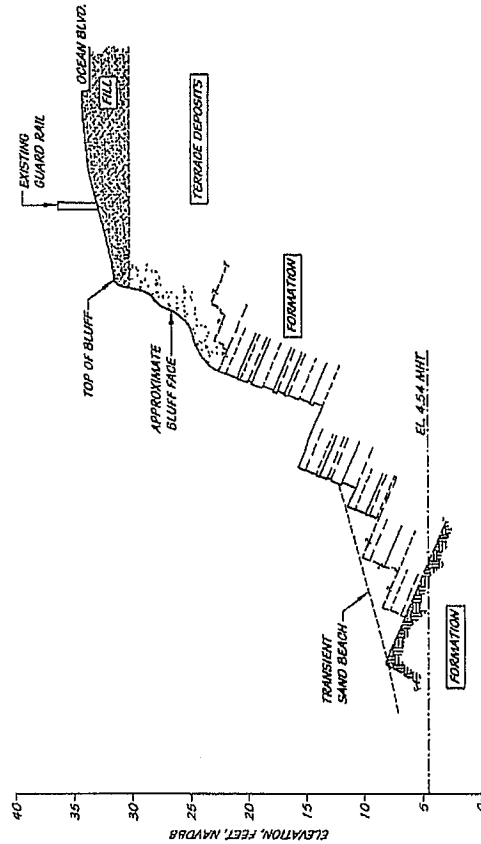
	TERRACOSTA CONSULTING GROUP ENGINEERS AND GEOLOGISTS 3860 MURPHY CANYON ROAD, SUITE 200 SAN DIEGO, CA 92123 (619) 573-8800		FIGURE NUMBER 2
	PROJECT NAME VISTA DEL MAR LIFT STATION PISMO BEACH/AGENDA ITEM: 7.C. Page 29 of 34		PROJECT NUMBER 2683-01
EXISTING SITE PLAN			


EXHIBIT 3
Page 16 of 19



PROPOSED
CROSS SECTION A
SCALE: 1"=10'

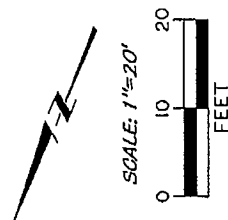
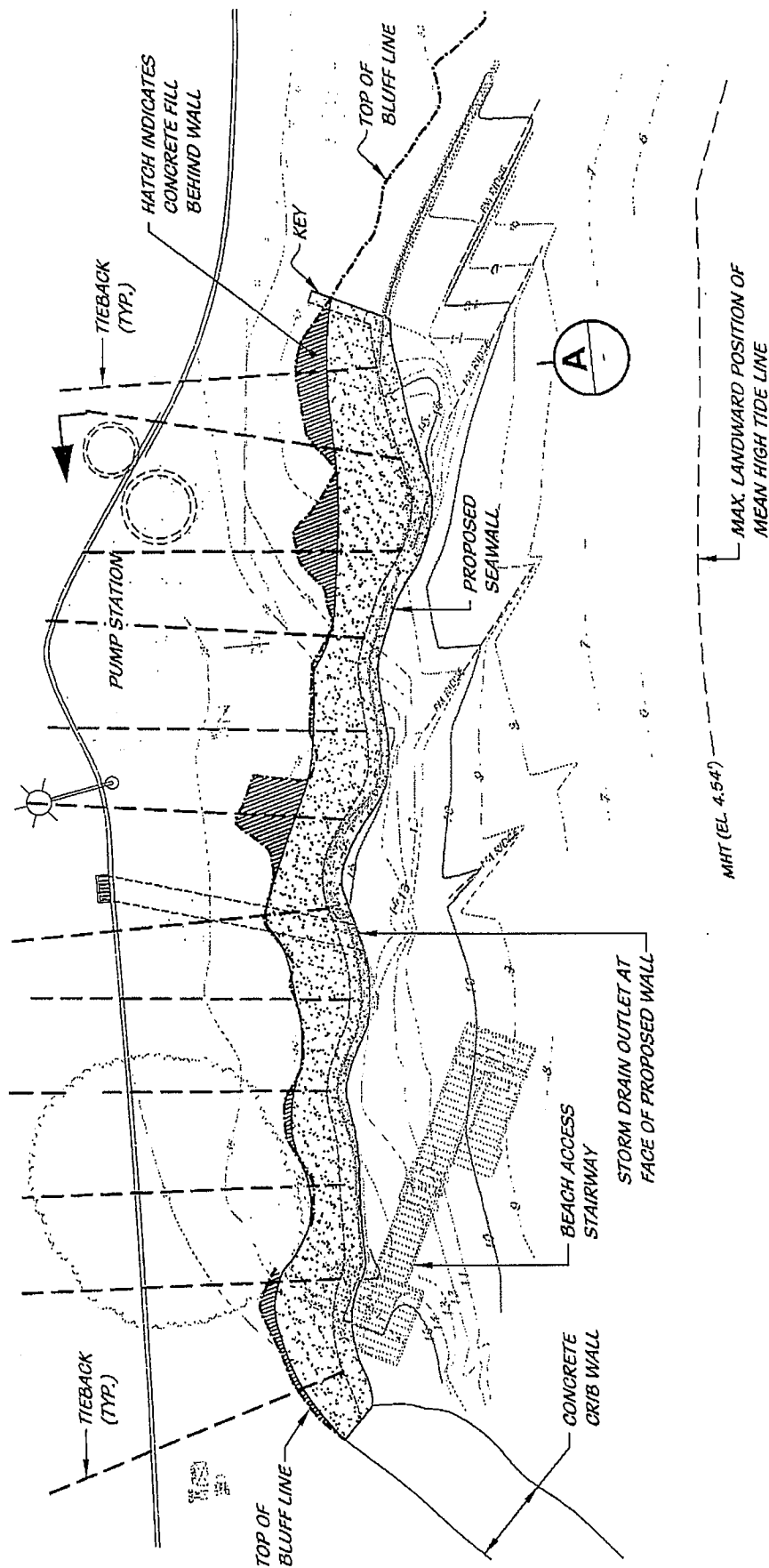


EXISTING
CROSS SECTION A
SCALE: 1"=10'

	FIGURE NUMBER	4
	PROJECT NAME	VISTA DEL MAR LIFT STATION PISMO BEACH, CA
TERRACOSTA CONSULTING GROUP ENGINEERS AND ARCHITECTS 3400 MAIN STREET, SUITE 200 SAN DIEGO, CA 92108 TEL: 619-594-7700 FAX: 619-594-7701		FIGURE NUMBER
PROJECT NAME		3553-01

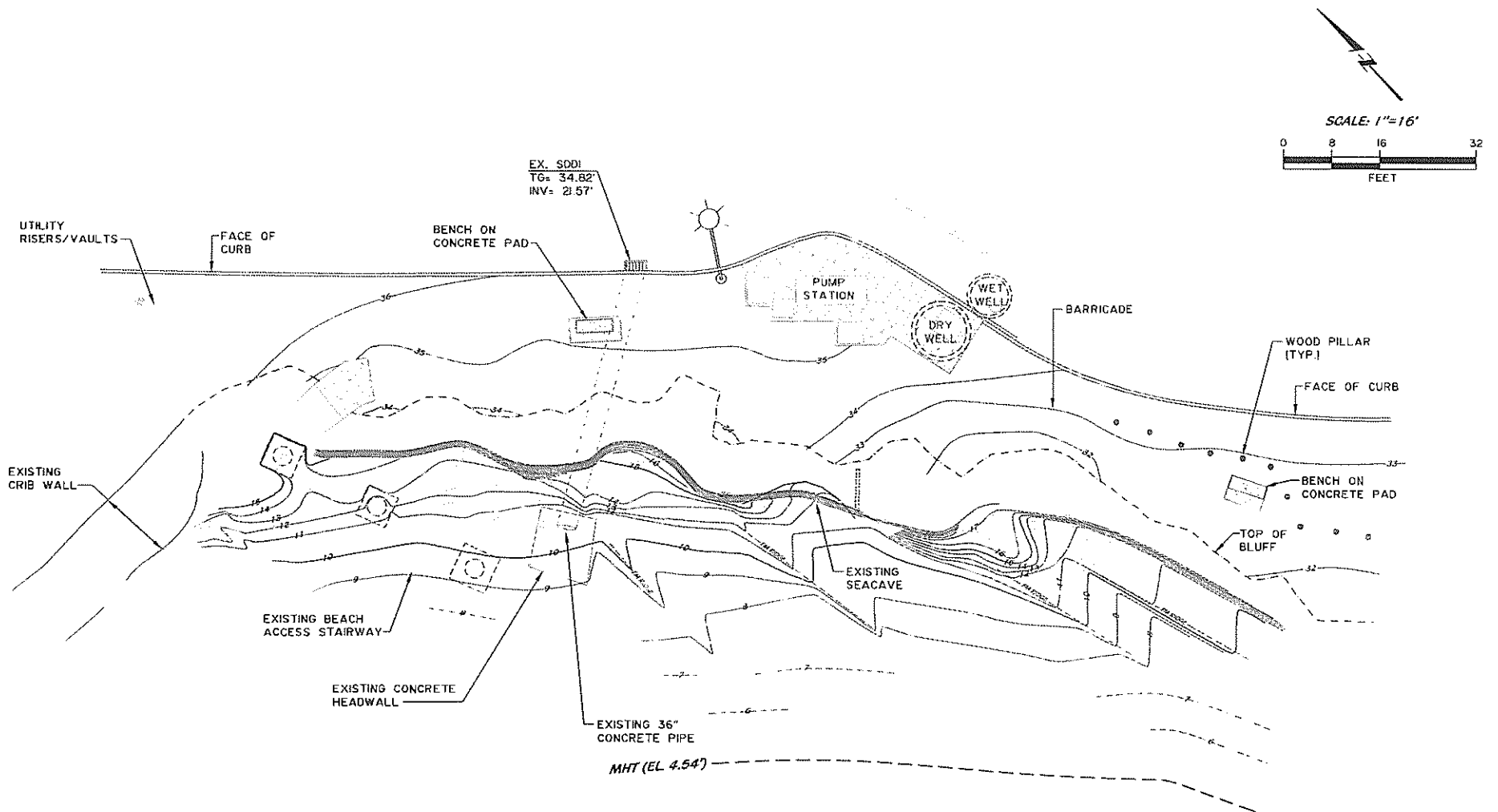
CROSS SECTIONS
GENERAL ITEM: 7.0

EXHIBIT 3
Page 18 of 19



TerraCosta TERRACOSTA CONSULTING GROUP ENGINEERS AND GEOLOGISTS 3880 MURPHY CANYON ROAD, SUITE 200 SAN DIEGO, CA 92123 (619) 593-6900	FIGURE NUMBER 6
PROJECT NAME VISTA DEL MAR LIFT STATION PISMO BEACH AGENDA ITEM: 7C	PROJECT NUMBER 2683-01
PROPOSED SITE PLAN	Page 33 of 34

Vista Del Mar Seawall Project Plans



DATUM INFORMATION:

TOPOGRAPHIC SURVEY DATED 01-30-2012 BY CANNON CORPORATION, 1050 SOUTHWOOD DRIVE, SAN LUIS OBISPO, CA. CONTOURS SHOWN REPRESENT BEDROCK ELEVATIONS. VERTICAL DATUM: NAVD83. ALL ELEVATIONS HAVE BEEN TAKEN ON EXPOSED BEDROCK OR BY POT-HOLING THROUGH THE BEACH SAND DOWN TO UNDERLYING BEDROCK. THUS, THE MEAN HIGH TIDE (MHT) LINE REPRESENTS THE EXTREME LANDWARD LOCATION.

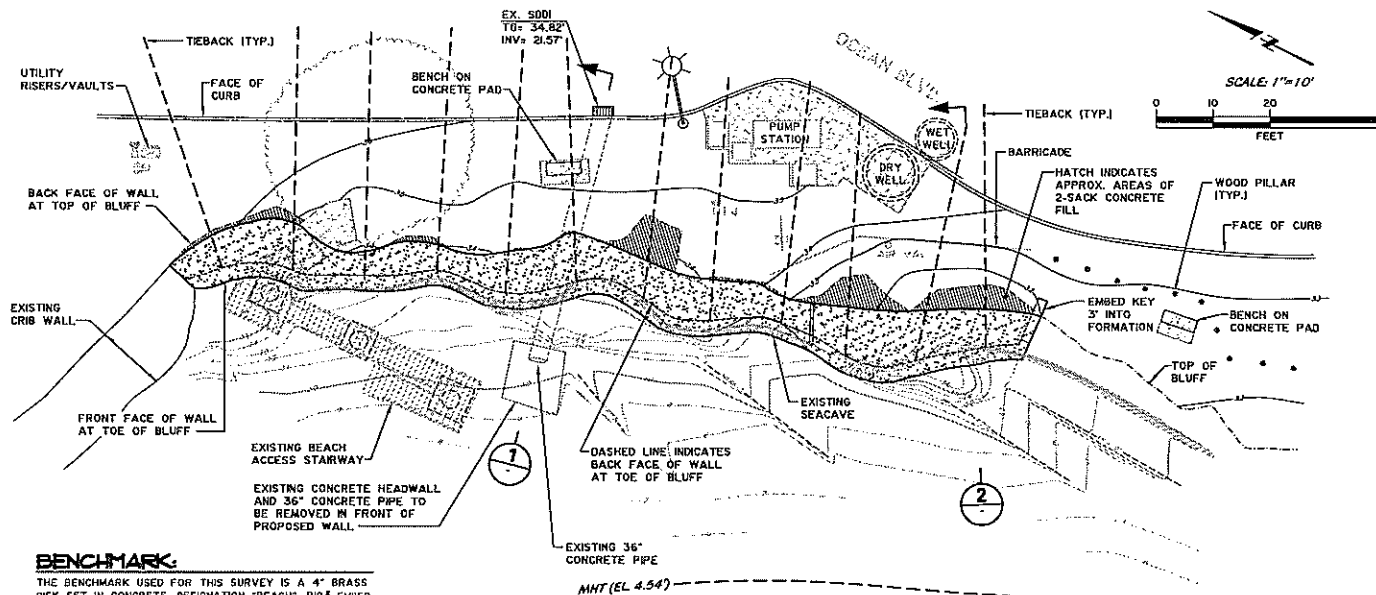
	TERRACOSTA CONSULTING GROUP ENGINEERS AND GEOLOGISTS 3810 HARVEY CANTON ROAD, SUITE 200 SAN DIEGO, CA 92131 (619) 512-9800	FIGURE NUMBER 1
	PROJECT NAME VISTA DEL MAR	PROJECT NUMBER 2683-01

TOPOGRAPHIC MAP
 AGENDA ITEM: 7.C.

Page 11 of 34

VISTA DEL MAR LIFT STATION - EMERGENCY BLUFF STABILIZATION

PISMO BEACH, CALIFORNIA



BENCHMARK

THE BENCHMARK USED FOR THIS SURVEY IS A 4" BRASS DISK SET IN CONCRETE, DESIGNATION "BEACH", PID# FV1169, SAN LUIS OBISPO COUNTY, CALIFORNIA, HAVING A NAD83 PUBLISHED ELEVATION OF 122.42 FEET.

PROPOSED REPAIR SITE PLAN

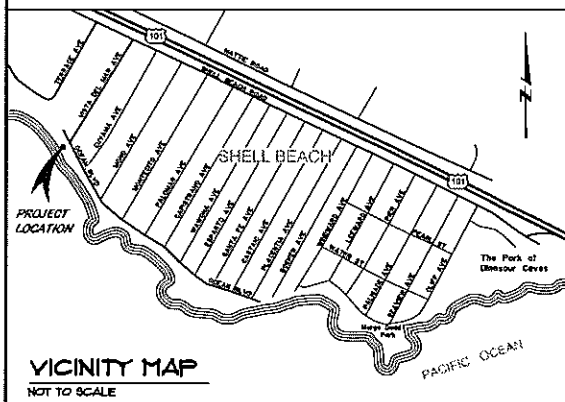
SCALE: 1"=10'

GENERAL NOTES:

1. PERFORM CONSTRUCTION AND WORKMANSHIP IN COMPLIANCE WITH THE DRAWINGS, SPECIFICATIONS AND THE CURRENT EDITION OF THE CBC.
2. GENERAL NOTES AND TYPICAL DETAILS APPLY TO THE DRAWINGS UNLESS NOTED OR DETAILED OTHERWISE.
3. WHERE DISCREPANCIES BETWEEN GENERAL NOTES AND DRAWINGS OCCUR, DRAWINGS TAKE PRECEDENCE.
4. DRAWINGS INDICATE GENERAL AND TYPICAL DETAILS OF CONSTRUCTION. WHERE CONDITIONS ARE NOT SPECIFICALLY INDICATED BUT ARE OF SIMILAR CHARACTER TO DETAILS SHOWN, USE SIMILAR DETAILS OF CONSTRUCTION SUBJECT TO REVIEW BY ENGINEER.
5. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES.
6. ALL CONDITIONS SHOWN OR NOTED AS EXISTING ARE BASED ON BEST INFORMATION CURRENTLY AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. CONTRACTOR SHALL FIELD VERIFY ALL CONDITIONS AND IMMEDIATELY BRING TO THE ATTENTION OF THE ENGINEER, WHEN IT BECOMES APPARENT, ANY CONDITIONS THAT DIFFER FROM THE CONDITIONS SHOWN HEREIN. THE ENGINEER WILL THEN PREPARE ADDITIONAL DRAWINGS AS MAY BE NEEDED TO ACCOMMODATE THE CONDITIONS AS BROUGHT TO THEIR ATTENTION.

NOTE: IF DRAWING IS NOT FULL SIZE (24X36)
THEN REDUCE SCALE ACCORDINGLY

0 1 2 3



VICINITY MAP

NOT TO SCALE

SHEET INDEX

SHEET NO.	TITLE
C-1	TITLE SHEET, SITE PLAN & NOTES
C-2	WALL PROFILE, SECTIONS & DETAILS
C-3	DETAILS
S-1	STRUCTURAL NOTES & DETAILS



TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLOGISTS
3990 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
(619) 573-5000



UTILITY NOTE

1. UTILITIES HAVE BEEN SHOWN AS ACCURATELY AS POSSIBLE USING EXISTING RECORDS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL LOCATIONS AND ELEVATIONS OF ALL EXISTING UNDERGROUND AND OVERHEAD UTILITIES AS REQUIRED PRIOR TO THE START OF WORK.

2. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO LOCATE AND PROTECT ANY UNDERGROUND OR CONCEALED CONDUIT, PLUMBING OR OTHER UTILITIES WHERE NEW WORK IS BEING PERFORMED. BEFORE EXCAVATING, VERIFY LOCATION OF UNDERGROUND UTILITIES.

UNDERGROUND SERVICE ALERT 800-422-4133

PISMO BEACH PUBLIC UTILITIES
CHARTER COMMUNICATIONS 544-2688
PACIFIC BELL (800) 310-3255
PACIFIC GAS & ELECTRIC (800) 743-5000
SOUTHERN CALIFORNIA GAS (800) 427-2200

REINFORCED CONCRETE

1. ALL STRUCTURAL CONCRETE SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH OF 5,000 PSI.

2. TYPICAL COVER FOR REINFORCING STEEL:
FOOTINGS: 3"
WALLS: 3"
WALLS AGAINST EARTH: 3"
BEAMS, GIRDERS AND COLUMNS: 3"

3. REINFORCING: ASTM A615 GRADE 60.

WORK TO BE DONE

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND SPECIFICATIONS.

STANDARD SPECIFICATIONS

2. CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (FIHWA'S MUTCD, 2003 EDITION, AS AMENDED FOR USE IN CALIFORNIA), DOCUMENT NO. AEC1231064, FILED DECEMBER 31, 2006.

REFERENCE DRAWINGS:

"VISTA DEL MAR LIFT STATION & FORCE MAIN IMPROVEMENTS-
PROJECT 90-087", RECORD DRAWING DATED 01/9/1994.

EARTHWORK

NO EARTHWORK IS PROPOSED FOR THIS PROJECT.

BMP'S NOTE

1. DURING CONSTRUCTION, CONTRACTOR MAY BE REQUIRED TO INSTALL TEMPORARY BMPs AS NECESSARY TO PREVENT STORMWATER POLLUTION AND EROSION.

DATUM INFORMATION:

TOPOGRAPHIC SURVEY DATED 01-30-2012 BY CANNON CORPORATION,
1050 SOUTHWOOD DRIVE, SAN LUIS OBISPO, CA. CONTOURS SHOWN
REPRESENT BEDROCK ELEVATIONS. VERTICAL DATUM: NAVD83.
ALL ELEVATIONS HAVE BEEN TAKEN ON EXPOSED BEDROCK OR BY
POTHOLING THROUGH THE BEACH SAND DOWN TO UNDERLYING BEDROCK.
THUS, THE MEAN HIGH TIDE (MHT) LINE REPRESENTS THE EXTREME
LANDWARD LOCATION.

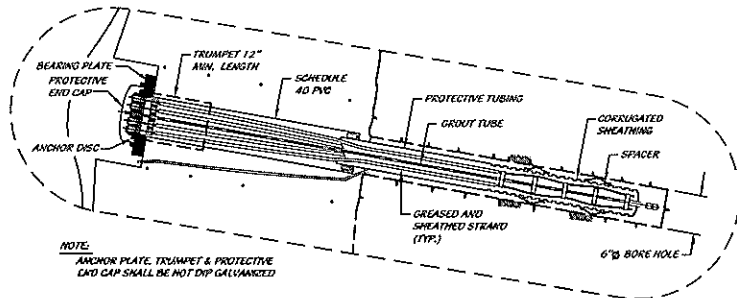
EMERGENCY REPAIR PLANS FOR:				
VISTA DEL MAR LIFT STATION EMERGENCY BLUFF STABILIZATION				
CITY OF PISMO BEACH, CALIFORNIA <small>(ENGINEERING DEPARTMENT)</small> <small>SHEET 1 OF 4 SHEETS</small>				
FOR CITY ENGINEER REVISION _____		BY _____		DATE _____
FILE NO. _____	SCALE _____	APPROVED _____	DATE _____	SEAL _____
AS BUILT _____		PROJECT NUMBER: W. CRAMPTON CITY ENGINEER		
CONTRACTOR _____		DATE STARTED _____ DATE COMPLETED _____		

AGENDA ITEM: 7.C

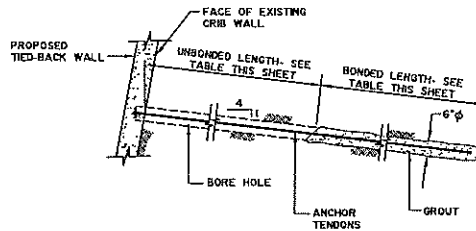
Page 12 of 34

~~EXHIBIT C~~

Vista Del Mar Seawall Project Plans



MULTISTRAND ANCHOR DETAIL
WITH DOUBLE CORROSION PROTECTION
NOT TO SCALE



TYPICAL ANCHOR SCHEMATIC
NOT TO SCALE

SPECIAL INSPECTION LIST

PROJECT NO. _____	PERMIT NO. _____
PROJECT LOCATION: _____	
DESCRIPTION OF TYPE OF INSPECTION REQUIRED (LOCATION, REMARKS, ETC.)	
	STRENGTH INSPECTOR DATE
FINAL ENGINEERING REPORT FROM SOILS ENG.	
INSTALLATION OF TIEBACK ANCHOR SYSTEMS	
DEPTH OF TIEBACK	
INSTALLATION AND GROUTING OF TIEBACK	
TIEBACK ANCHOR TESTING	
STRUCTURAL SHOTCRETE	Fc = 5000 psi
OWNER IS ADVISED THAT SPECIAL INSPECTION IS REQUIRED FOR THE ABOVE INDICATED REPAIR COMPONENTS.	

TIEBACK ANCHOR TESTING

TEST ALL TIEBACKS TO 133 DESIGN LOAD.

THE LOAD CYCLE SHALL CONSIST OF THE FOLLOWING SEQUENCE:

0.10 P, 0.25 P, 0.50 P, 0.75 P, 1.00 P, 1.25 P, 1.33 P
(HOLD FOR CREEP TEST)

P (DESIGN LOAD)

AT EACH INCREMENT, THE MOVEMENT OF THE TENDON SHALL BE RECORDED TO THE NEAREST 0.001 INCH WITH RESPECT TO AN INDEPENDENT FIXED REFERENCE POINT. THE JACK LOAD SHALL BE MONITORED WITH A PRESSURE GAUGE OR LOAD CELL.

THE CREEP TEST SHALL CONSIST OF THE FOLLOWING:

HOLD THE 1.33P LOAD FOR 10 MINUTES. WITH THE LOAD HELD CONSTANT, ANCHOR MOVEMENT (TOTAL MOVEMENT) SHALL BE RECORDED AT THE 1-MINUTE, 2-MINUTE, 3-MINUTE, 4-MINUTE, 5-MINUTE, 6-MINUTE AND 10-MINUTE TIME INTERVALS.

IF THE MOVEMENT BETWEEN THE 1 MINUTE AND THE 10 MINUTE INTERVAL READING IS 0.040 INCH OR MORE, THE LOAD SHALL BE MAINTAINED FOR AN ADDITIONAL 50 MINUTES FOR EXTENDED CREEP TESTING.

EXTENDED CREEP TEST SHALL CONSIST OF HOLDING THE 1.33P LOAD FOR 60 MINUTES. WHILE THE LOAD IS MAINTAINED CONSTANT, ANCHOR MOVEMENT (TOTAL MOVEMENT) REFERENCED TO A FIXED POINT SHALL BE RECORDED AT 15, 20, 25, 30, 45, AND 60 MINUTES.

ACCEPTANCE AND REPLACEMENT: THE ENGINEER SHALL REVIEW ALL TESTS AND DETERMINE IF AN ANCHOR IS ACCEPTABLE.

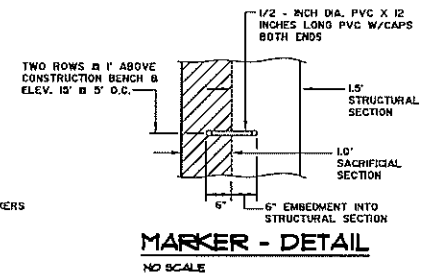
TIEBACK ANCHOR SCHEDULE

ANCHOR	MIN. BOND LENGTH (FT)	TOTAL LENGTH (FT)	DESIGN LOAD (kips)	NO. OF 0.6" DIA. STRANDS	PROOF LOAD (kips)	LOCK OFF LOAD (kips)
UPPER	30	45	140	4	156	140
LOWER	30	45	120	4	160	120

NOTE: IF DRAWING IS NOT FULL SIZE (24X36) THEN REDUCE SCALE ACCORDINGLY
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLOGISTS
3090 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
(619) 573-4900



SACRIFICIAL MARKER - DETAIL
NOT TO SCALE

EMERGENCY REPAIR PLANS FOR:

VISTA DEL MAR LIFT STATION EMERGENCY BLUFF STABILIZATION

CITY OF PISMO BEACH, CALIFORNIA
EMERGENCY REPAIR PLANS
SHEET 3 OF 4 SHEETS

FOR CITY ENGINEER	DATE	REVISION	BY	APPROVED	DATE	FILED
AS BUILT						
CONTRACTOR	DATE STARTED	DATE COMPLETED				
PROJECT MANAGER						
W. CRAMPTON						
DESIGN CHECKER						

AGENDA ITEM: 7.C.

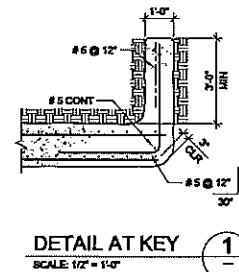
Page 14 of 34

Exhibit 3b

A-3-PSB-12-042 and A-3-PSB-12-043 (Capistrano and Vista del Mar Seawalls)

7 of 8

ar Seawall



DETAIL AT KEY
SCALE: 1/2" = 1'-0"

1

- 1. PERFORM CONSTRUCTION AND WORKSMANSHIP IN COMPLIANCE WITH THE DRAWINGS, SPECIFICATIONS AND THE CURRENT EDITION OF THE CBC.
- 2. GENERAL NOTES AND TYPICAL DETAILS APPLY TO THE DRAWINGS UNLESS NOTED OR DETAILD OTHERWISE.
- 3. WHERE DISCREPANCIES BETWEEN GENERAL NOTES AND DRAWINGS OCCUR, DRAWINGS TAKE PRECEDENCE.
- 4. DRAWINGS INDICATE GENERAL AND TYPICAL DETAILS OF CONSTRUCTION. WHERE CONDITIONS ARE NOT SPECIFICALLY INDICATED BUT ARE OF SIMILAR CHARACTER TO DETAILS SHOWN, USE SIMILAR DETAILS OF CONSTRUCTION SUBJECT TO REVIEW BY THE ARCHITECTURAL ENGINEER.
- 5. THE CONTRACT DOCUMENTS REPRESENT THE FINISHED STRUCTURE. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES.
- 6. ALL CONDITIONS SHOWN OR NOTED AS EXISTING ARE BASED ON BEST INFORMATION CURRENTLY AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND IMMEDIATELY BRING TO THE ATTENTION OF THE ENGINEER, WHEN IT BECOMES APPARENT, ANY CONDITIONS THAT DIFFER FROM THE CONDITIONS SHOWN HEREIN.
- 7. STRUCTURAL DRAWINGS INDICATE ONLY THE APPROXIMATE LOCATION OF UTILITIES, WALL, DRAINS, GEOTECH CONDITIONS, SUBGRADE, CONCRETE, ARCHITECTURAL TREATMENT AND ANY PROVIDED DESIGN CRITERIA. CONTRACTOR SHALL VERIFY ALL CONDITIONS PER MEET R6.

1. UTILITIES HAVE BEEN SHOWN AS ACCURATELY AS POSSIBLE USING EXISTING RECORDS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL LOCATIONS AND ELEVATIONS OF ALL EXISTING UNDERGROUND AND OVERHEAD UTILITIES AS REQUIRED PRIOR TO THE START OF WORK. SEE SHEETS C-1 THRU C-3.
2. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO LOCATE AND PROTECT ANY UNDERGROUND OR CONCEALED CONDUIT, PLUMBING OR OTHER UTILITIES WHERE NEW WORK IS BEING PERFORMED. BEFORE EXCAVATING, VERIFY LOCATION OF UNDERGROUND UTILITIES. SEE SHEETS C-1 THRU C-3.

1. ALL STRUCTURAL CONCRETE SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH OF 8,000 PSI.
2. CONCRETE SHALL BE NORMAL WEIGHT PER ACI 318-05 AND ACI 508-05 FOR SHOTCRETE APPLICATION.
3. TYPICAL COVER FOR REINFORCING STEEL:
WALLS: 3"
WALL AGAINST EARTH: 3"
4. REINFORCING: ASTM A615 GRADE 60
5. WHERE REQUIRED, REINFORCING SHALL BE LAP SPICED A MINIMUM OF 50 DIAMETERS. TO AVOID CONCENTRATION, LAP SPICES SHALL BE STAGGERED 4'-0" MINIMUM.

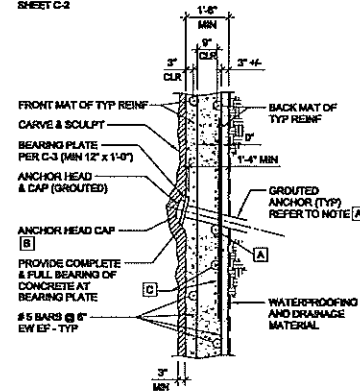
THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND SPECIFICATIONS.

STANDARD SPECIFICATIONS

1. THE CURRENT EDITION OF THE CDEC.

2. CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (FHWA'S MUTCD, 2003 EDITION, AS AMENDED FOR USE IN CALIFORNIA), DOCUMENT NO. AEC-21084, FILED DECEMBER 31, 2008.

f. DURING CONSTRUCTION, CONTRACTOR MAY BE REQUIRED TO INSTALL TEMPORARY BARRIERS AS NECESSARY TO PREVENT STORMWATER POLLUTION AND EROSION.



- [A] NO CUTTING OR SPLICING OF BARS ALLOWED IN VICINITY OF TIEBACK ANCHORS**
- [B] ANCHOR HEAD CAP SHALL HAVE A MIN. OF 4" SCULPTED COVER**
- [C] ALL ANCHORS HAVE AN ADDITIONAL MAT OF REINFORCING (3) #5 x 6'-0" LONG @ 12" E-W CENTERED ON THE TIEBACK AT THE BACK FACE, (12 TOTAL, 3 EACH SIDE OF TIEBACK, EQUALLY SPACED)**

NOTE:
REFER TO SHEETS C-1
THRU C-3 FOR ADDL INFO

ANCHOR	DESIGN LOAD (kips)	PROOF LOAD (kips)	LOCK OFF LOAD (kips)
UPPER	140	186	140
LOWER	120	160	120

REFER TO SHEET C-3 FOR ADDITIONAL INFORMATION

SCALE: 1/2" = 1'-0"

N 3

NOTE: IF DRAWING IS NOT FULL SIZE (24x36)
THEN REDUCE SCALE ACCORDINGLY

0 1 2 3

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

VISTA DEL MAR LIFT STATION EMERGENCY BLUFF STABILIZATION

FOR CITY ENGINEER					DATE	
DESCRIPTION	BY	APPROVED	SITE	FILED		
FULL PAVED DRIVE					PROJECT MANAGER	
					BY	
					DESIGN ENGINEER	
CONTRACTOR		DATE APPROVED				
INSPECTOR		DATE COMPLETED				

4-D

S-1

4-D

AGENDA ITEM: 7.C.
Page 15 of 34



PISMO BEACH COMMUNITY DEVELOPMENT DEPARTMENT
760 Mattie Road, Pismo Beach, California 93449
(805) 773-4658 / Fax (805) 773-4684

EMERGENCY PERMIT

DATE: December 13, 2011

SUBJECT: Emergency Permit No. P11-000088
Eldwayen Ocean Park, Ocean Avenue Bluff Stabilization Project.

LOCATION: Eldwayen Ocean Park along Ocean Avenue. APN 010-302-001

PROPERTY OWNER: City of Pismo Beach

BACKGROUND:

The City of Pismo Beach is experiencing the beginnings of a major bluff failure along portion of Ocean Avenue at Eldwayen Ocean Park, located on a parcel of land owned by the City of Pismo Beach (APN 010-302-001). The U.S. Army Corps of Engineers has advised the City of Pismo Beach that this site is suffering severe and accelerating erosion that threatens Ocean Avenue and the underground utilities that are within this right-of-way. In addition the area has been inspected by a geotechnical engineer that has advised that failure of the bluffs in this location is imminent. The possibility does exist for a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss to life, health, property, or essential public services. Also, the 2011/2012 rainy season is here and the potential for wet weather, severe storms, and storm waves increase the potential for bluff failure. Ocean Avenue is a key road way in the City's circulation system and serves neighborhoods in the Shell Beach area. Failure of the bluffs has the potential to damage or cause the failure of the Ocean Avenue and the underlying utility systems, which include a waste water main, and cause a significant effluent spill into the Pacific Ocean.

The City of Pismo has hired Terra Costa Consulting Group to develop methods that can be implemented to stabilize the bluffs and prevent their failure.

DETERMINATION:

Given the present condition of the bluffs and information from the U.S. Army Corps of Engineers, which has advised the City of Pismo Beach that the possibility does exist for a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss to life, health, property, or essential public services plus the potential for severe weather during the 2011/2012 winter season, it is my determination that an emergency exists and that efforts to mitigate this emergency, stabilize the bluffs, and protect Ocean Avenue and the underground utilities must be accomplished in a shorter period of time than the normal administrative permit process would allow.

Therefore, based on the evidence noted above and the authority granted to the Community Development Director per Pismo Beach Municipal Code Section 17.124.071, I Jon Biggs, the Community Development Director for the City of Pismo Beach, do hereby approve Emergency Permit No. P11-000088, allowing emergency measures to mitigate and repair the unstable bluff at the Eldwayen Ocean Park location this 13th day of December 2011, subject to the following conditions:

1. This Permit shall expire one year from the date of approval, unless a request for extension is made in writing to the Community Development Director who may grant a one year extension.
2. Prior to the start of construction, the City Engineer and Community Development Director shall review and approve the final plans for this project.
3. The face of any wall shall be sculpted to reflect the natural geology of the site. Prior to installation of the sculpted wall, the City Engineer and Community Development Director shall review a sample of the proposed sculpted wall treatment for approval.
4. A regular application must be applied for with 30 days of the date of this emergency permit.

ENVIRONMENTAL REVIEW:

This project requires specific actions to mitigate the imminent failure of the bluff and prevent an emergency. Should bluff failure occur, it has the potential to damage or cause the failure of Ocean Avenue and the underground utilities, which will negatively impact circulation routes, public services, including waste water treatment operations, and has the potential to cause a significant effluent spill into the Pacific Ocean. Consequently, this project has a Statutory Exemption from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15269 – Emergency Projects.

Jon Biggs,
Community Development Director

Attachments:

- 1) Location Map
- 2) Photos of Existing Conditions
- 4) Approved Construction Documents



PISMO BEACH PLANNING COMMISSION AGENDA REPORT

SUBJECT: Eldwayen Ocean Park, Ocean Boulevard Emergency Bluff Stabilization Project; Applicant – City of Pismo Beach; Project No. P12-000068

Coastal Development Permit for the construction of emergency bluff stabilization structures to protect Ocean Boulevard and vital underground utilities, such as the sewer and water mains serving the Shell Beach Neighborhood. The site is located in the Open Space-Recreational Use (OS-R) Zone District of the Shell Beach Planning Area and has a Open Space (OS) General Plan designation. Assessor's Parcel No. 010-302-001

RECOMMENDATION: Adopt the attached resolution approving a Coastal Development Permit for the installation of structures that stabilizes the bluffs and protect vital City infrastructure.

EXECUTIVE SUMMARY:

The Planning Commission is considering a Coastal Development Permit that follows issuance of an Emergency Coastal Development permit for bluff stabilization measures installed to prevent the loss of Ocean Boulevard and vital City infrastructure located underground in this City right of way.

The site is located in the Coastal Appeal zone and may be appealed to or called up for review by the California Coastal Commission.

BACKGROUND:

In December of 2011, an Emergency Coastal Development Permit was issued for the installation of seawalls to stabilize the bluffs and protect Ocean Boulevard plus underground utilities located in this roadway. One vital underground utility is a sewer main that collects wastewater from the Shell Beach neighborhood and transfers it to the City's wastewater treatment plant via a sewage lift station and other waste water infrastructure.

Issuance of the emergency permit followed staff observations of erosion occurring below an aging "bin wall", on the seaward side of Ocean Boulevard, which was an earlier bluff stabilization and road protection effort. A Geotechnical Engineering firm, TerraCosta Consulting Group, was hired to evaluate the situation. Based on their on-site inspections and observations, they recommended that immediate measures be taken to prevent the imminent loss or damage to life, health and property. In response to this and in an abundance of caution, the City closed off a portion of Ocean Boulevard and took immediate action to temporarily stabilize the bluffs while the engineering details for bluff stabilization were developed. The temporary measures included filling the eroded area behind the aging bin wall and installing a temporary cap just below the

bin wall to prevent further erosion.

This section of Ocean Boulevard has been identified in a U.S. Army Corps of Engineers study as a location experiencing on-going erosion that will continue undermining and eroding adjacent lands and result in the loss of utilities, park space and roads. Bluff erosion is an ongoing dynamic process that will continue to impact the Pismo Bluffs. In certain situations, such as that experienced at Ocean Boulevard, the need for immediate action is necessary for the protection of the bluffs and property from the forces of wave and runoff erosion. Although identified as an area experiencing ongoing erosion, field observations in December 2011 found that significant erosion had recently taken place, which warranted immediate attention and evaluation of the threat to health, property, and public services.

Section 17.124.071 of the Municipal Code authorizes the Community Development Director to issue Emergency Permits when there is a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

The following were key concerns that were considered in evaluating whether an Emergency Coastal Development Permit was warranted in this instance:

- Failure of Ocean Boulevard – an important roadway in the Shell Beach neighborhood that provides connections to residential streets and public access to coastal resources.
- Failure of a main wastewater pipeline that serves the Shell Beach neighborhood.
- The release of wastewater onto the beach and marine habitat. This would have impacted coastal water quality and limited the public's access to coastal resources.

Based on field observations, recommendations from TerraCosta, the winter season with its potential for significant storms with wave run-up that could cause further erosion, and the concerns noted above, it was determined that an emergency situation existed, which required action more quickly than allowed by conventional coastal development permit procedures. The issuance of the emergency permit allowed for the installation of temporary bluff stabilization measures and completion of plans and the hiring of a construction firm to install the bluff stabilization structures. As required by the Municipal Code, this action was reported to the City Council.

The City hired J.C. Baldwin Construction Company to install the temporary bluff stabilization measures, which allowed time for TerraCosta to conduct a detailed field investigation, further mapping of the area and complete a design, engineering, and

construction drawings for the bluff stabilization structure. TerraCosta developed a structural tie-back shotcrete seawall stabilizing only the face of the coastal bluff. Two key elements of this structure are that it is located behind the back beach, well above the mean high tide line, and it has an exterior surface that has been sculpted to reflect adjacent and surrounding geologic formations. Unlike other bluff protection structures, this seawall preserves the beach and has a natural appearance, which helps it blend into its surroundings and minimizes visual impacts at the coastline. J.C. Baldwin Construction Company has completed this seawall in addition to installing a sidewalk on the seaward side of Ocean Boulevard, which has created additional opportunities for the public to access and enjoy coastal resources.

ENVIRONMENTAL REVIEW:

This project required specific action to mitigate the imminent failure of the bluff and prevent an emergency situation. Should bluff failure occur, it has the potential to damage or cause the failure of Ocean Boulevard and the underground utilities, which will negatively impact circulation routes, public services, including waste water treatment operations, and has the potential to cause a significant effluent spill into the Pacific Ocean. Consequently, this project has a Statutory Exemption from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15269 – Emergency Projects.

By: Jon Biggs, Community Development Director

Meeting Date: August 28, 2012

EXHIBITS:

1. Resolution and Conditions
2. Project Plans
3. Geotechnical Basis of Design Report for Vista Del Mar and Ocean Boulevard, Dated April 20, 2012 by Terra Costa Consulting Group

Exhibit 1

RESOLUTION No. _____

A Resolution of the Planning Commission of the City of Pismo Beach
Approving Project No. P12-000068

A Coastal Development Permit for the construction of emergency bluff stabilization structures to protect Ocean Boulevard and vital underground utilities, such as the sewer and water mains serving the Shell Beach Neighborhood. The site is located in the Open Space-Recreational Use (OS-R) Zone District of the Shell Beach Planning Area and has a Open Space (OS) General Plan designation. Assessor's Parcel No. 010-302-001

WHEREAS, the City of Pismo Beach has submitted an application to the City of Pismo Beach for a Coastal Development for the construction of emergency bluff stabilization structures to protect Ocean Boulevard and vital underground utilities, such as the sewer and utilities that serve the Shell Beach Neighborhood.; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on August 28, 2012, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission determines that under the provisions of the California Environmental Quality Act (CEQA), this is exempted per section 15269, Emergency Projects.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Pismo Beach, California as follows:

A. FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This project required specific action to mitigate the imminent failure of the bluff and prevent an emergency situation. Should bluff failure have occurred, it had the potential to damage or cause the failure of Ocean Boulevard and the underground utilities, which will negatively impact circulation routes, public services, including waste water treatment operations, and has the potential to cause a significant effluent spill onto the beach and marine environment. Consequently, this project has a Statutory Exemption from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15269 – Emergency Projects.

B. FINDINGS FOR APPROVAL OF THE COASTAL DEVELOPMENT PERMIT:

1. The project improvements comply with the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976.

2. The Planning Commission has determined that an emergency situation existed demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services, which required action more quickly than allowed by conventional coastal development permit procedures.

3. The emergency repair project reduced the potential for the following:

- Failure of Ocean Boulevard – an important roadway in the Shell Beach neighborhood that provides connections to residential streets and public access to coastal resources.
- Failure of a main wastewater pipeline that serves the Shell Beach neighborhood.
- The release of wastewater onto the beach and marine habitat, which would have impacted coastal water quality and limited the public's access to coastal resources.

The Planning Commission does hereby approve the Coastal Development Permit subject to the Conditions attached as Exhibit A.

UPON MOTION of _____ seconded by _____ the foregoing Resolution is hereby approved and adopted this 28th day of August, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

DJ White,
Chairman

Elsa Perez,
Planning Commission Secretary

EXHIBIT 1A
PERMIT NO. P12-000068, CDP / ARP
PLANNING COMMISSION MEETING OF AUGUST 28, 2012
OCEAN BOULEVARD, APN: 010-302-001

The conditions imposed on this project shall affect the title and possession of the real property that is the subject of this permit and shall run with the real property or any portion thereof. All the terms, covenants, conditions, and restrictions herein imposed and made available to the applicant shall be binding upon and inure to the benefit of the owner (applicant, developer), his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the owner (applicant, developer) and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on owner (applicant, developer) by this permit.

AUTHORIZATION: Subject to the conditions stated below, approval of Permit P12-000068 grants planning permits for the installation of bluff protection measures. Approval is granted only for the construction and use as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

Standard conditions, policies and selected code requirements applicable to a commercial addition are by this reference included as conditions of this permit. Such standard conditions will be attached to this permit when signed by the applicant. Special project conditions are listed below. The applicant agrees to comply with all City standard conditions and conditions specific to the project.

EFFECTIVE DATE: This permit shall become effective upon the passage of 10 days following the Planning Commission approval, provided that an appeal has not been filed to the City Council within those 10 working days. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

EXPIRATION DATE: The applicant is granted two years for inauguration (i.e. building permits issued and construction begun) of this permit. The permits will expire on August 28, 2014 unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

ACCEPTANCE OF PERMIT AND CONDITIONS: The property owner and the applicant (if different) shall sign these Conditions within ten (10) working days of receipt; the permit is not valid until signed by the property owner and applicant.

COMPLIANCE AGREEMENT: I have read and understood, and I will comply with all applicable requirements of any law or agency of the State, City of Pismo Beach and any

other governmental entity at the time of construction. The duty of inquiry as to such requirements shall be my responsibility. I agree to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the project; or my failure to comply with conditions of approval. This agreement shall be binding on all successors and assigns.

**I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY
WITH ALL ATTACHED STATED CONDITIONS OF THIS PERMIT**

Approved by the Planning Commission on August 28, 2012.

Applicant

Date

Property Owner

Date

**CONDITIONS, POLICIES AND SELECTED CODE REQUIREMENTS FOR
PROJECT # P12-000068
OCEAN BOULEVARD, APN 010-302-001**

Conditions as indicated below have been deemed to be of a substantive nature on the basis of the Planning Commission's decision. These conditions cannot be altered without Planning Commission approval.

A. STANDARD CITY CONDITIONS:

Project shall comply with all standard conditions and selected code requirements on file at the Community Development Department, Planning Division located at 760 Mattie Road.

B. SPECIAL CONDITIONS:

1. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Community Development Director.

2. 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.

3. 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.

4. Concrete Surfacing. All seawall (including footing and scour apron) 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. Any protruding concrete elements (e.g., corners, edges, etc. shall be contoured in a non-linear manner designed to evoke natural bluff undulations.

5. Drainage. All drainage and related elements within the sculpted concrete and any related energy dissipation measures 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 on top of the bluffs and the beach.

6. Landscaping. Any landscaping installed in the project area as shall be non-invasive native species. Where possible bluff plant species capable of trailing vegetation that can screen the top of the seawalls shall be included to help preserve the natural appearance of the area.

7. Construction.

- 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 water line unless tidal waters have receded from the authorized work areas.
- Grading of intertidal areas is prohibited with one exception as follows: existing rock that has migrated seaward of the revetment, that is naturally exposed, and that can be retrieved without substantial excavation of the surrounding sediments, shall be retrieved and reused or removed to an appropriate disposal site offsite. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).
- 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 the time work ceases on each day of construction and in no case later than by sunset each day that work occurs. The only 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 toe of the revetment as possible, and are minimized in their extent and for sand and rock materials which are being relocated.
- 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.
- Equipment washing, refueling, and/or servicing shall not take place on the beach and such activities shall take place only on designated non-spill areas specified on the Construction Plan.
- 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 beach 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.
- All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Construction Plan. Any proposed changes to the Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is necessary.

8. Monitoring and Reporting. The Permittee shall ensure that the condition and performance of the approved seawalls are 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 damage requiring repair to maintain the seawalls in their approved state. At a minimum, the site shall be photographed from a sufficient number of viewpoints as to provide complete photographic coverage of the approved project and all related development at a scale that allows comparisons to be made with the naked eye between photographs taken in different years from the same vantage points.



PISMO BEACH COMMUNITY DEVELOPMENT DEPARTMENT
760 Mattie Road, Pismo Beach, California 93449
(805) 773-4658 / Fax (805) 773-4684

EMERGENCY PERMIT

DATE: December 13, 2011

SUBJECT: Emergency Permit No. P11-000089
Vista Del Mar Waste Water Lift Station Bluff Stabilization Project.

LOCATION: Vista Del Mar, Waste Water Lift Station Site at Vista Del Mar and Ocean Avenue.
APN 010-234-001

PROPERTY OWNER: City of Pismo Beach,

BACKGROUND:

The City of Pismo Beach is experiencing the beginnings of a major bluff failure adjacent to the Vista Del Mar Waste Water Lift Station, located on a parcel of land owned by the City of Pismo Beach (APN 010-234-001). The U.S. Army Corps of Engineers has advised the City of Pismo Beach that this site is suffering severe and accelerating erosion that threatens the Vista Del Mar Waste Water Lift Station and that the possibility does exist for a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss to life, health, property, or essential public services. Also, the 2011/2012 rainy season is here and the potential for wet weather, severe storms, and storm waves increase the potential for bluff failure. This facility is a key component of the City's waste water treatment infrastructure and serves a number of neighborhoods in the Shell Beach area. Failure of the bluffs has the potential to damage or cause the failure of the Vista Del Mar Waste Water Lift Station and cause a significant effluent spill into the Pacific Ocean.

The City of Pismo has hired Terra Costa Consulting Group to develop methods that can be implemented to stabilize the bluffs and prevent their failure.

DETERMINATION:

Given the present condition of the bluffs and information from the U.S. Army Corps of Engineers, which has advised the City of Pismo Beach that the possibility does exist for a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss to life, health, property, or essential public services plus the potential for severe weather during the 2011/2012 winter season, it is my determination that an emergency exists and that efforts to mitigate this emergency, stabilize the bluffs, and protect the Vista Del Mar Waste Water Lift Station must be accomplished in a shorter period of time than the normal administrative permit process would allow.

Therefore, based on the evidence noted above and the authority granted to the Community Development Director per Pismo Beach Municipal Code Section 17.124.071, I Jon Biggs, the Community

Development Director for the City of Pismo Beach, do hereby approve Emergency Permit No. P11-000089, allowing emergency measures to mitigate and repair the unstable bluff at the Vista Del Mar Waste Water Lift Station location this 13th day of December 2011, subject to the following conditions:

1. This Permit shall expire one year from the date of approval, unless a request for extension is made in writing to the Community Development Director who may grant a one year extension.
2. Prior to the start of construction, the City Engineer and Community Development Director shall review and approve the final plans for this project.
3. The face of any wall shall be sculpted to reflect the natural geology of the site. Prior to installation of the sculpted wall, the City Engineer and Community Development Director shall review a sample of the proposed sculpted wall treatment for approval.
4. A regular application must be applied for with 30 days of the date of this emergency permit.

ENVIRONMENTAL REVIEW:

This project requires specific actions to mitigate the imminent failure of the bluff and prevent an emergency. Should bluff failure occur, it has the potential to damage or cause the failure of the Vista Del Mar Waste Water Lift Station that will negatively impact waste water treatment operations and cause a significant effluent spill into the Pacific Ocean. Consequently, this project has a Statutory Exemption from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15269 – Emergency Projects.

Jon Biggs,
Community Development Director

Attachments:

- 1) Location Map
- 2) Photos of Existing Conditions
- 4) Approved Construction Documents



PISMO BEACH PLANNING COMMISSION AGENDA REPORT

SUBJECT: Vista Del Mar Waste Water Lift Station at the Intersection of Vista Del Mar Avenue and Ocean Boulevard; Applicant – City of Pismo Beach; Project No. P12-000069

Coastal Development Permit for the construction of emergency bluff stabilization structures to protect the City of Pismo Beach Waste Water Lift Station, which serves the Shell Beach Neighborhood, and a beach access stairway. The site is located in the Open Space-Recreational Use (OS-R) Zone District of the Shell Beach Planning Area and has a Open Space (OS) General Plan designation. Assessor's Parcel No. 010-234-001

RECOMMENDATION: Adopt the attached resolution approving a Coastal Development Permit for the installation of structures that stabilize the bluffs and protect vital City infrastructure and preserve the public's access to coastal resources.

EXECUTIVE SUMMARY:

The Planning Commission is considering a Coastal Development Permit that follows issuance of an Emergency Coastal Development permit for bluff stabilization measures installed to prevent the loss of Ocean Boulevard and vital City infrastructure located underground in this City right of way.

The site is located in the Coastal Appeal zone and may be appealed to or called up for review by the California Coastal Commission.

BACKGROUND:

In December of 2011, an Emergency Coastal Development Permit was issued for the installation of seawalls to stabilize the bluffs and protect the City of Pismo Beach waste water lift station and a beach access stairway.

The area in question began experiencing a major bluff failure adjacent to the Vista Del Mar Waste Water Lift Station, located on a parcel of land owned by the City of Pismo Beach (APN 010-234-001). In previous studies the U.S. Army Corps of Engineers had advised the City of Pismo Beach that this site is suffering severe and accelerating erosion that threatens the Vista Del Mar Waste Water Lift Station and that the possibility exists for a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss to life, health, property, or essential public services. Also, at the time of issuance of the emergency permit the 2011/2012 rainy season was in full swing and there was potential for on-going wet weather, severe storms, and storm wave run-up which increased the potential for bluff failure. Erosion adjacent to the lift station had advanced to within 12 feet of the lift station vaults and within 4 to 6 feet within a variety

AGENDA ITEM: 7.C.
Page 1 of 34

of buried infrastructure for the lift station. This facility is a key component of the City's waste water treatment infrastructure and serves the Shell Beach neighborhood. Failure of the bluffs had the potential to damage or cause the failure of the Vista Del Mar Waste Water Lift Station and cause a significant effluent spill into the Pacific Ocean in addition to severely limit the Cities ability to provide waste water collection services to residents and commercial establishments in this area.

Also, the bluffs around a newer public access stairway had been severely undermined and had exposed structural tieback support systems that provide stability to the stairway

A Geotechnical Engineering firm, TerraCosta Consulting Group, was hired to evaluate the situation. Based on their on-site inspections and observations, they recommended that immediate measures be taken to prevent the imminent loss or damage to life, health and property. In response to this the City, entered into an agreement with TerraCosta to develop bluff stabilization measures.

As noted earlier in this report, the bluffs adjacent to the Vista Del Mar lift station has been identified in a U.S. Army Corps of Engineers study as a location experiencing ongoing erosion that will continue undermining and eroding adjacent lands and result in the loss of utilities, park space and roads. Bluff erosion is an ongoing dynamic process that will continue to impact the Pismo Bluffs. In certain situations, such as that experienced adjacent to the lift station and occurring at the beach access stairway, the need for immediate action is necessary for the protection of the bluffs and property from the forces of wave and runoff erosion. Although identified as an area experiencing ongoing erosion, field observations in December 2011 found that significant erosion had recently taken place, which warranted immediate attention and evaluation of the threat to health, property, and public services.

Section 17.124.071 of the Municipal Code authorizes the Community Development Director to issue Emergency Permits when there is a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

The following were key concerns that were considered in evaluating whether an Emergency Coastal Development Permit was warranted in this instance:

- Failure of waste water lift station and related pipelines that serves the Shell Beach neighborhood.
- The release of wastewater onto the beach and marine habitat. This would have impacted coastal water quality and limited the public's access to coastal resources.

- On-going erosion around a coastal access stairway, which had bluff failure occurred, would limit the public's access to the coastal resources.

Based on field observations, recommendations from TerraCosta, the winter season with its potential for significant storms with wave run-up that could cause further erosion, and the concerns noted above, it was determined that an emergency situation existed, which required action more quickly than allowed by conventional coastal development permit procedures. The issuance of the emergency permit allowed for bluff stabilization measures, completion of plans and the hiring of a construction firm to install the bluff stabilization structures to begin. As required by the Municipal Code, this action was reported to the City Council. Full details concerning this plan and erosion issues are available in Exhibit 3.

The City hired J.C. Baldwin Construction Company to install the bluff erosion structures. Their work followed a detailed field investigation, further mapping of the area and complete a design, engineering, and construction drawings for the bluff stabilization structure by TerraCosta. TerraCosta developed a structural tie-back shotcrete seawall stabilizing only the face of the coastal bluff. Two key elements of this structure are that it is located behind the back beach, well above the mean high tide line, and it has an exterior surface that has been sculpted to reflect adjacent and surrounding geologic formations. Unlike other bluff protection structures, this seawall preserves the beach and has a natural appearance, which helps it blend into its surroundings and minimizes visual impacts at the coastline. J.C. Baldwin Construction Company has completed this seawall in addition to removing a large storm water outfall structure that occupied a large segment of this beach. This has improved opportunities for the public to access and enjoy coastal resources.

ENVIRONMENTAL REVIEW:

This project required specific action to mitigate the imminent failure of the bluff and prevent an emergency situation. Should bluff failure occur, it has the potential to damage or cause the failure of Ocean Boulevard and the underground utilities, which will negatively impact circulation routes, public services, including waste water treatment operations, and has the potential to cause a significant effluent spill into the Pacific Ocean. Consequently, this project has a Statutory Exemption from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15269 – Emergency Projects.

By: Jon Biggs, Community Development Director

Meeting Date: August 28, 2012

EXHIBITS:

1. Resolution and Conditions
2. Project Plans
3. Geotechnical Basis of Design Report for Vista Del Mar and Ocean Boulevard, Dated April 20, 2012 by Terra Costa Consulting Group

AGENDA ITEM: 7.C.
Page 3 of 34

Exhibit 1

RESOLUTION No. _____

A Resolution of the Planning Commission of the City of Pismo Beach
Approving Project No. P12-000069

Coastal Development Permit for the construction of emergency bluff stabilization structures to protect the City of Pismo Beach Waste Water Lift Station, which serves the Shell Beach Neighborhood, and a beach access stairway. The site is located in the Open Space-Recreational Use (OS-R) Zone District of the Shell Beach Planning Area and has a Open Space (OS) General Plan designation. Assessor's Parcel No. 010-234-001

WHEREAS, the City of Pismo Beach has submitted an application to the City of Pismo Beach for a Coastal Development for the construction of emergency bluff stabilization structures to protect a waste water lift station that serves the Shell Beach Neighborhood and a coastal access stairway; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on August 28, 2012, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission determines that under the provisions of the California Environmental Quality Act (CEQA), this is exempted per section 15269, Emergency Projects.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Pismo Beach, California as follows:

A. FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This project required specific action to mitigate the imminent failure of the bluff and prevent an emergency situation. Should bluff failure have occurred, it had the potential to damage or cause the failure of a waste water lift station and cause a significant effluent spill onto the beach and marine environment in addition to limiting coastal access. Consequently, this project has a Statutory Exemption from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15269 – Emergency Projects.

B. FINDINGS FOR APPROVAL OF THE COASTAL DEVELOPMENT PERMIT:

1. The project improvements comply with the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976.

2. The Planning Commission has determined that an emergency situation existed demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services, which required action more quickly than allowed by conventional coastal development permit procedures.

3. The emergency repair project reduced the potential for the following:

- Failure of waste water lift station and related pipelines that serves the Shell Beach neighborhood.
- The release of wastewater onto the beach and marine habitat. This would have impacted coastal water quality and limited the public's access to coastal resources.
- On-going erosion around a coastal access stairway, which had bluff failure occurred, would limit the public's access to the coastal resources.

The Planning Commission does hereby approve the Coastal Development Permit subject to the Conditions attached as Exhibit A.

UPON MOTION of _____ seconded by _____ the foregoing Resolution is hereby approved and adopted this 28th day of August, 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

ATTEST:

DJ White,
Chairman

Elsa Perez,
Planning Commission Secretary

EXHIBIT 1A
PERMIT NO. P12-000069, CDP / ARP
PLANNING COMMISSION MEETING OF AUGUST 28, 2012
VISTA DEL MAR LIFT STATION AND COASTAL ACCESS STAIRWAY BLUFF
PROTECTION MEASURES, APN: 010-234-001

The conditions imposed on this project shall affect the title and possession of the real property that is the subject of this permit and shall run with the real property or any portion thereof. All the terms, covenants, conditions, and restrictions herein imposed and made available to the applicant shall be binding upon and inure to the benefit of the owner (applicant, developer), his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the owner (applicant, developer) and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on owner (applicant, developer) by this permit.

AUTHORIZATION: Subject to the conditions stated below, approval of Permit P12-000069 grants a planning permit for the installation of bluff protection measures. Approval is granted only for the construction and use as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

Standard conditions, policies and selected code requirements applicable to a commercial addition are by this reference included as conditions of this permit. Such standard conditions will be attached to this permit when signed by the applicant. Special project conditions are listed below. The applicant agrees to comply with all City standard conditions and conditions specific to the project.

EFFECTIVE DATE: This permit shall become effective upon the passage of 10 days following the Planning Commission approval, provided that an appeal has not been filed to the City Council within those 10 working days. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

EXPIRATION DATE: The applicant is granted two years for inauguration (i.e. building permits issued and construction begun) of this permit. The permits will expire on August 28, 2014 unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

ACCEPTANCE OF PERMIT AND CONDITIONS: The property owner and the applicant (if different) shall sign these Conditions within ten (10) working days of receipt; the permit is not valid until signed by the property owner and applicant.

COMPLIANCE AGREEMENT: I have read and understood, and I will comply with all applicable requirements of any law or agency of the State, City of Pismo Beach and any other governmental entity at the time of construction. The duty of inquiry as to such requirements shall be my responsibility. I agree to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the project; or my failure to comply with conditions of approval. This agreement shall be binding on all successors and assigns.

**I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY
WITH ALL ATTACHED STATED CONDITIONS OF THIS PERMIT**

Approved by the Planning Commission on August 28, 2012.

Applicant

Date

Property Owner

Date

**CONDITIONS, POLICIES AND SELECTED CODE REQUIREMENTS FOR
PROJECT # P12-000069
VISTA DEL MAR LIFT STATION AND COASTAL ACCESS STAIRWAY BLUFF
PROTECTION MEASURES, APN 010-234-001**

Conditions as indicated below have been deemed to be of a substantive nature on the basis of the Planning Commission's decision. These conditions cannot be altered without Planning Commission approval.

A. STANDARD CITY CONDITIONS:

Project shall comply with all standard conditions and selected code requirements on file at the Community Development Department, Planning Division located at 760 Mattie Road.

B. SPECIAL CONDITIONS:

1. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Community Development Director.

2. 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.

3. 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.

4. Concrete Surfacing. All seawall (including footing and scour apron) 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. Any protruding concrete elements (e.g., corners, edges, etc. shall be contoured in a non-linear manner designed to evoke natural bluff undulations.

5. Drainage. All drainage and related elements within the sculpted concrete and any related energy dissipation measures 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 on top of the bluffs and the beach.

6. Landscaping. Any landscaping installed in the project area as shall be non-invasive native species. Where possible bluff plant species capable of trailing vegetation that can

screen the top of the seawalls shall be included to help preserve the natural appearance of the area.

7. Construction.

- 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 water line unless tidal waters have receded from the authorized work areas.
- Grading of intertidal areas is prohibited with one exception as follows: existing rock that has migrated seaward of the revetment, that is naturally exposed, and that can be retrieved without substantial excavation of the surrounding sediments, shall be retrieved and reused or removed to an appropriate disposal site offsite. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i.e., excavator equipment with mechanical extension arms).
- 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 the time work ceases on each day of construction and in no case later than by sunset each day that work occurs. The only 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 toe of the revetment as possible, and are minimized in their extent and for sand and rock materials which are being relocated.
- 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.
- Equipment washing, refueling, and/or servicing shall not take place on the beach and such activities shall take place only on designated non-spill areas specified on the Construction Plan.

- 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 beach 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.
- All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Construction Plan. Any proposed changes to the Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is necessary.

8. Monitoring and Reporting. The Permittee shall ensure that the condition and performance of the approved seawalls are 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 damage requiring repair to maintain the seawalls in their approved state. At a minimum, the site shall be photographed from a sufficient number of viewpoints as to provide complete photographic coverage of the approved project and all related development at a scale that allows comparisons to be made with the naked eye between photographs taken in different years from the same vantage points.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: California Coastal Commission; Commissioners Brian Brennan and Steve Kinsey

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Pismo Beach

2. Brief description of development being appealed:

Construction of a seawall.

RECEIVED

OCT 25 2012

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Ocean Avenue, Pismo Beach (San Luis Obispo County) APN 103-002-01

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-PSB-12-042
DATE FILED: 10-25-2012
DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision: 9/25/2012

7. Local government's file number (if any): P12-000068

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Pismo Beach, attention Jon Biggs, Community Development Director
760 Mattie Road
Pismo Beach, CA 93449

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See attached.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: SH Kinsey
Appellant or Agent

Date: 10-25-2012

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____


Date: _____

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 10/25/12

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Attachment A: Appeal Reasons - Ocean Boulevard Seawall

The City of Pismo Beach approved a 128-foot long, 36-foot tall, tied-back, contoured shotcrete seawall on the bluffs and beach at Eldwayen Ocean Park along Ocean Boulevard in Pismo Beach (City application number P12-00068). The approved seawall is intended to protect Ocean Boulevard and the utilities located underneath the road. The approved project raises questions of conformance with applicable LCP and Coastal Act policies related to allowing shoreline protective devices and avoiding and appropriately mitigating coastal resource impacts from such devices as follows.

The LCP only allows for shoreline armoring where it is determined that there are existing structures in danger from erosion and where the armoring is the least environmentally damaging feasible alternative to protect such structures (including LCP Policy S-6 and IP Section 17.078.060)). In this case, it appears that there may be structures in danger in a manner that would justify a project to protect them, but alternatives to avoid shoreline armoring were dismissed by the City. It is not clear from the materials in the action notice whether more coastal resource protective alternatives could be pursued (such as relocation of threatened structures inland).

Where shoreline armoring is allowed, the LCP and the Coastal Act's access and recreation policies require protection of coastal resources affected by such armoring, including with respect to preserving natural landforms, shoreline processes, beach and related access, and public views (including LCP Policies S-6 (Shoreline Protective Devices) and LCP IP Section 17.078.060 (Shoreline Protection Criteria and Standards), and Coastal Act Policies 30210 through 30213, and 30221 and 30223). The approved project would appear to cause adverse impacts to such resources, including by: (1) fixing the back beach, which results in a narrowing and eventual elimination of the beach area over time as the shoreline erodes and sea levels rise; (2) retaining bluff material behind the seawall structure, as opposed to allowing the bluff to naturally contribute this material to the local sand supply system, and ultimately to beach creation; (3) occupying beach space; and (4) modifying natural bluff landforms and replacing them with artificial man-made structures. The City's approval does not identify all such impacts, does not evaluate ways of avoiding such impacts, and does not provide measures to mitigate unavoidable impacts.

In its approval, the City indicates that the project complies with the public access and recreation policies of the Coastal Act in these respects, but the analysis and information necessary to support this determination appears incomplete. In addition, the approval does not include a determination as to whether or not the project is in compliance with applicable LCP policies. Further, the City did not evaluate the impacts that such a project would have on sand supply and shoreline processes nor how to mitigate such impacts. As such, it is not clear if the approved project is in conformance with applicable LCP and Coastal Act policies related to allowing shoreline protective devices and avoiding/mitigating coastal resource impacts from such devices.

Finally, there is some question as to whether the approved project is wholly or partly located in the Coastal Commission's retained coastal permit jurisdiction where the City does not have coastal permit authority, and thus is not legally allowed to approve coastal permits for development.

In summary, the approved project would result in a seawall structure that leads to adverse coastal resource impacts, and the City's approval lacks the necessary analysis to ensure that such project is consistent with the LCP and with the Coastal Act's access and recreation requirements, including as such requirements extend to allowing seawalls and mitigating for their impacts. Thus, Coastal Act and LCP consistency is not assured, and the project warrants Commission review and deliberations.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: California Coastal Commission; Commissioners Steve Kinsey and Brian Brennan

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, Ca

Zip Code: 94105

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Pismo Beach

2. Brief description of development being appealed:

Construction of a seawall.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Vista Del Mar Avenue, Pismo Beach (San Luis Obispo County) APN 102-034-01

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-PSB-12-043
DATE FILED: 10-25-2012
DISTRICT: Central Coast

RECEIVED

OCT 25 2012

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision: P12-000069

7. Local government's file number (if any): 9/25/2012

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Pismo Beach, attention Jon Biggs, Community Development Director
760 Mattie Road
Pismo Beach, CA 93449

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See attached.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

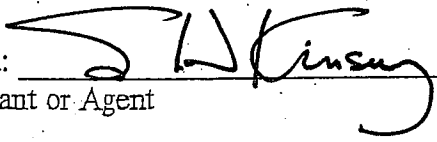
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: 10-25-2012

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____


Date: _____

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

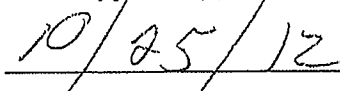
SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date:



Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date:

Attachment A: Appeal Reasons - Vista Del Mar Avenue Seawall

The City of Pismo Beach approved a 144-foot long, 30-foot tall, tied-back, contoured shotcrete seawall on the bluffs and beach at the terminus of Vista Del Mar Avenue where it intersects with Ocean Boulevard in Pismo Beach (City application number P12-00069). The approved seawall is intended to protect the Vista Del Mar sewer lift station, a public beach access stairway, and related public infrastructure. The approved project raises questions of conformance with applicable LCP and Coastal Act policies related to allowing shoreline protective devices and avoiding and appropriately mitigating coastal resource impacts from such devices as follows.

The LCP only allows for shoreline armoring where it is determined that there are existing structures in danger of erosion and where the armoring is the least environmentally damaging feasible alternative to protect such structures (including LCP Policy S-6 and IP Section 17.078.060). In this case, there is some question as to whether the structures in question are in danger in a manner that would warrant shoreline armoring. In fact, the Coastal Commission objected to a seawall project proposed at this site just last year for a number of reasons, including a lack of demonstrated danger in this respect. In terms of alternatives, alternatives to avoid shoreline armoring were dismissed by the City. However, it is not clear from the materials in the action notice whether more coastal resource protective alternatives could be pursued (such as relocation inland) should structures be conclusively shown to be in danger.

Where shoreline armoring is allowed, the LCP and the Coastal Act's access and recreation policies require protection of coastal resources affected by such armoring, including with respect to preserving natural landforms, shoreline processes, beach and related access, and public views (including LCP Policies S-6 (Shoreline Protective Devices) and LCP IP Section 17.078.060 (Shoreline Protection Criteria and Standards), and Coastal Act Policies 30210 through 30213, and 30221 and 30223). The approved project would appear to cause adverse impacts to such resources, including by: (1) fixing the back beach, which results in a narrowing and eventual elimination of the beach area over time as the shoreline erodes and sea levels rise; (2) retaining bluff material behind the seawall structure, as opposed to allowing the bluff to naturally contribute this material to the local sand supply system, and ultimately to beach creation; (3) occupying beach space; and (4) modifying natural bluff landforms and replacing them with artificial man-made structures. The City's approval does not identify all such impacts, does not evaluate ways of avoiding such impacts, and does not provide measures to mitigate unavoidable impacts.

In its approval, the City indicates that the project complies with the public access and recreation policies of the Coastal Act in these respects, but the analysis and information necessary to support this determination appears incomplete. In addition, the approval does not include a determination as to whether or not the project is in compliance with applicable LCP policies. Further, the City did not evaluate the impacts that such a project would have on sand supply and shoreline processes nor how to mitigate such impacts. As such, it is not clear if the approved project is in conformance with applicable LCP and Coastal Act policies related to allowing shoreline protective devices and avoiding/mitigating coastal resource impacts from such devices.

Finally, there is some question as to whether the approved project is wholly or partly located in the Coastal Commission's retained coastal permit jurisdiction where the City does not have

coastal permit authority, and thus is not legally allowed to approve coastal permits for development.

In summary, the approved project would result in a seawall structure that leads to adverse coastal resource impacts, and the City's approval lacks the necessary analysis to ensure that such project is consistent with the LCP and with the Coastal Act's access and recreation requirements, including as such requirements extend to allowing seawalls and mitigating for their impacts. Thus, Coastal Act and LCP consistency is not assured, and the project warrants Commission review and deliberations.



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT
Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

Page 1 of 5

This emergency coastal development permit (ECDP) authorizes emergency development of a 128-foot-long, approximately 36-foot-tall, structural tied-back shotcrete wall spanning both undermined sections of roadway and aging binwalls, as well as a replacement of the existing deteriorated storm drain with a new drain line. The project site is located on the seaward section of Ocean Boulevard between Capistrano Avenue and Wawona Avenue in the City of Pismo Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee, i.e. the City of Pismo Beach, and a site visit to the area, it appears that erosion in the area has been ongoing for some time. In response, the City of Pismo Beach placed barricades behind the curb line to prevent the erosion from damaging the roadway. In December 2011, the steel binwall was breached and the backfill started to erode out from within the binwall. Temporary emergency measures were implemented to temporarily stabilize the binwall, but a continued threatened loss of the roadway (representing a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property) has been identified at the subject site, and the proposed emergency development is necessary to prevent the imminent loss of and/or damage to the existing roadway. Therefore, 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 ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

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


FOR: Madeline Cavalieri, Central Coastal District Manager for, Charles Lester Executive Director

Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

Page 2 of 5

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the City of Pismo Beach where the emergency development authorized by this ECDP is located and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by May 29, 2012). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by June 13, 2012) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall be removed if it is not authorized by a regular CDP. Within 60 days of the date of this permit (i.e., by July 13, 2012), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent. The Permittee is encouraged to submit an application that also requests regular CDP authorization to provide for future maintenance of any authorized shoreline protection. The emergency development shall be removed in its entirety within 180 days of the date of this permit (i.e., by November 10, 2012) unless before that time the California Coastal Commission has issued a regular CDP for the development authorized by this ECDP. The deadlines in this condition may be extended for good cause by the Executive Director.
5. In exercising this ECDP, 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.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California State Lands Commission, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. The emergency development shall be limited in scale and scope to the 128-foot-long seawall and related development identified in the TerraCosta letter report to Dwayne Chisam, City of Pismo Beach, dated April 9, 2012 and dated received in the Coastal Commission's Central Coast District Office on April 11, 2012. In addition, all drainage and related elements shall be camouflaged as much as possible (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 on top of the bluffs and from the beach.
8. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to beach recreational access and to Shell



Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

Page 3 of 5

Beach to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):

- a. All work shall take place during daylight hours. Lighting of the beach area is prohibited.
- b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
- c. Grading of intertidal areas is prohibited.
- d. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. 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.
- e. 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 exceptions shall be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the construction area) as necessary to contain rock and/or sediments in the construction area, where such controls are placed as close to the toe of the bluff area as possible, and are minimized in their extent; and (2) storage of larger materials (i.e., soil nails, large forms, etc.) beyond the reach of tidal waters for which moving the materials each day would be extremely difficult. Any larger materials intended to be left on the beach area overnight must be approved in advance by the Executive Director, and shall be subject to a contingency plan for moving said materials in the event of tidal/wave surge reaching them.
- f. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible. 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.
- g. No work shall occur on the beach during the summer peak months (Saturday of the Memorial Day weekend through Labor Day inclusive).
- h. 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.).
- i. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.



Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

Page 4 of 5

- j. All beach areas and all shoreline 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 in the area that is impacted by construction shall be filtered as necessary to remove all construction debris.
 - k. All exposed slopes and soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
 - l. All contractors shall insure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - m. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required beach-area restoration activities. If planning staff should identify additional reasonable measures necessary to restore the beach and beach access points, such measures shall be implemented immediately.
10. Copies of this ECDP 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 this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
11. 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 his/her 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 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.
12. Within 30 days of completion of the construction authorized by this ECDP (i.e., by June 13, 2012), the Permittee shall submit site plans and cross sections prepared by a licensed civil engineer with experience in coastal structures and processes clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization.
13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The



Emergency CDP 3-12-019-G (Pismo Beach Ocean Blvd Seawall)

Issue Date: May 14, 2012

Page 5 of 5

Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.

14. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
15. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Conditions 4 and 5 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If the property owner wishes to have the emergency development become a permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.



LCP POLICIES:

LUP Policy S-6 Shoreline Protective Devices. Shoreline protective devices, such as seawalls, revetments, groins, breakwaters, and riprap shall be permitted only when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion. If no feasible alternative is available, shoreline protection structures shall be designed and constructed in conformance with Section 30235 of the Coastal Act and all other policies and standards of the City's Local Coastal Program. Devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to maintain public access to and along the shoreline. Design and construction of protective devices shall minimize alteration of natural landforms, and shall be constructed to minimize visual impacts. The city shall develop detailed standards for the construction of new and repair of existing shoreline protective structures and devices. As funding is available, the city will inventory all existing shoreline protective structures within its boundaries.

LUP Policy P-22 Public Shoreline Access. The continued development and maintenance of public access to the Pismo Beach coastline shall be considered an integral and critical part of the city's parks and recreation program.

LUP Policy PR-2 Ocean and Beach are the Principal Resources. The ocean beach and its environment is, and should continue to be, the principal recreation and visitor-serving feature in Pismo Beach. Oceanfront land shall be used for recreational and recreation-related uses whenever feasible.

LUP Policy PR-6 Retention of All Existing Parks and Dedicated Open Space. Any proposed loss of parks or dedicated open space areas shall be replaced at a minimum with the equivalent quality of acreage or facilities lost.

LUP Policy PR-28 Access Signs Required. Signs should be located at all access points and street leading to access points to assist the public in recognizing and using major coastal access points. Such signs should be designed and located for easy recognition.

LUP Policy CO-15 Ocean Shore-Principal Open Space Resource. The ocean shore is, and shall continue to be, the principle open space feature of Pismo Beach. Ocean front land shall be used for open space, recreation and related uses where feasible and where such uses do not deteriorate the natural resource.

LUP Policy CO-17 Man-made Changes. Shoreline structures, including piers, breakwaters, channel dredges, pipelines, outfalls and similar structures shall be sited to avoid significant rocky points and intertidal and sub tidal areas. The design and construction of revetment devices and other shoreline structures shall be prepared by qualified engineers in accordance with city standards which will avoid or minimize disturbance of sensitive coastal ecological resources.

IP Section 17.078.060(D). Seawalls shall not be permitted, unless the city has determined that there are no other less environmentally damaging alternatives for protection of existing development or coastal dependent uses. If permitted, seawall

design must (a) respect natural landforms; (b) provide for lateral beach access; and (c) use visually compatible colors and materials and will eliminate or mitigate any adverse impacts on local shoreline sand supply.

IP Section 17.078.060(F). *Shoreline structures, including groins, piers, breakwaters, pipelines, outfalls or similar structures which serve to protect existing structures, or serve coastal dependent uses and that may alter natural shoreline processes shall not be permitted unless the city has determined that when designed and sited, the project will:*

- 1. Eliminate or mitigate impacts on local shoreline sand supply;*
- 2. Provide lateral beach access;*
- 3. Avoid significant rocky points and intertidal or subtidal areas; and*
- 4. Enhance public recreational opportunities.*

IP Section 17.006.0450 Feasible. *Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.*

COASTAL ACT SECTIONS:

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.*

30235. *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted*

when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from 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 fishkills should be phased out or upgraded where feasible.

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.*

Value of Blufftop Parcels

ADDRESS	LOT SIZE (sq. ft.)	SALE PRICE	PRICE PER SQUARE FOOT
1330 Ocean Boulevard	5,541	\$1,400,000	\$252.66
1115 Ocean Boulevard	8,160	\$2,200,000	\$269.61
1654 Ocean Boulevard	6,250	\$2,350,000	\$376.00
428 Ocean Boulevard	2,880	\$1,725,000	\$598.96
702 Ocean Boulevard	2,524	\$1,700,000	\$673.53
2685 Spyglass Drive	6,300	\$2,950,000	\$468.25
2579 Spyglass Drive	7,800	\$1,850,000	\$237.18
2549 Spyglass Drive	8,000	\$3,250,000	\$406.25
2181 Shoreline Drive	10,454	\$2,030,000	\$194.18
137 North Silver Shoals Drive	12,000	\$4,250,000	\$354.17
170 Beachcomber Drive	9,000	\$2,775,000	\$308.33
101 Indio Drive	15,990	\$3,299,000	\$206.32
311 Indio Drive	15,000	\$2,300,000	\$153.33
401 Indio Drive	10,400	\$2,450,000	\$235.58
168 Seacliff	9,860	\$2,075,000	\$210.45
			AVERAGE:
			\$329.65

NOTE: All sale prices include the price of land with improvements in order to reflect what the actual cost to purchase the property and convert to public access space.



Map of Blufftop Parcel Locations

401 Indio Drive

311 Indio Drive

170 Beachcomber Drive

101 Indio Drive

137 N. Silver Shoals Drive

2685 Spyglass Drive

2579 Spyglass Drive

2549 Spyglass Drive

188 Seacliff Drive

2182 Shoreline Drive

1654 Ocean Boulevard

1330 Ocean Boulevard

702 Ocean Boulevard

1115 Ocean Boulevard

428 Ocean Boulevard

Property Detail Report

For Property Located At :

188 SEACLIFF DR, SHELL BEACH, CA 93449-1715



CoreLogic

RealQuest Professional

Owner Information

Owner Name: RUEDA 1995 TRUST
 Mailing Address: 2310 CAMINO EDNA, SAN LUIS OBISPO CA 93401-8327 R003
 Vesting Codes: // PT

Location Information

Legal Description:	CY PB TR 192 BL 5 TR 14	APN:	010-505-014
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 3	Subdivision:	/
Township-Range-Sect:		Map Reference:	
Legal Book/Page:		Tract #:	192
Legal Lot:	14	School District:	LUCIA MAR
Legal Block:	5	School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	05/20/2016 / 04/14/2016	1st Mtg Amount/Type:	\$1,275,000 / CONV
Sale Price:	\$2,075,000	1st Mtg Int. Rate/Type:	3.50 / ADJ
Sale Type:	FULL	1st Mtg Document #:	23161
Document #:	23160	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$895.17
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE		
Lender:	RABOBANK NA		
Seller Name:	YANDOW MARK S & S L TRUST		

Prior Sale Information

Prior Rec/Sale Date:	06/14/1996 /	Prior Lender:	LENDER SELLER
Prior Sale Price:	\$558,000	Prior 1st Mtg Amt/Type:	\$370,000 / CONV
Prior Doc Number:	103-844	Prior 1st Mtg Rate/Type:	/ FIX
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	2,318	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	2,318	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	6	Basement Area:		Patio Type:	
Bedrooms:	2	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 / 1	Basement Type:		Air Cond:	
Year Built / Eff:	1978 /	Roof Type:		Style:	
Fireplace:	Y / 1	Foundation:		Quality:	GOOD
# of Stories:		Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	R1	Acres:	0.23	County Use:	SINGLE FAMILY (110)
Lot Area:	9,860	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$873,608	Assessed Year:	2015	Property Tax:	\$9,563.30
Land Value:	\$525,242	Improved %:	40%	Tax Area:	004002
Improvement Value:	\$348,366	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$873,608				

Property Detail Report

For Property Located At :

101 INDIO DR, PISMO BEACH, CA 93449-1511



CoreLogic®

RealQuest® Professional

Owner Information

Owner Name: PISMO BEACH ONE LLC
 Mailing Address: 22917 PACIFIC COAST HWY #03, MALIBU CA 90265-6407 C002
 Vesting Codes: // CO

Location Information

Legal Description:	CY PB TR 57 BL 14 LT 7	APN:	010-205-007
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 4	Subdivision:	EL PISMO MANOR 01 TR 57
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	57
Legal Lot:	7	School District:	SAN LUIS COASTAL
Legal Block:	14	School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	06/12/2015 / 05/15/2015	1st Mtg Amount/Type:	/
Sale Price:	\$3,299,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	28673	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$1,476.72
New Construction:		Multi/Split Sale:	
Title Company:	FIRST AMERICAN TITLE		
Lender:			
Seller Name:	GUILD TRUST		

Prior Sale Information

Prior Rec/Sale Date:	11/24/1993 /	Prior Lender:	NORWEST MTG INC
Prior Sale Price:	\$635,000	Prior 1st Mtg Amt/Type:	\$365,000 / CONV
Prior Doc Number:	86-954	Prior 1st Mtg Rate/Type:	/ ADJ
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	2,234	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	2,234	Garage Area:		Heat Type:	FORCED AIR
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	WOOD SIDING
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	4	Basement Area:		Patio Type:	
Bedrooms:	2	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 /	Basement Type:		Air Cond:	
Year Built / Eff:	1955 /	Roof Type:		Style:	
Fireplace:	Y / 2	Foundation:		Quality:	AVERAGE
# of Stories:	1.00	Roof Material:	OTHER	Condition:	GOOD
Other Improvements:					

Site Information

Zoning:	R1	Acres:	0.37	County Use:	SINGLE FAMILY (110)
Lot Area:	15,990	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	PUBLIC
Site Influence:				Sewer Type:	PUBLIC SERVICE

Tax Information

Total Value:	\$1,032,253	Assessed Year:	2015	Property Tax:	\$11,274.22
Land Value:	\$756,591	Improved %:	27%	Tax Area:	004013
Improvement Value:	\$275,662	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$1,025,253				

Property Detail Report

For Property Located At :
311 INDIO DR, PISMO BEACH, CA 93449-1515



CoreLogic
RealQuest Professional

Owner Information

Owner Name: MCGEE ADELE J TRUST
Mailing Address: 311 INDIO DR, PISMO BEACH CA 93449-1515 C011
Vesting Codes: // PT

Location Information

Legal Description:	CY PB TR 57 BL 16 LT 7	APN:	010-192-007
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 4	Subdivision:	EL PISMO MANOR 01 57
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	57
Legal Lot:	7	School District:	SAN LUIS COASTAL
Legal Block:	16	School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	12/05/2014 / 10/15/2014	1st Mtg Amount/Type:	\$1,300,000 / CONV
Sale Price:	\$2,300,000	1st Mtg Int. Rate/Type:	2.88 / ADJ
Sale Type:	FULL	1st Mtg Document #:	51518
Document #:	51517	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$1,443.82
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE CO		
Lender:	MUFG UNION BK NA		
Seller Name:	BASTINI 1989 LIVING TRUST		

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Gross Area:	1,593	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	1,593	Garage Area:		Heat Type:	FORCED AIR
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	5	Basement Area:		Patio Type:	
Bedrooms:	2	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 /	Basement Type:		Air Cond:	
Year Built / Eff:	1960 /	Roof Type:		Style:	
Fireplace:	Y / 1	Foundation:		Quality:	AVERAGE
# of Stories:		Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	R1	Acres:	0.34	County Use:	SINGLE FAMILY (110)
Lot Area:	15,000	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$2,300,000	Assessed Year:	2015	Property Tax:	\$25,064.56
Land Value:	\$2,100,000	Improved %:	9%	Tax Area:	004013
Improvement Value:	\$200,000	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$2,300,000				

Property Detail Report

For Property Located At :

401 INDIO DR, PISMO BEACH, CA 93449-1517



CoreLogic

RealQuest Professional

Owner Information

Owner Name: JOHNSON ALAN
 Mailing Address: 5815 IMPALA TRL, SANTA MARIA CA 93455-6040 R004
 Vesting Codes: //

Location Information

Legal Description:	CY PB TR 57 BL 17 L 10	APN:	010-175-010
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 4	Subdivision:	EL PISMO MANOR 01 57
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	57
Legal Lot:	10	School District:	SAN LUIS COASTAL
Legal Block:	17	School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	11/06/2014 / 10/14/2014	1st Mtg Amount/Type:	/
Sale Price:	\$2,450,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	47115	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$809.92
New Construction:		Multi/Split Sale:	
Title Company:	FIRST AMERICAN TITLE		
Lender:			
Seller Name:	UNION OIL OF CA		

Prior Sale Information

Prior Rec/Sale Date:	06/11/1985 / 00/1984	Prior Lender:	
Prior Sale Price:	\$520,000	Prior 1st Mtg Amt/Type:	\$390,000 / PRIVATE PARTY
Prior Doc Number:	32087	Prior 1st Mtg Rate/Type:	/ ADJ
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	3,025	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	3,025	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:	3	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	10	Basement Area:		Patio Type:	
Bedrooms:	4	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 / 1	Basement Type:		Air Cond:	
Year Built / Eff:	1978 /	Roof Type:		Style:	
Fireplace:	Y / 1	Foundation:		Quality:	GOOD
# of Stories:	2.00	Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	R1	Acres:	0.24	County Use:	SINGLE FAMILY (110)
Lot Area:	10,400	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$2,450,000	Assessed Year:	2015	Property Tax:	\$26,687.28
Land Value:	\$1,900,000	Improved %:	22%	Tax Area:	004013
Improvement Value:	\$550,000	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$2,450,000				

Property Detail Report

For Property Located At :

170 BEACHCOMBER DR, PISMO BEACH, CA 93449-1614



CoreLogic

RealQuest Professional

Owner Information

Owner Name: CORREIA TONY F & MARY A FAM TRUST
 Mailing Address: 408 N RANCH ST, VISALIA CA 93291-4322 C006
 Vesting Codes: // PT

Location Information

Legal Description:	CY PB TR 1440 LT 6	APN:	010-141-049
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 4	Subdivision:	TRACT 1440
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	1440
Legal Lot:	6	School District:	SAN LUIS COASTAL
Legal Block:		School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	07/31/2015 / 04/23/2015	1st Mtg Amount/Type:	\$1,850,000 / CONV
Sale Price:	\$2,775,000	1st Mtg Int. Rate/Type:	2.62 / ADJ
Sale Type:	FULL	1st Mtg Document #:	38834
Document #:	38833	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$1,019.85
New Construction:		Multi/Split Sale:	

Title Company: FIDELITY NATIONAL TITLE CO
 Lender: WELLS FARGO BK NA
 Seller Name: SHERMAN FAMILY TRUST

Prior Sale Information

Prior Rec/Sale Date:	03/09/1999 / 02/10/1999	Prior Lender:	ACCUBANC MTG
Prior Sale Price:	\$425,000	Prior 1st Mtg Amt/Type:	\$152,000 / CONV
Prior Doc Number:	21-6	Prior 1st Mtg Rate/Type:	/ FIX
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	2,721	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	2,721	Garage Area:		Heat Type:	FORCED AIR
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	9	Basement Area:		Patio Type:	
Bedrooms:	3	Finish Bsmnt Area:		Pool:	
Bath(F/H):	3 / 1	Basement Type:		Air Cond:	
Year Built / Eff:	2003 /	Roof Type:		Style:	
Fireplace:	Y / 2	Foundation:		Quality:	GOOD
# of Stories:	2.00	Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	PD	Acres:	0.21	County Use:	SINGLE FAMILY (110)
Lot Area:	9,000	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$938,850	Assessed Year:	2015	Property Tax:	\$10,339.50
Land Value:	\$566,207	Improved %:	40%	Tax Area:	004013
Improvement Value:	\$372,643	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$938,850				

Property Detail Report

For Property Located At :

137 N SILVER SHOALS DR, PISMO BEACH, CA 93449-1620



CoreLogic

RealQuest Professional

Owner Information

Owner Name: CAMPOS FERMIN M & LEANN
 Mailing Address: 4726 W JACQUELYN AVE, FRESNO CA 93722-6406 C048
 Vesting Codes: HW // CP

Location Information

Legal Description:	CY PB TR 2173 LT 10	APN:	010-142-024
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 4	Subdivision:	
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	2173
Legal Lot:	10	School District:	SAN LUIS COASTAL
Legal Block:		School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	03/30/2016 / 03/04/2016	1st Mtg Amount/Type:	/
Sale Price:	\$4,250,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	13679	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$875.21
New Construction:		Multi/Split Sale:	

Title Company: FIDELITY NATIONAL TITLE
 Lender:
 Seller Name: CRANE DALE E

Prior Sale Information

Prior Rec/Sale Date:	12/22/2006 / 11/17/2006	Prior Lender:	
Prior Sale Price:	\$2,150,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	90039	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	4,856	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	4,856	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	10	Basement Area:		Patio Type:	
Bedrooms:	4	Finish Bsmnt Area:		Pool:	
Bath(F/H):	4 /	Basement Type:		Air Cond:	
Year Built / Eff:	2010 /	Roof Type:		Style:	
Fireplace:	/	Foundation:		Quality:	GOOD
# of Stories:		Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	PR	Acres:	0.28	County Use:	SINGLE FAMILY (110)
Lot Area:	12,000	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$3,000,000	Assessed Year:	2015	Property Tax:	\$32,637.24
Land Value:	\$1,600,000	Improved %:	47%	Tax Area:	004013
Improvement Value:	\$1,400,000	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$3,000,000				

Property Detail Report

For Property Located At :

2181 SHORELINE DR, PISMO BEACH, CA 93449-1823

CoreLogic

RealQuest Professional

Owner Information

Owner Name: MOORE ALBERT L III (TE)
 Mailing Address: PO BOX 151, KIRKLAND AZ 86332-0151 B002
 Vesting Codes: // TE

Location Information

Legal Description:	CY PB TR 394 LT 22	APN:	010-521-022
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 3	Subdivision:	SHORELINE TERRACE TR 394
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	394
Legal Lot:	22	School District:	LUCIA MAR
Legal Block:		School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	09/12/2014 / 09/04/2014	1st Mtg Amount/Type:	/
Sale Price:	\$2,030,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	37447	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$1,286.44
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE CO		
Lender:			
Seller Name:	NEWDOLL HUGO & B M FAM TRUST		

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Gross Area:	1,578	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	1,578	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	6	Basement Area:		Patio Type:	
Bedrooms:	2	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 /	Basement Type:		Air Cond:	
Year Built / Eff:	1974 /	Roof Type:		Style:	
Fireplace:	/	Foundation:		Quality:	GOOD
# of Stories:		Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:		Acres:	0.24	County Use:	SINGLE FAMILY (110)
Lot Area:	10,454	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$2,030,000	Assessed Year:	2015	Property Tax:	\$21,980.06
Land Value:	\$1,800,000	Improved %:	11%	Tax Area:	004002
Improvement Value:	\$230,000	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$2,030,000				

Property Detail Report

For Property Located At :

2549 SPYGLASS DR, PISMO BEACH, CA 93449-1724

CoreLogic®

RealQuest Professional

Owner Information

Owner Name: FABRI DANIEL & WENDY
 Mailing Address: 14650 MEACHAM RD, BAKERSFIELD CA 93314-9223 R054
 Vesting Codes: HW // CP

Location Information

Legal Description:	CY PB TR 391 LT 14 LESS MIN RTS	APN:	010-042-014
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 3	Subdivision:	TRACT 391
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	391
Legal Lot:	14	School District:	SAN LUIS COASTAL
Legal Block:		School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	09/04/2015 / 06/02/2015	1st Mtg Amount/Type:	/
Sale Price:	\$3,250,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	45410	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$698.02
New Construction:		Multi/Split Sale:	

Title Company: FIDELITY NATIONAL TITLE CO
 Lender:
 Seller Name: HEADRICK DON & M LIVING TRLT

Prior Sale Information

Prior Rec/Sale Date:	11/27/2013 / 11/22/2013	Prior Lender:	
Prior Sale Price:	\$2,800,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	65953	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	4,656	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	4,656	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:	3	Exterior wall:	WOOD SIDING
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	9	Basement Area:		Patio Type:	OPEN DECK
Bedrooms:	4	Finish Bsmnt Area:		Pool:	
Bath(F/H):	4 / 1	Basement Type:		Air Cond:	
Year Built / Eff:	1980 /	Roof Type:		Style:	CONTEMPORARY
Fireplace:	Y / 1	Foundation:		Quality:	GOOD
# of Stories:	2.00	Roof Material:	WOOD SHAKE	Condition:	GOOD
Other Improvements:	OPEN DECK				

Site Information

Zoning:	R1	Acres:	0.18	County Use:	SINGLE FAMILY (110)
Lot Area:	8,000	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	PUBLIC
Site Influence:				Sewer Type:	PUBLIC SERVICE

Tax Information

Total Value:	\$2,855,944	Assessed Year:	2015	Property Tax:	\$31,078.82
Land Value:	\$2,039,960	Improved %:	29%	Tax Area:	004013
Improvement Value:	\$815,984	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$2,855,944				

Property Detail Report

For Property Located At :

2579 SPYGLASS DR, PISMO BEACH, CA 93449-1724

CoreLogic®

RealQuest Professional

Owner Information

Owner Name: SOUSA DAVID M & DARLENE M
 Mailing Address: 4112 S DEMAREE ST, VISALIA CA 93277-9476 R011
 Vesting Codes: //

Location Information

Legal Description:	CY PB TR 391 LT 11 LESS MIN RTS		
County:	SAN LUIS OBISPO, CA	APN:	010-042-011
Census Tract / Block:	117.04 / 3	Alternate APN:	
Township-Range-Sect:		Subdivision:	TRACT 391
Legal Book/Page:		Map Reference:	/
Legal Lot:	11	Tract #:	391
Legal Block:		School District:	SAN LUIS COASTAL
Market Area:		School District Name:	
Neighbor Code:		Munic/Township:	PISMO BEACH CITY

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	11/14/2014 / 10/01/2014	1st Mtg Amount/Type:	\$1,300,000 / CONV
Sale Price:	\$1,850,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	48426
Document #:	48425	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$865.70
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE CO		
Lender:	RABOBANK NA		
Seller Name:	SOETEN TRUST A		

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Gross Area:	2,137	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	2,137	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	6	Basement Area:		Patio Type:	
Bedrooms:	3	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 / 1	Basement Type:		Air Cond:	
Year Built / Eff:	1983 /	Roof Type:		Style:	
Fireplace:	Y / 1	Foundation:		Quality:	GOOD
# of Stories:		Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:		Acres:	0.18	County Use:	SINGLE FAMILY (110)
Lot Area:	7,800	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$1,850,000	Assessed Year:	2015	Property Tax:	\$20,196.42
Land Value:	\$1,500,000	Improved %:	19%	Tax Area:	004013
Improvement Value:	\$350,000	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$1,850,000				

Property Detail Report

For Property Located At :
2685 SPYGLASS DR, PISMO BEACH, CA 93449-1726



CoreLogic
 RealQuest Professional

Owner Information

Owner Name: SIMON ERIC & BETH
 Mailing Address: PO BOX 150, ARROYO GRANDE CA 93421-0150 B002
 Vesting Codes: HW // CP

Location Information

Legal Description:	CY PB TR 391 LT 3 LESS MIN RTS	APN:	010-042-003
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 3	Subdivision:	TRACT 391
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	391
Legal Lot:	3	School District:	SAN LUIS COASTAL
Legal Block:		School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	10/09/2015 / 07/23/2015	1st Mtg Amount/Type:	\$1,300,000 / VA
Sale Price:	\$2,950,000	1st Mtg Int. Rate/Type:	3.25 / ADJ
Sale Type:	FULL	1st Mtg Document #:	51554
Document #:	51553	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$696.74
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE		
Lender:	OPES ADVISORS INC		
Seller Name:	ANDREWS KAREN V		

Prior Sale Information

Prior Rec/Sale Date:	09/27/2000 / 09/15/2000	Prior Lender:	
Prior Sale Price:	\$220,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	55399	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	4,234	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	4,234	Garage Area:		Heat Type:	FORCED AIR
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	7	Basement Area:		Patio Type:	
Bedrooms:	2	Finish Bsmnt Area:		Pool:	
Bath(F/H):	4 /	Basement Type:		Air Cond:	
Year Built / Eff:	2002 /	Roof Type:		Style:	
Fireplace:	Y / 2	Foundation:		Quality:	GOOD
# of Stories:	2.00	Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	R1	Acres:	0.14	County Use:	SINGLE FAMILY (110)
Lot Area:	6,300	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$1,518,648	Assessed Year:	2015	Property Tax:	\$16,611.82
Land Value:	\$638,936	Improved %:	58%	Tax Area:	004013
Improvement Value:	\$879,712	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$1,518,648				

Property Detail Report

For Property Located At :

428 OCEAN BLVD, PISMO BEACH, CA 93449-2129

CoreLogic®

RealQuest® Professional

Owner Information

Owner Name: SIEVERS-CHOW TRUST
 Mailing Address: PO BOX 395, DIABLO CA 94528-0395 B003
 Vesting Codes: // RT

Location Information

Legal Description:	CY PB TR 24 BL 13 LT 13	APN:	010-353-013
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 1	Subdivision:	TRACT 24
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	24
Legal Lot:	13	School District:	LUCIA MAR
Legal Block:	13	School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	08/28/2015 / 08/13/2015	1st Mtg Amount/Type:	/
Sale Price:	\$1,725,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	44280	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$1,172.67
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE CO		
Lender:			
Seller Name:	ECKFORD JAMES F & CARLEN		

Prior Sale Information

Prior Rec/Sale Date:	04/08/1983 /	Prior Lender:	
Prior Sale Price:	\$250,000	Prior 1st Mtg Amt/Type:	\$150,000 / CONV
Prior Doc Number:	14823	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	DEED (REG)		

Property Characteristics

Gross Area:	1,471	Parking Type:	BUILT-IN	Construction:	WOOD
Living Area:	1,471	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:		Exterior wall:	WOOD SHAKE/SHINGLE
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	7	Basement Area:		Patio Type:	
Bedrooms:	3	Finish Bsmnt Area:		Pool:	
Bath(F/H):	3 /	Basement Type:		Air Cond:	
Year Built / Eff:	/	Roof Type:		Style:	
Fireplace:	Y / 1	Foundation:		Quality:	AVERAGE
# of Stories:	2.00	Roof Material:	WOOD SHAKE	Condition:	GOOD
Other Improvements:	FENCE				

Site Information

Zoning:		Acres:	0.07	County Use:	SINGLE FAMILY (110)
Lot Area:	2,880	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	PUBLIC
Site Influence:				Sewer Type:	PUBLIC SERVICE

Tax Information

Total Value:	\$453,240	Assessed Year:	2015	Property Tax:	\$5,049.60
Land Value:	\$241,330	Improved %:	47%	Tax Area:	004002
Improvement Value:	\$211,910	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$453,240				

Property Detail Report

For Property Located At :

1654 OCEAN BLVD, PISMO BEACH, CA 93449-1937



CoreLogic

RealQuest Professional

Owner Information

Owner Name: COELHO FRANK & FRANCES
 Mailing Address: 420 LINCOLN PL, LEMOORE CA 93245-3318 C007
 Vesting Codes: HW // CP

Location Information

Legal Description:	CY PB PISMO TER BL 5 PTN LTS 29 & 30		
County:	SAN LUIS OBISPO, CA	APN:	010-242-002
Census Tract / Block:	117.04 / 3	Alternate APN:	
Township-Range-Sect:		Subdivision:	PISMO TERRACE
Legal Book/Page:		Map Reference:	/
Legal Lot:	29	Tract #:	
Legal Block:	5	School District:	LUCIA MAR
Market Area:		School District Name:	
Neighbor Code:		Munic/Township:	PISMO BEACH CITY

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	04/02/2015 / 03/30/2015	1st Mtg Amount/Type:	/
Sale Price:	\$2,350,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	14925	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$989.47
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE CO		
Lender:			
Seller Name:	TRIPLE P LLC		

Prior Sale Information

Prior Rec/Sale Date:	04/08/2008 / 03/27/2008	Prior Lender:	
Prior Sale Price:	\$2,500,000	Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	17584	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	2,375	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	2,375	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	7	Basement Area:		Patio Type:	
Bedrooms:	3	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 /	Basement Type:		Air Cond:	
Year Built / Eff:	1973 /	Roof Type:		Style:	
Fireplace:	/	Foundation:		Quality:	GOOD
# of Stories:		Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:	R1	Acres:	0.14	County Use:	SINGLE FAMILY (110)
Lot Area:	6,250	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$2,350,000	Assessed Year:	2015	Property Tax:	\$25,416.06
Land Value:	\$1,400,000	Improved %:	40%	Tax Area:	004002
Improvement Value:	\$950,000	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$2,350,000				

Property Detail Report

For Property Located At :

702 OCEAN BLVD, PISMO BEACH, CA 93449-2132



CoreLogic

RealQuest Professional

Owner Information

Owner Name: SHIN HYUNG & YOUNG
 Mailing Address: 4956 REVLON DR, LA CANADA CA 91011-3630 C001
 Vesting Codes: HW // CP

Location Information

Legal Description:	CY PB TR 24 BL 16 LT 11	APN:	010-351-010
County:	SAN LUIS OBISPO, CA	Alternate APN:	
Census Tract / Block:	117.04 / 1	Subdivision:	
Township-Range-Sect:		Map Reference:	/
Legal Book/Page:		Tract #:	24
Legal Lot:	11	School District:	LUCIA MAR
Legal Block:	16	School District Name:	
Market Area:		Munic/Township:	PISMO BEACH CITY
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:	
Sale Price:		1st Mtg Document #:	
Document #:			

Last Market Sale Information

Recording/Sale Date:	05/10/2016 / 05/05/2016	1st Mtg Amount/Type:	/
Sale Price:	\$1,700,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	
Document #:	20835	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE		
Lender:			
Seller Name:	ROBERTS LUERAE		

Prior Sale Information

Prior Rec/Sale Date:	/	Prior Lender:	
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:		Prior 1st Mtg Rate/Type:	/
Prior Deed Type:			

Property Characteristics

Gross Area:		Parking Type:		Construction:	
Living Area:		Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:		Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:		Basement Area:		Patio Type:	
Bedrooms:		Finish Bsmnt Area:		Pool:	
Bath(F/H):	/	Basement Type:		Air Cond:	
Year Built / Eff:	/	Roof Type:		Style:	
Fireplace:	/	Foundation:		Quality:	
# of Stories:		Roof Material:		Condition:	
Other Improvements:					

Site Information

Zoning:		Acres:	0.06	County Use:	SINGLE FAMILY (110)
Lot Area:	2,524	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$101,964	Assessed Year:	2015	Property Tax:	\$1,277.76
Land Value:	\$36,703	Improved %:	64%	Tax Area:	004002
Improvement Value:	\$65,261	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$101,964				

Property Detail Report

For Property Located At :

1115 OCEAN BLVD, PISMO BEACH, CA 93449-1926



CoreLogic

RealQuest Professional

Owner Information

Owner Name: MOUW WARREN J & JOYCE K
 Mailing Address: 1934 CABERNET DR, TULARE CA 93274-0837 C024
 Vesting Codes: //

Location Information

Legal Description: CY PB SHELL BCH 2 BL 1 LT 11 & ABD ST
 County: SAN LUIS OBISPO, CA APN: 010-302-021
 Census Tract / Block: 117.04 / 1 Alternate APN:
 Township-Range-Sect: SHELL BEACH 02
 Legal Book/Page: /
 Legal Lot: 11 Map Reference:
 Legal Block: 1 Tract #:
 Market Area: School District: LUCIA MAR
 Neighbor Code: School District Name:
 Munic/Township: PISMO BEACH CITY

Owner Transfer Information

Recording/Sale Date: 10/09/2013 / 10/03/2013 Deed Type: INTERSPOUSAL DEED TRANSFER
 Sale Price: 1st Mtg Document #:
 Document #: 57259

Last Market Sale Information

Recording/Sale Date: 09/03/2013 / 07/08/2013 1st Mtg Amount/Type: /
 Sale Price: \$2,200,000 1st Mtg Int. Rate/Type: /
 Sale Type: UNKNOWN 1st Mtg Document #:
 Document #: 51025 2nd Mtg Amount/Type: /
 Deed Type: GRANT DEED 2nd Mtg Int. Rate/Type: /
 Transfer Document #: Price Per SqFt: \$814.51
 New Construction: Multi/Split Sale:
 Title Company: ATTORNEY ONLY

Lender:
 Seller Name: MOUW LANCE & J 2007 TRUST

Prior Sale Information

Prior Rec/Sale Date: 04/18/2011 / 04/11/2011 Prior Lender:
 Prior Sale Price: Prior 1st Mtg Amt/Type: /
 Prior Doc Number: 18647 Prior 1st Mtg Rate/Type: /
 Prior Deed Type: GRANT DEED

Property Characteristics

Gross Area: 2,701	Parking Type: GARAGE	Construction: WOOD
Living Area: 2,701	Garage Area:	Heat Type: FORCED AIR
Tot Adj Area:	Garage Capacity: 2	Exterior wall: STUCCO
Above Grade:	Parking Spaces:	Porch Type:
Total Rooms: 6	Basement Area:	Patio Type: PATIO
Bedrooms: 3	Finish Bsmnt Area:	Pool:
Bath(F/H): 3 / 1	Basement Type:	Air Cond:
Year Built / Eff: 1978 /	Roof Type:	Style:
Fireplace: Y / 2	Foundation: SLAB	Quality: GOOD
# of Stories:	Roof Material: TILE	Condition:
Other Improvements: LAUNDRY ROOM		

Site Information

Zoning: RSM	Acres: 0.19	County Use: SINGLE FAMILY (110)
Lot Area: 8,160	Lot Width/Depth: x	State Use:
Land Use: SFR	Res/Comm Units: /	Water Type:
Site Influence:		Sewer Type:

Tax Information

Total Value: \$2,062,253	Assessed Year: 2015	Property Tax: \$22,326.38
Land Value: \$1,599,007	Improved %: 22%	Tax Area: 004002
Improvement Value: \$463,246	Tax Year: 2015	Tax Exemption:
Total Taxable Value: \$2,062,253		

Property Detail Report

For Property Located At :

1330 OCEAN BLVD, PISMO BEACH, CA 93449-1931

CoreLogic®

RealQuest® Professional

Owner Information

Owner Name: FARLEY MICHAEL L & DIANE
 Mailing Address: 108 W CENTER AVE, VISALIA CA 93291-6228 C007
 Vesting Codes: //

Location Information

Legal Description:	CY PB SHELL BCH SB 2 BL 4 LT 2	
County:	SAN LUIS OBISPO, CA	APN: 010-261-050
Census Tract / Block:	117.04 / 1	Alternate APN:
Township-Range-Sect:		Subdivision: SHELL BEACH 02
Legal Book/Page:		Map Reference: 0 /
Legal Lot:	2	Tract #:
Legal Block:	4	School District: LUCIA MAR
Market Area:		School District Name:
Neighbor Code:		Munic/Township: PISMO BEACH CITY

Owner Transfer Information

Recording/Sale Date:	/	Deed Type:
Sale Price:		1st Mtg Document #:
Document #:		

Last Market Sale Information

Recording/Sale Date:	05/10/2013 / 03/26/2013	1st Mtg Amount/Type:	\$1,050,000 / CONV
Sale Price:	\$1,400,000	1st Mtg Int. Rate/Type:	/
Sale Type:	FULL	1st Mtg Document #:	27255
Document #:	27255	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$555.56
New Construction:		Multi/Split Sale:	
Title Company:	FIDELITY NATIONAL TITLE CO		
Lender:	COMMERCE MTG		
Seller Name:	BLU SUSAN LIVING TRUST		

Prior Sale Information

Prior Rec/Sale Date:	08/30/1995 /	Prior Lender:	COUNTRYWIDE FUND
Prior Sale Price:	\$389,000	Prior 1st Mtg Amt/Type:	\$311,200 / CONV
Prior Doc Number:	44-16	Prior 1st Mtg Rate/Type:	/ FIX
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:	2,520	Parking Type:	GARAGE	Construction:	WOOD
Living Area:	2,520	Garage Area:		Heat Type:	FORCED AIR
Tot Adj Area:		Garage Capacity:	2	Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	8	Basement Area:		Patio Type:	PATIO
Bedrooms:	3	Finish Bsmnt Area:		Pool:	
Bath(F/H):	3 / 1	Basement Type:		Air Cond:	
Year Built / Eff:	1969 /	Roof Type:		Style:	TRADITIONAL
Fireplace:	Y / 1	Foundation:		Quality:	AVERAGE
# of Stories:	1.00	Roof Material:		Condition:	GOOD
Other Improvements:	PATIO				

Site Information

Zoning:	R1	Acres:	0.13	County Use:	SINGLE FAMILY (110)
Lot Area:	5,541	Lot Width/Depth:	45 x 120	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$1,434,454	Assessed Year:	2015	Property Tax:	\$15,585.38
Land Value:	\$1,075,841	Improved %:	25%	Tax Area:	004002
Improvement Value:	\$358,613	Tax Year:	2015	Tax Exemption:	
Total Taxable Value:	\$1,434,454				

Beach Sand Replenishment
In-lieu Fee Worksheet
Address
CDP #

$V_e =$ Volume of sand to rebuild the area of beach lost due to encroachment by the seawall; based on the seawall design and beach and nearshore profiles (cubic yards)

$$V_e = A_e \times v$$

$A_e =$ The encroachment area which is equal to the width of the properties which are being protected (W) times the seaward encroachment of the protection (E)

$$A_e = W \times E$$

W = Width of property to be armored (ft.)

E = Encroachment by seawall, measured from the toe of the bluff or back beach to the seaward limit of the protection (ft.)

v = Volume of material required, per unit width of beach, to replace or reestablish one foot of beach seaward of the seawall; based on the vertical distance from the top of the beach berm to the seaward limit of reversible sediment movement (cubic yards/ft. of width and ft. of retreat). The value of v is often taken to be 1 cubic yard per square ft. of beach. If a vertical distance of 40 feet is used for the range of reversible sediment movement, v would have a value of 1.5 cubic yards/square ft. (40 feet x 1 foot x 1 foot/27 cubic feet per cubic yard). If the vertical distance for a reversible sand movement is less than 40 feet, the value of v would be less than 1.5 cubic yards per square foot. The value of v would be less than 1.5 cubic yards per square foot. The value of v will vary from one coastal region to another. A value of 0.9 cubic yards per square foot has been suggested for the Oceanside Littoral Cell (Oceanside Littoral Cell Preliminary Sediment Budget Report, December 1997, prepared as part of the Coast of California Storm and Tide Wave Study)

$V_w =$ Volume of sand to rebuild the area of beach lost due to long-term erosion (V_w) of the beach and near-shore, resulting from stabilization of the bluff face and prevention of landward migration of the beach profile; based on the long-term regional bluff retreat rate, and beach and nearshore profiles (cubic yards)

$$V_w = A_w \times v$$

A_w = The area of beach lost due to long-term erosion 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) (ft./yr.)

$$A_w = R \times L \times W$$

R = The retreat rate which must be based on historic erosion, erosion trends, aerial photographs, land surveys, or other acceptable techniques and documented by the applicant. The retreat rate should be the same as the predicted retreat rate used to estimate the need for shoreline armoring

L = The length of time the back beach or bluff will be fixed or the design life of the armoring without maintenance (yr.). For repair and maintenance projects, the design life should be an estimate of the additional length of time the proposed maintenance will allow the seawall to remain without further repair or replacement

V_b = Amount of beach material that would have been supplied to the beach if natural erosion continued, or the long-term reduction in the supply of bluff material to the beach, over the life of the structure; based on the long-term average retreat rate, design life of the structure, percent of beach quality material in the bluff, and bluff geometry (cubic yards)

$$V_b = (S \times W \times L) \times [(R \times h_s) + (1/2 h_u \times (R + (R_{cu} - R_{cs})))]/27$$

S = Fraction of beach quality material in the bluff material, based on analysis of bluff material to be provided by the applicant

h_s = Height of the seawall from the base of the bluff to the top (ft.)

h_u = Height of the unprotected upper bluff, from the top of the seawall to the crest of the bluff (ft.)

R_{cu} = Predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming no seawall were installed (ft./yr.). This value can be assumed to be the same as R unless the applicant provides site specific geotechnical information supporting a different value

R_{cs} = 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 (ft./yr.). This value will be assumed to be zero unless the applicant provides site specific geotechnical information supporting a different value

V_t = Total volume of sand required to replace losses due to the structure, through reduction in material from the bluff, reduction in nearshore area and loss of available beach area (cubic yards). Derived from calculations provided above

$$V_t = V_b + V_w + V_e$$

$$M = V_t \times C$$

C = Cost, per cubic yard of sand, of purchasing and transporting beach quality material to the project vicinity (\$ per cubic yard). Derived from the average of three written estimates from sand supply companies within the project vicinity that would be capable of transporting beach quality material to the subject beach, and placing it on the beach or in the near shore area

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877

CORRESPONDENCE

December 20, 2011

Jon Biggs Planning
Director City of
Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449

Subject: Emergency Coastal Development Permit (E-CDP) for Ocean Boulevard and Vista del Mar Seawalls (E-CDP P11-000089)

Dear Mr. Biggs:

Thank you for providing California Coastal Commission (Commission) staff with copies of the emergency coastal development permit (E-CDP) the City of Pismo Beach (City) issued last week for new shoreline protection along Ocean Boulevard (E-CDP P11-000089), and for taking the time to speak with me today about the project. The Commission's engineer has reviewed the preliminary plans that the City provided, and based on these plans, it appears the project is located, at least in part, in the Commission's original jurisdiction. Any development within the Commission's original jurisdiction must be authorized by the Commission. As such, the E-CDP is invalid to the extent it purports to authorize such development within the Commission's jurisdiction; In addition, any portion of the project that is located in the City's permit jurisdiction is also located in the Commission's appeal jurisdiction. Therefore, it is critical that the City coordinate with Commission staff on the development and authorization of this project to avoid delays and possible complications with the required follow-up CDP, including the potential requirement to remove development authorized by the emergency permit.

With regard to jurisdiction, any development in the Commission's original jurisdiction must be authorized by the Commission. Commission staff is available to work with the City to quickly issue any E-CDPs that may be required to protect existing development in the event of an emergency, and in accordance with applicable Coastal Act policies. Any development conducted in the Commission's original jurisdiction without proper authorization could be considered a violation of the Coastal Act and may be pursued by our enforcement division. To help resolve the question of jurisdiction, please provide us with geotechnical information and detailed project plans as they become available, as well as information about the current location of the mean high tide line. We will work to provide a determination on the location of the Commission's original jurisdiction as quickly as possible after such information is provided. However, absent additional information about the project and the current location of the mean high tide line that definitively demonstrates the project would be located entirely above the mean high tide line, we consider the project to be located, at least in part, in the Commission's original jurisdiction. As such, work must not commence without Commission authorization or a Commission determination that the project is not located in its original jurisdiction.

Jon Biggs
Ocean Boulevard Seawalls
December 20, 2011
Page 2

Further, because the project is located in the Commission's appeals jurisdiction, we urge you to work with Commission staff on the design and review of the project. Based on the materials provided, and as we discussed this morning, the project raises several significant Coastal Act and LCP issues. First, it is not clear there has been a sudden and unexpected occurrence that allows for issuance of an emergency CDP. Second, it does not appear the proposed project is the minimum necessary to protect property that is in danger, or that it could be easily removed if a follow-up CDP authorization determines that the development is not consistent with Coastal Act and LCP policies. Third, assuming that an E-CDP can be issued in accordance with Coastal Act and LCP requirements, the required follow-up CDP review must evaluate project alternatives, including retreat options and reduced-scale alternatives, as well as mitigation for the project's impacts to coastal resources, including public access and visual resource impacts, and it appears this evaluation has not begun. These issues should be carefully considered as soon as possible, as failure to address them in a timely manner could result in the need to redesign the project when the follow-up CDP is considered, potentially at great cost to the City.

We appreciate the time you have taken to describe the current condition of the bluff and the proposed seawalls, and we look forward to continuing to work with you and your staff on the project. Again, coordination between the Commission and the City is critical for this project and Commission staff is available to work with the City and will respond as quickly as possible to your questions and concerns. Please do not hesitate to contact me.

Sincerely,

Madeline Cavaliere
Coastal Planner

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877



April 6, 2012

Jon Biggs Planning
Director City of
Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449

Subject: Emergency Coastal Development Permit (E-CDP) for Ocean Boulevard and Vista del Mar Seawalls (E-CDP PII-000089)

Dear Mr. Biggs:

We were recently informed that the City has moved forward on the subject project and may begin work as soon as Monday April 9, 2012. As we have previously informed the City, Commission's technical staff reviewed the preliminary plans prepared during the City's emergency permit process in December 2011, and based on those plans, it appears the project is located, at least in part, in the Commission's original jurisdiction. Any development within the Commission's original jurisdiction must be authorized by the Commission. As such, the City's E-CDP is invalid to the extent it purports to authorize such development within the Commission's jurisdiction. In addition, any portion of the project that is located in the City's permit jurisdiction is also located in the Commission's appeal jurisdiction. Therefore, it is critical that the City coordinate with Commission staff on the development and authorization of this project to avoid delays and possible complications with the required follow-up CDP(s), including the potential requirement to remove development authorized by emergency permit.

Based on our discussions with you since the City's December 2011 action on the City's emergency permit, including our February 3, 2012 meeting with you in our Santa Cruz office, we understood that you would be providing us with updated geotechnical information, detailed project plans, and mean high tide (mht) line surveys as soon they became available and prior to further City action on this project. We have not yet received that information. On the jurisdictional question, and as we discussed, the current location of the mht is one factor that is used to determine the location of the Commission's original jurisdiction, which includes tidelands, submerged land and public trust lands, but it is not the only factor, and we are not aware of any State Lands mht determinations for this area that would shed light on the current location. As such, even if the project is located entirely above the City's identified mht, as has been purported by the City, it may still fall within the Commission's original jurisdiction for a variety of reasons. Because you are currently out of the office until April 16, 2012, we spoke with the City's Director of Public Works, Dwayne Chisam, about this project yesterday and today. Mr. Chisam has agreed to provide the previously promised materials and information on Monday April 9, 2012, and agreed that any work conducted on Monday would be limited to construction staging activities, and would not include any excavation or placement of materials at the bluff. We will work to provide a determination on the location of the Commission's

original jurisdiction as quickly as possible after such information is provided. However, absent additional information about the project, we consider the project to be located, at least in part, in the Commission's original CDP jurisdiction. As such, work must not commence without Commission authorization or a Commission determination that the project is not located in its original jurisdiction.

Commission staff is available to work with the City to quickly issue any E-CDPs that may be required to protect existing structures in danger from erosion in the event of an emergency, and in accordance with applicable Coastal Act policies. Any development conducted in the Commission's original jurisdiction without proper authorization could be considered a violation of the Coastal Act and may be pursued by our enforcement division. To help resolve the question of jurisdiction, we continue to request that you provide us with geotechnical information and detailed project plans as quickly as possible, as well as information about the current location of the mean high tide line.

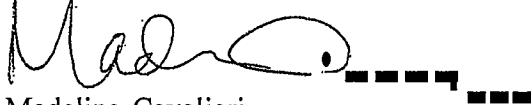
Further, because the project is located in the Commission's appeals jurisdiction, we urge you to work with Commission staff on the design and review of the project. Based on the materials provided, and as we have previously discussed, the project raises several significant Coastal Act and LCP issues. First, it is not clear there has been a sudden and unexpected occurrence that allows for issuance of an emergency CDP. Second, it does not appear the proposed project is the minimum necessary to protect property that is in danger, or that it could be easily removed if a follow-up CDP authorization determines that the emergency temporary development is not consistent with Coastal Act and LCP policies. Third, assuming that an E-CDP can be issued in accordance with Coastal Act and LCP requirements, the required follow-up CDP review must evaluate project alternatives, including retreat options and reduced-scale alternatives, as well as mitigation for the project's impacts to coastal resources, including public access and visual resource impacts, and it appears this evaluation has not begun. These issues should be carefully considered as soon as possible, as failure to address them in a timely manner could result in the need to redesign the project when the follow-up CDP is considered, potentially at great cost to the City.

We further note that the Commission recently objected to similar projects at this location that were proposed by the Army Corps for a number of reasons, perhaps most critically because it was not adequately demonstrated that there were existing structures in danger from erosion, as is required by the Coastal Act. Absent compelling information that has been developed since that time, it is not clear how the current proposed projects could be constructed consistent with the Coastal Act on this point. It will be critical that the information sent provides updated data that can clearly show what has changed since the Commission's action.

We look forward to continuing to work with you and your staff on this project. Again, coordination between the Commission and the City is critical for this project and Commission staff is available to work with the City and will respond as quickly as possible to your questions and concerns. Please do not hesitate to contact me.

Jon Biggs
Ocean Boulevard Seawalls
April 6, 2012
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Madeline", followed by a series of small, solid black squares arranged in a horizontal line.

Madeline Cavalieri
District Manager

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877



August 28, 2012

City of Pismo Beach Planning Commission
City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449

Subject: Coastal Development Permits for Ocean Boulevard/Capistrano and Vista del Mar Seawalls

Dear Chairman White and Commissioners:

California Coastal Commission staff just recently found out that you will be considering coastal development permits (CDPs) for the above-referenced seawalls at your August 28, 2012 session. Given our coordination with the City and City staff as well as the Army Corps of Engineers (ACOE) on these matters, this is clearly a surprise to us. For the record, we have been advising, and the City and ACOE have been proceeding, based on an understanding that these seawalls are located at least partially in the Coastal Commission's original CDP jurisdiction. In fact, the project at Vista del Mar was previously acted upon by the Commission in February 2011, and the Ocean Boulevard/Capistrano project was the subject of a Coastal Commission emergency CDP in May 2012.

In terms of the substance, please be advised that the Commission previously objected to (referred to in CDP terms as a denial) ACOE's consistency determination for the Vista del Mar seawall based on the Commission's finding, among other things, that the structures there were not in danger from erosion, and other alternatives needed to be considered. And although Commission staff issued an emergency CDP for the Ocean Boulevard/Capistrano seawall (including based on a requirement for a follow-up regular Coastal Commission CDP application), the Commission has yet to review any such follow-up application. Based on discussions with the City and ACOE, the next steps for both of these projects were hearings in front of the Coastal Commission. In fact, we have been in a dialogue with the City and ACOE for some time on these projects (see attached letters), including a meeting convened by Congresswoman Capps (and also attended by City staff and the mayor) on June 22, 2012, and we have exchanged information intended to improve our understanding of the issues at Vista del Mar in anticipation of the Commission's action on that project, but nothing has yet been concluded. We were therefore very surprised when we learned on August 24, 2012 that not only had the City not waited for our response regarding Vista del Mar, but had actually constructed the seawall there, notwithstanding the Commission's prior 'denial' of that project, and

notwithstanding the fact that the City and ACOE led us to believe we were still in a dialogue on the issues.

In short, we are frustrated that we find ourselves in this situation, where we have been led to believe one thing and another thing entirely has occurred. We strongly advise that the Planning Commission postpone these matters until the City has discussed appropriate resolution with Commission staff; actions taken now will only further cloud the issues procedurally and in terms of work completed to date. Despite these setbacks, we remain available to work with the City, as we have done to date, to bring these matters to resolution. We continue to believe that good planning and public policy can be achieved, and we strongly advise that you take no action. If you have any questions, please do not hesitate to contact me or the Central Coast District Manager, Madeline Cavalieri, at the address and phone number on the first page.

Sincerely,

A handwritten signature in cursive script that reads "Madeline Cavalieri for".

Dan Carl
Deputy Director
California Coastal Commission

Enclosed: CCC letters dated December 20, 2011, April 6, 2012, and August 27, 2012

cc: Jon Biggs, City of Pismo Beach



RECEIVED

NOV 06 2012

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From the Office of the Mayor

Shelly Higginbotham

760 Mattie Road

Pismo Beach, CA 93449

(805) 235-6604

shigginbotham@pismo-beach.org

October 30, 2012

RECEIVED

FEB 22 2016

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dr. Charles Lester
Executive Director
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 94105-2219

Dear Charles,

Thank you very much for taking the time to make a personal telephone call to me last Thursday. It was clear that you were attempting to discuss with me concerns "Coastal" staff had with two completed projects in Pismo Beach. We share the desire to avoid appeals and facilitate a dialog between our respective staffs to obtain approval of projects that are in the best interest of all.

I appreciated your outlining a couple of specific mitigations the Commission has recently begun to impose on "seawall projects". Both have some merit. The City is interested in discussing the idea of a 20 year life on constructed seawalls designed and constructed to protect private property as well as an "in-lieu-fee" for the acquisition of future property for public access/right of way. We will schedule these concepts at a future planning commission meeting.

However, both the aforementioned mitigation measures would not be consistent with the two projects recently completed in Pismo Beach for the following reasons:

Both projects were designed and completed to protect public infrastructure:

- sewer lift station
- public access stairs
- public road
- sewer lines
- utility lines

You mentioned in our telephone conversation the "20 year" condition of approval for seawalls has been applied to protecting private property. Our projects did not protect private property.

The "in-lieu fee" concept could potentially raise significant money for public land acquisition, but again, there is no nexus to impose this mitigation on our projects for the following reasons:

- The construction of the seawall stabilized and protected the beach access stairs at the Vista Del Mar site. The erosion was significant and the city was faced with closing the stairs for public safety.
- The project removed a very large concrete portion of an outdated storm drain, which sat on the beach. The removal of this drain not only improved the aesthetics on the beach, its absence opened up a portion of the beach which was inaccessible before.
- The project further south rebuilt and improved a storm drain which was incorporated into the seawall, as well as reconstructed a pedestrian sidewalk along the bluff. The storm drain improvements were part of our storm water master plan, which both the City Council and the Regional Water Quality Control Board have approved.

You asked if a park had been protected in the project descriptions. The answer is no, and in fact, the small "park" which sits in between the two completed projects is under managed retreat.

I am of the opinion that there has been some confusion from the Coastal Commission staff regarding these projects. Madelyn Cavalieri sent a letter expressing her concern about our completed projects and took exception that the City had moved forward without communicating with Coastal staff. She also referenced the Army Corps of Engineers. It is critically important that the sites are not confused and her letter made several references to information relevant to the St. Andrew's site, not Ocean Blvd/Vista Del Mar. The City has taken the position that we acted within our rights as outlined in the Coastal Act, given we have an approved/certified local coastal plan. We had an independent survey done at both sites to determine the mean high tide line, again per the Coastal Act Regulations, and designed projects within the city's jurisdictional boundaries. Dan Carl made a site visit and we were in communication with Coastal staff throughout the process.

I can tell you in all honesty, as the Mayor, there are many other projects in our city I could have used the 2.3 million dollars to complete. We do not look at working on projects unless there are compelling reasons to do so.

The Vista Del Mar Lift Station serves over 300 homes, so the threat of losing this station paired with the environmental disaster of sewage in the ocean is unacceptable. Caring for the sewer lift station at Vista Del Mar and stabilizing the bluff at Ocean Boulevard to protect that street and protect the multiple utility and service lines was deemed a top priority.

Dr. Charles Lester

October 30, 2012

Page 3

Charles, I do hope that your staff will examine our completed projects and choose not to appeal. The City wants to work collaboratively with your staff within the guidelines outlined in our certified LCP.

Thank you for taking the time to contact me. I do hope Pismo Beach is able to host the January 2013 Coastal Commission Meeting and I look forward to seeing you in December.

Best Regards,

A handwritten signature in cursive script, reading "Shelly Higginbotham".

Shelly Higginbotham
Mayor

From: Brian O'Neill
To: ["Winklepleck, Jeff"](#)
Cc: [Lewis, James](#); [Fine, Benjamin](#); [Ainsworth, John@Coastal](#); [Carl, Dan@Coastal](#)
Subject: RE: Draft Conditions for Agenda items 16a&b (Pismo Beach Seawalls) for August 10, 2016
Date: Wednesday, July 27, 2016 10:38:00 AM

Dear Mr. Winklepleck:

Thank you for your response to our draft conditions. We understand the City's concerns and have taken those concerns into account while drafting our proposed condition language. We believe the conditions provide the City with flexibility to address some of these concerns, including through a public process that would give the City discretion in creating blufftop public access improvements that respond to site constraints and community concerns, while also providing for the public access improvements that are necessary to be able to approve the seawalls.

We also want to reiterate that, while the LCP requires calculation of and commensurate mitigation of sand supply impacts caused by the two seawalls, our position has been that such impacts could and should be mitigated via appropriate in-kind public access improvements. The seawalls pose many LCP consistency issues, including whether both seawalls were necessary at the time of construction and were the least environmentally damaging alternative. Additionally, the LCP requires seawall projects to enhance public access and ensure that lateral coastal access is maintained. The two seawalls have, and will continue to have, serious impacts to public access beyond sand supply loss. Therefore, approval of the seawalls must mitigate for those impacts, and we believe that a public access improvement package is the best way to holistically mitigate for the two seawalls' impacts and maximize public access in the project area, as required by the LCP and Coastal Act.

We had hoped to come to an agreement on the details of a mitigation package and appreciate the City's willingness to discuss possible resolutions. The full staff report will be released this Friday, and we look forward to continued discussions (and hopefully agreement) before the August 10 hearing and after you have had an opportunity to review the report.

Best,
Brian

From: Winklepleck, Jeff [mailto:JWinklepleck@PismoBeach.org]
Sent: Tuesday, July 26, 2016 7:41 PM
To: Brian O'Neill
Cc: Lewis, James; Fine, Benjamin; Ainsworth, John@Coastal
Subject: Draft Conditions for Agenda items 16a&b (Pismo Beach Seawalls) for August 10, 2016

Dear Mr. O'Neill:

We appreciate the opportunity to work with the Coastal Staff on a finding a solution to help resolve an outstanding issue with the California Coastal Commission related to Coastal Development Permits for the Capistrano Seawall (Appeal No. A-3-PSB-12-042) and Vista Del Mar Seawall (A-3-PSB-12-043). The City of Pismo Beach recognizes that coastal access is the

primary draw for most visitors and residents to the area and we strive to improve access when available.

As background, the Capistrano Seawall was installed under an emergency permit to resolve an imminent public safety hazard related to the potential collapse of Ocean Boulevard at Capistrano Avenue. The Vista Del Mar Seawall was installed under an emergency permit as a necessity to protect the coastal environment and the public from a sewage lift station failure that could have resulted in significant ecosystem damage and subsequent public access issues. Both projects were done for the benefit of the public and coastal access, not for the protection of private property.

During the recent conference call between Coastal Staff and City Staff, Coastal Staff indicated the seawall projects resulted in the requirement of a sand mitigation fee payment to offset the potential effects of the improvements. In lieu of the fee, the City offered to enhance public access by replacing the stairwell on Ocean Boulevard between Cuyama Avenue and Morro Avenue, removing the concrete portion of the outfall structure and repairing the remaining outfall. In subsequent emails, Coastal Staff indicated the desire for the City to also provide a continuous coastal access trail between the two seawalls. City Staff indicated a number of issues related to the trail including potential loss of parking, pedestrian/vehicle safety issues and concerns by both the City's Police and Fire Departments related to access by safety vehicles.

The City is not only concerned that the cost of the improvements required by the proposed conditions would exceed the cost of the seawall improvements, but that the result would actually undermine public access by reducing parking and negatively impacting the overall aesthetics of the area.

In conclusion, because the seawall projects were directly related to public safety and coastal access, the City does not agree to the additional conditions beyond replacing the stairwell, removing the concrete portion of the outfall and repairing the remaining outfall.

Sincerely,



Jeff Winklepleck

Community Development Director
City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449-2056
805.773.4658