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STAFF REPORT: CDP HEARING

Application Number: 2-19-0586

Applicant: City of Pacifica

Project Location: Two public, City-managed parking lots accessed from Highway 1 and fronting Pacifica State Beach (also known as Linda Mar Beach) in the City of Pacifica, San Mateo County.

Project Description: Re-authorize a parking fee program between 8am and 8pm daily at Pacifica State Beach north and south parking lots for a 5-year period.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Pacifica proposes to re-authorize and improve upon a parking fee program that was previously approved and permitted by the Commission in 2012 (via CDP 2-12-019). The program site is located at the north and south parking lots immediately adjacent to Pacifica State Beach (also known as Linda Mar Beach) in between Crespi Drive and Linda Mar Boulevard along Highway 1 in the City of Pacifica. Under the previously approved parking program, the City has been charging \$3 for a period of less than 4 hours, \$6 for a period of more than 4 hours (or all day), or \$50 for an annual pass. The City proposes to continue the program under the same fee schedule. In addition, the City also now proposes to establish an additional low-income pass option (to be referred to as the “Pacifica Resource Pass”), whereby one month of access is free, or an annual pass (discounted 50-75%) may be purchased at one time or through a payment plan feature. Further, the City would continue to reserve 5% of the available parking lot supply (or 9 out of the 189 total parking spaces) for free short-term parking spaces (i.e., with a time limit of 30 minutes) as required through the original CDP. The City is seeking a 5-year reauthorization period (i.e., through 2024) for the parking fee program similar to that which was originally approved in 2012.

Pacifica State Beach is owned by State Parks but operated by the City through an agreement to manage the beach and related facilities (including the parking lots), and the City now is proposing to continue the previously authorized parking fee program as an ongoing means of supporting the operation, management, and maintenance of the beach, parking lots, restrooms, and related facilities. Specifically, and as required through CDP 2-12-019 (and evidenced by annual monitoring reports submitted by the City), 100% of the revenues generated by the parking fee program have been applied toward this purpose. For example, a majority of the revenues have been used to employ two beach rangers (field positions under supervision by the City's Parks, Beaches, and Recreation Department) who manage and watch over the beach area, as well as the parking lots and the restrooms. The rangers perform a variety of duties that include communicating with the public on beach and parking regulations, enforcing beach regulations such as those related to littering, actively maintaining restrooms and showers, and protecting the coastal sand dunes and snowy plover habitat through trail maintenance and enforcement of dog leash laws.

According to the City, Pacifica State Beach is the most highly used beach in all of San Mateo County,¹ and it is a particularly popular surfing destination on the Peninsula. For that reason, the City's initial proposal to charge fees (where fees did not previously exist) raised concerns in terms of Coastal Act access and recreation policies that require public recreational access opportunities to be maximized, and that require lower cost visitor and public recreational facilities, such as the beach and the parking lots in this case, to be protected. Specifically, the previous permit approval identified the potential for several adverse impacts, including reduced lower cost visitor opportunities, spillover impacts along inland streets and parking areas, and adverse impacts to sensitive habitat. To better understand these issues, the prior approval included a monitoring program structured around collecting data that would inform potential changes moving forward. With respect to the potential habitat issues, the monitoring showed that these types of potential impacts were effectively avoided and mitigated through the dune protection actions implemented by the City, including through trail monitoring, public education and enforcement of dog leash laws. In addition, habitat protection and restoration funded by the fees, particularly of the north dune plover management area, appeared to help enhance this resource area.

With respect to use issues, the required monitoring provide evidence that although some of the expected spillover occurred, it does not appear that the fees significantly affected most access. For example, there was actually an overall increase (an average of 20%) in use of the fee parking lots over the 5-year monitoring period, including an increase in people purchasing annual passes, suggesting that the parking fees did not result in underutilization of the site by the public. In addition, monitoring of the surrounding free private and public parking areas noted a general shift in trends for all lots with no strong indication that the causation was directly related to the fee program. However, at the same time, there is also evidence to suggest that some members of the public were seeking out free nearby parking options as a result of implementation of the

¹ As described by Kevin Woodhouse, City Manager for City of Pacifica, in a letter dated October 25, 2019.

program. For example, the free lot at the Pedro Point Shopping Center (directly south of the Linda Mar parking lots) showed an increase of up to 142% in parking users in fiscal year 2018, the most significant change for spillover areas noted in the monitoring data. Thus, even though use of the fee lots did not go down, the data suggests that the program creates some disincentive for those who cannot or aren't willing to pay the required fee, resulting in spillover to nearby free parking options. Thus, while most access users may not have been significantly adversely impacted, it appears that those perhaps least able to afford the parking fee may have been disproportionately affected.

To address this concern, City and Commission staff worked together on improvements to the program that could ensure that those without sufficient means could also make use of the parking lots, and thereby have easier access to the beach, through providing lower income parking options. Specifically, the City proposes to provide a low-income parking pass, whereby users meeting established criteria (i.e., those qualifying for CalFresh, San Francisco Municipal Transit Agency Lifeline, Pacific Gas & Electric California Alternative Rates for Electricity, or a similar program) can obtain free parking for one month, or an annual pass discounted by 50-75%, and may purchase the discounted pass through a payment plan feature. In this way, the program can address the disproportionate impact that such fees can have on access for those least able to afford it, and ensure that access for all is achieved as much as possible at Pacifica State Beach. In addition, to further improve upon the program going forward, City and Commission staff have worked together on modifications to the monitoring plan to more efficiently track and address potential impacts moving forward as well. Finally, the program will continue to ensure that all generated funds are used exclusively for the purpose of Pacifica State Beach operations and management, including with respect to habitat resources.

Staff believes that approval, as conditioned, provides overall benefits to the beach recreational access experience and beach habitats, including where better management can appropriately offset and limit potential impacts, and allows for re-evaluation of the program before it is re-authorized. In fact, the program, as modified, addresses potential adverse impacts to coastal resources while also allowing for improved protection and maintenance measures for coastal resources. In some ways, the parking fee program is a model of how such a fee program can be found consistent with other Coastal Act objectives, including as the revenue doesn't simply go to the City's general fund, but is actually put right back into the beach and its environs, thus providing something of significant public benefit in return for the fees paid.

Again, Commission staff has worked closely with City staff to update the CDP in this respect, and the two staffs are in agreement on the CDP's terms and conditions. Thus, staff recommends approval of CDP application 2-19-0586 as conditioned. The motion is found on page 5 below.

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EXHIBITS

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Exhibit 2 – Site Photos

Exhibit 3 – Site Plans

Exhibit 4 – City Revenue and Expenditure Analysis

Exhibit 5 – Operating Agreement between State Parks and City of Pacifica

Exhibit 6 – Western Snowy Plover Habitat Area

I. MOTION AND RESOLUTION

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

***Motion:** I move that the Commission **approve** Coastal Development Permit Number 2-19-0586 pursuant to the staff recommendation, and I recommend a **yes** vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 2-19-0586 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the Permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Applicants 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 Applicants to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Pacifica Resource Pass Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit for Executive Director review and approval two sets of a Pacifica Resource Pass Plan. The Plan shall provide details on the low income pass program to be implemented for Pacifica State Beach, and shall include, at a minimum, a description of low-income pass eligibility requirements, instructions on how the pass can be obtained, a description of a pass payment provisions, and an outreach and monitoring plan. The Plan shall be consistent with all of the following criteria:
 - (a) **Coordination.** The Plan shall be developed in coordination with the Pacifica Resource Center, whose mission is to support economic security of families and individuals, or equivalent local entity as approved by the Executive Director.
 - (b) **Title.** The pass shall be publically referred to as the ‘Pacifica Resource Pass’ in all signage, advertisement, and any other form of public outreach.
 - (c) **Eligibility.** Pass eligibility requirements shall be based on income guidelines developed with the Pacifica Resource Center, but at a minimum shall provide that those qualifying for programs such as CalFresh, San Francisco Municipal Transit Agency (SFMTA) Lifeline, Pacific Gas & Electric California Alternative Rates for Electricity (PG&E CARE), or a similar program, are eligible for the pass. Passes shall be made available to Pacifica residents as well as non-Pacifica residents meeting the eligibility requirements.
 - (d) **Pay Structure.** The overall cost per year for the annual pass shall be discounted 50-75% and shall provide a payment plan feature which allows pass holders to pay at a lower monthly rate (not to exceed \$3 per month). A single month pass shall be provided free of cost.
 - (e) **Outreach.** Information on how to obtain the pass shall be made available to the public both online at the City of Pacifica Parks and Recreation website and in the form of permanent signage at the Pacifica State Beach parking lots. At least one permanent sign shall be posted at each pay machine identifying the pass program and information on obtaining the passes, where each sign shall be in both English and Spanish. The Plan shall provide sign details, including all text and graphics, and each sign shall include the California Coastal Commission emblem, and recognition of the Coastal Commission’s role in providing public access at this location.
 - (f) **Monitoring.** The Plan shall provide that pass outreach and use data shall be collected and provided as a part of the Annual Project Reports (see also **Special Condition 4**).
 - (g) **City Council Approval.** The City shall submit the proposed fee changes associated with the Pacifica Resource Pass Program to the City Council for approval by June of 2020.

All requirements above and all requirements of the approved Pacifica Resource Pass Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Pacifica Resource Pass Plan.

2. **Parking Monitoring Program.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit for Executive Director review and approval two sets of a modified parking monitoring program that shall, at a minimum, incorporate the following:

- (a) **Duration.** Monitoring shall be conducted throughout the period that the pay parking program and all related development remain authorized by this CDP.
- (b) **Location.** Monitoring shall occur at all parking lot and on-street parking areas within a 1,500 foot radius of the two Pacifica State Beach parking lots (north and south), including at the Pedro Point, Linda Mar, Pacifica Community Center, and Crespi Shopping Centers, and including along San Pedro Avenue, Desolo Drive, Crespi Drive, Roberts Road, and Linda Mar Boulevard.
- (c) **Timing.** Monitoring shall occur on the first Saturday of each yearly quarter (1st Saturday of January, April, July, and October) as well as the Monday of Memorial Day and Labor Day weekends, for a total of six days per calendar year.
- (d) **Counts.** Monitoring shall include: parking counts (for the parking lots) with written estimates (for other monitored parking areas) taken at the approximate hours of 9:00 a.m. and 3:00 p.m. for each area; identification of temperature, weather and surf conditions at the time of each parking count (which can be established using generally available public data); and assessments (e.g., in the form of percentages, bar charts, and noteworthy events) of factors that may have impacted parking.

All requirements above and all requirements of the approved Parking Monitoring Program shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Parking Monitoring Program.

3. **Dune Protection.** Pacifica State Beach rangers shall regularly monitor the multi-use coastal trail area adjacent to Pacifica State Beach (east of the sandy beach) and shall take action to help prevent dune/plover habitat impacts, including to direct users to developed trails and away from informal trails through the dunes (including through public outreach, enforcement of dog-leash laws and regulations, trash clean-up, exclosures/symbolic fencing, educational signage, etc.).
4. **Annual Project Reports.** The Permittee shall annually submit for Executive Director review and approval two sets of an annual project report by December 31st of each year that this CDP remains in effect. The annual project report shall, at a minimum, include:
 - (a) **Pacifica Resource Pass.** All monitoring data for the approved Pacifica Resource Pass Plan (see **Special Condition 1** above) shall be both narrative and illustrative (e.g., tables, graphs) and include explanations, details related to yearly trends, and supportive documentation.

- (b) Parking Monitoring.** All materials and information associated with the approved Parking Monitoring Program (see **Special Condition 2** above).
 - (c) Format.** All such monitoring data shall include both narrative and illustrative (e.g., tables, graphs, photos, comparisons to pre-fee program operations, etc.), explanations of any noteworthy events that may have impacted parking, and details related to yearly trends with supportive documentation. Each report shall include past reports as appendices.
 - (d) Accounting.** An accounting of all revenues and expenditures associated with the pay parking program, including, at a minimum, an accounting broken down by at least month and year of the amount of fees collected, including by fee categories (i.e., less than four hours, over four hours, annual pass, Pacifica Resource pass, etc.), and the expenditures from the fees collected, including broken down by expenditure categories (e.g., beach ranger salaries, parking lot maintenance, beach maintenance, etc.).
 - (e) Evaluation.** An assessment of the overall effect of the pay parking program and its related expenditures on beach access, parking (in the parking lots and the other parking monitoring areas), dune/plover habitat (including a description of actions taken pursuant to **Special Condition 3**), and overall beach management and public recreational utility at Pacifica State Beach. The assessment shall also discuss any barriers to implementing the program or for participation in the program.
 - (f) Adaptive Management.** Recommendations on minor project modifications to make the program operate more effectively and efficiently, and to better protect coastal resources. Such measures may be approved by the Executive Director, shall be implemented pursuant to a reasonable time frame.
- 5. Five-year Authorization.** The development authorized by this CDP shall be authorized for a term of five years following Commission approval (i.e., through November 13, 2024). The Executive Director may extend the term for an additional five years (i.e., through November 13, 2029) if the Permittee submits a request for same at least 90 days before November 13, 2024, and if the Executive Director determines that there are no changed circumstances that would warrant a new re-review of the program. If the Executive Director determines that a re-review is required, then, the Permittee shall submit a new CDP application for Commission consideration, and the program shall be stayed (i.e., not operated, with signs and related program components bagged or otherwise hidden) pending a Commission decision on it. If the CDP expires or if the program is not authorized by the Commission as part of that re-review, then all ticket machines and all related signage/development shall be removed and the pay parking program discontinued immediately, or under the time frame as may be established by the Commission.
- 6. Beach and Parking Lot Hours and Operations.** Pacifica State Beach, the parking lots, the restrooms, and all other areas that are part of this Pacifica State Beach program shall remain open 24 hours per day. Development and uses within these areas that disrupt and/or degrade public access, including areas set aside for private uses, barriers to public access (such as planters, temporary structures, private use signs, fences, barriers, ropes, etc.) shall be

prohibited. These public use areas shall be maintained in a manner that maximizes public use and enjoyment.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND BACKGROUND

The proposed project is located at Pacifica State Beach in the City of Pacifica in San Mateo County (see **Exhibits 1** and **2**). Pacifica State Beach, also known as Linda Mar Beach, is the southernmost beach area in the City of Pacifica. It is an approximately three-quarter mile long crescent-shaped beach that is located at the mouth of the San Pedro Valley fronting the Linda Mar neighborhood. The beach area is generally bounded by the Pacific Ocean to the west; rocky headlands to the north and south, and Highway 1 to the east. East of Highway 1 is the City's Linda Mar residential subdivision and commercial development.

The developed parking lots and restrooms and other public beach recreational facilities have been present at Pacifica State Beach in one form or another for nearly 50 years (see **Exhibit 3**). These facilities were originally installed by the State when the beach was managed directly by State Parks, include two parking lots, restrooms, outdoor showers, and a segment of a coastal multi-use public access trail, which is Americans with Disabilities Act (ADA) compliant, that extends through Pacifica State Beach from the Rockaway headlands to the north and along the beach southward past Linda Mar Boulevard. The State transferred management of Pacifica State Beach to the City in 1990, at which point the City assumed primary responsibility for operational management and maintenance subject to the terms of the 1991 agreement between State Parks and the City (see **Exhibit 5**).

Pacifica State Beach is one of the first and most popular beach recreational areas south of San Francisco, particularly for recreational activities such as ocean swimming and surfing. The beach and its offshore waves are particularly popular with surfers and is likely the most used beach for surfing located north of Santa Cruz. The beach is also known to provide habitat for the western snowy plover as both a wintering and nesting location.

The two existing Pacifica State Beach parking lots are popular and convenient parking locations for the public as they are used by general beach users, surfers, joggers, people who fish, dog-walkers, and others who enjoy the natural ocean setting and overall coastal experience. The City indicates that the beach and the parking lots are currently open 24 hours a day without curfew or restriction. The parking lots are located immediately west of Highway 1 between Linda Mar Boulevard and Crespi Drive, where they provide nine free short-term parking spaces and 180 parking spaces that require fees at varying prices according to length of stay - including nine spaces that are ADA compliant pursuant to a previously approved limited-term CDP (CDP 2-12-019).

Nearby parking areas are also used for beach parking and consist of private parking lots at Pedro Point, Linda Mar, and Crespi Shopping Centers, and public parking lots at the Linda Mar Park-n-Ride Lot (located at Highway 1 and Linda Mar Boulevard) and the Pacifica Community Center (located at 540 Crespi Drive). Free, on-street parking is also open to the public in the vicinity of

the proposed project site. Parking can be found on San Pedro Avenue, Desolo Drive, Crespi Drive, Roberts Road, and Linda Mar Boulevard.

See **Exhibit 1** for the project site location map, **Exhibit 2** for site photographs and **Exhibit 3** for site plans.

B. PROJECT DESCRIPTION

The City proposes to re-authorize and improve upon the paid parking program at the north and south parking lots at Pacifica State Beach (see **Exhibit 3**). The previously approved parking fees were \$3 per vehicle for less than 4 hours use, and \$6 for 4 hours or more (or all day). Parking lot users were also able to purchase an annual parking permit for \$50 per year. The City does not intend to change the current fee structure through this renewal effort. However, the City will continue to designate 5% of the parking lots (or 9 out of the 189 spaces) for free short-term parking spaces as required through the original CDP approval, and has also proposed to provide a low-income parking pass where the cost per year will be between 50-75% lower than the regular cost of the annual pass with available options to pay an amount lower than \$3 per month in order to reach pay the full price in increments, or to receive one month of parking free of cost.

The proposed parking fees would continue to apply to vehicular parking only. Members of the public who walk or ride bicycles into the lots would not be required to pay a fee. Parking fees collected via the parking program would continue to be used to cover costs associated with managing and maintaining the beach and related facilities, including to employ two beach rangers to manage and watch over the beach area; to communicate with the public on beach and parking regulations; to help actively maintain the beach area, parking lots, restrooms and showers; to enforce beach regulations (such as those related to littering and dog leash laws); as well as to protect the coastal sand dunes and snowy plover habitat (see **Exhibit 4** for annual expenditures). The beach and parking lots would continue to remain open 24 hours per day, with the parking fee program operating daily from 8 am to 8 pm.

See **Exhibit 3** for site plans depicting the parking lot and beach areas, and see **Exhibit 4** for a description of past revenues and expenditures.

C. STANDARD OF REVIEW

The proposed project is located within the Commission's retained CDP jurisdiction area. As a result, the standard of review for this application is the Chapter 3 policies of the Coastal Act.

D. PUBLIC RECREATIONAL ACCESS

Applicable policies

The Coastal Act protects public recreational access to the coast, including parking access. Relevant Chapter 3 policies include:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and

the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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

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

Section 30212.5: *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30213: *Lower cost visitor and recreational facilities shall be protected, encouraged,, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

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

Section 30221: *Oceanfront land suitable for recreational use shall be protected for recreational use and development ...*

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

Section 30240 (b): *Development in areas adjacent to...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...recreation areas.*

Section 30252: *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...*

In addition to these Chapter 3 policies, the Coastal Act also speaks to the need to ensure that coastal development does not unduly burden any particular segment of the population with adverse environmental impacts, and reflects a focus on explicitly requiring fair treatment to all people in the application of the Coastal Act and LCPs, including the “equitable distribution of environmental benefits throughout the state,” as follows:

Section 30107.3: “Environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Section 30604(h): When acting on a coastal development permit, the issuing agency, or the Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

Analysis

Among the most important goals and requirements of the Coastal Act is the mandate to protect, provide, enhance, and maximize public recreational access opportunities to and along the coast, consistent with strong resource conservation principles. Within this guiding framework, the protection of and priority for lower cost visitor and recreational facilities is explicitly identified. Further, the Coastal Act Section 30210 direction to maximize access represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect. In other words, it is not enough to simply provide access to and along the coast, and not enough to simply protect access; rather such access must also be maximized. This terminology distinguishes the Coastal Act in certain respects, and provides fundamental direction with respect to projects along the California coast that raise public access issues, like this one.

Pacifica State Beach is owned by State Parks and managed and operated by the City under the 1991 Operating Agreement updated in October 2019 (see **Exhibit 5**). The City is required to operate the State Beach consistent with the purposes of the State Park System, and may establish rules and regulations for the use and enjoyment thereof by the public. The Agreement requires that the City care for, maintain, operate, and control State Beach property, including the parking lots. Per the Agreement, any charges, fees, or collections made by the City for services, benefits, or accommodations to the general public are limited to actual needs for the care, maintenance, and control of the property. The City is not allowed to otherwise profit from any such fees, and such fees cannot be diverted away from the sole use for Pacifica State Beach.

On November 15, 2012, the Coastal Commission approved CDP 2-12-019, which allowed for the installation of pay parking machines at the Pacifica State Beach parking lots, and a fee structure, identical to the one now proposed with the exception of the low-income pass program now proposed. That CDP authorized the fee program subject to monitoring and other measures through 2017, but that CDP has since expired. The intent of the parking program, and the conditions of approval associated with CDP 2-12-019, were to provide revenue to enable the City to better maintain and operate the State Beach and its associated facilities for the benefit of the public, including to provide a better recreational beach experience and improve overall habitat management. As such, all revenues from the parking program approved pursuant to CDP 2-12-019 were required to be used exclusively for the maintenance of the State Beach, including funding for two beach rangers, police services, the maintenance of restrooms and showers, annual expenses related to the parking ticket machines, and related dune protection measures. According to the City’s monitoring reports provided for fiscal years 2013-2014 through to 2018-2019, annual expenditures have ranged from \$496,359 to \$603,650. All revenue generated over the approved program approval period was used for the purposes originally considered

appropriate under the program. Please see **Exhibit 4** for the actual breakdown of the estimated costs and revenues as required by the previously approved program.

Coastal Access Concerns

Pacifica's main beach is very popular and heavily used. The parking lot is often filled to capacity, especially during peak usage times (i.e., generally early mornings and late afternoons, particularly on weekends), and is particularly popular with surfers. The fee system for use of these lots has previously raised a threshold question of whether the parking fee program would have an adverse impact to public recreational access that cannot be reconciled with the Coastal Act. Coastal beach areas provide an important public recreational function, and free parking access, such as that which was historically provided at Pacifica State Beach and is often in high demand. Pacifica State Beach also exemplifies the interface between human recreational use of a coastal area and a natural habitat that is also used by a sensitive species, in this case the snowy plover in the northern back beach area. Thus, any imposition of a cost for parking access to this area and the way such fee collection affects site resources, such as low cost visitor serving opportunities, must be thoroughly reviewed each time it is considered for permitting.

Many areas of urbanized California coastline have some form of parking fee or program, and these are generally driven by public safety, public access regulation, and revenue generation objectives, all of which are among the stated purposes of the City in this application. The cited Coastal Act policies make clear that maximum recreational access must be provided for all segments of society. Those policies also require that lower cost visitor and recreational facilities be protected, and require that adjacent park and recreation areas, like the beach, be protected from the effects of adjacent development.

Another concern regarding trends in parking regulations is about the cumulative impacts of individual projects like this on the ability of the public to readily park and access the shoreline more broadly. Over time, the establishment of parking regulations can lead to a diminishing number of free and low cost, unrestricted parking spaces for prime visitor destinations, including such as is present at Pacifica State Beach since the inception of the program approved pursuant to CDP 2-12-019, which may result in a general trend of more pay parking programs in the immediate area.² Therefore, the cumulative impact of the parking program must also be considered in this re-authorization proposal, especially for those in need of lower cost facilities in order to access the coast at all. Where the Commission has acted to approve parking fee programs, applicants have often been required to relocate or provide free parking elsewhere.³ Even in cases where the proposed parking restrictions were limited to timing restrictions (and not fees), the Commission has often required offsetting mitigation in the form of ensuring the continuation of free unrestricted parking nearby.⁴

² For example, a pending CDP application was submitted in June 2018 for the authorization of another paid parking program at Pedro Point Shopping Center (immediately south of the Linda Mar parking lots).

³ See, for example, previous Commission actions on CDPs 3-04-027 (City of Pacific Grove), 5-84-236 (City of Hermosa Beach), 5-98-42 (City of Long Beach), 5-02-380 (City of Santa Monica), and 5-02-422 (City of Seal Beach).

⁴ See, for example, CDP A-3-STC-07-057 (City of Santa Cruz).

In the original consideration of this parking fee program (see CDP 2-12-019), it was thought that implementation of the program could reduce use of the fee lots and result in a “spill-over” effect whereby parking patterns would change and result in increased beach visitor parking in adjacent commercial and residential areas that are currently free of charge, or where fees are lower.

Annual reports submitted as a part of the condition requirements for the previous CDP noted general shifts in parking within a 1,500-foot radius of the State Beach at varying degrees but with no overall clear trend. However, the data did show a significant increase in at the San Pedro Shopping Center (a private commercial lot that is directly south of the Linda Mar lots), which saw a 142% increase in parking, and on Crespi Drive and Roberts Road, which saw a tripling in the number of vehicles parked.⁵ Further, the data showed a general increase in use of the fee lots over the years, including an increase in the number of people purchasing annual passes. Thus, it is not clear whether the increases in parking at nearby free lots are from spillover or from a general increase in parking in the area overall.

Environmental Justice

Throughout California’s history, low-income communities, communities of color, and other marginalized populations, generally referred to here as “underserved communities,” have often faced disproportionate burdens in accessing the California coastline due to geographic, economic, social, and cultural barriers. Ensuring maximum and equitable public access to the California coastline (as required by Coastal Act Sections 30210 and 30213) is consistent with environmental justice principles reflected in the Coastal Act. Specifically, Coastal Act Section 30604(h) states: “when acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.”⁶

The Commission adopted an environmental justice policy in 2019,⁷ committing the agency to considering environmental justice principles consistent with Coastal Act policies in the agency’s decision-making process as a means of helping to ensure the benefits of coastal resources and coastal resource protection under the Coastal Act are accessible to everyone. In approving the policy, the Commission recognized that equitable coastal access is encompassed in, and protected by, the public access policies of Chapter 3 of the Coastal Act, finding that:

The Coastal Act’s mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its longstanding commitment to identifying and eliminating barriers, including those that unlawfully privatize public spaces, in order to provide for those who may be otherwise deterred from going to the beach or coastal zone. The coast belongs to

⁵ Part of this could also have been attributable to construction of a nearby Community Center and the temporary use of a portion of the south parking lot for storm water storage in 2018 (see CDP Waiver 2-18-1079-W).

⁶ Government Code Section 65040.12(e) defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

⁷ California Coastal Commission Environmental Justice Policy (March 8, 2019), https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf.

everyone, and access cannot be denied or diminished on the basis of race, ethnicity, income socio-economic status, or place of residence or other factors...

*Understanding that even nominal costs can be barriers to access, preserving and providing for lower-cost recreational facilities is also an environmental justice imperative. This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, **and associated free or low-cost parking areas.** (emphasis added).*

In part, including as embodied in the Commission’s adopted environmental justice policy, the term “environmental justice” is currently understood to mean equitable distribution of environmental benefits, including, in this case, equitable opportunities for coastal access and recreation for all. In California, equitable coastal access and recreation opportunities for all has been an elusive goal in certain areas and with respect to certain populations, including due to historic and social factors, such as discriminatory land use and economic policies and practices.⁸ To this point, spatial analysis of 2010 Census data across demographics groups and proximity to public shoreline access points in California shows that a majority of Californians (79.7%) live within 62 miles of the coast, but populations closest to the coast are disproportionately white, affluent, and older than those who live farther inland.⁹

In this case, the proposed re-authorization of the parking fee program would continue to provide funds that will be exclusively used to enhance beach recreational access improvements and management at Pacifica State Beach. As such, the project enhances public recreational access opportunities, including low/no-cost access, associated with beach and (non-parking) facility and beach use in general at the site.

Further, the proposed project would maintain protections included in the original authorization to help monitor for and safeguard against potential impacts to public recreational access including providing free short term parking spaces, clarifying beach and parking hours, and continuing to monitor potential impacts in and around the project area. In addition, the proposed program streamlines monitoring requirements (including the switch from monthly counts to quarterly counts and removing the requirements to digitally document parking areas) based on the City’s experience and Commission’s review of the past five years of annual reports in order to allow for some relief to rangers, and diversion of time and funding to better manage and maintain the facilities for the public benefit.

However, as described above, despite the past conditions of approval, the monitoring efforts had not been structured in a way that would account for identification of beach users with lower incomes that were being disproportionately affected by the parking program. In other words, there was no mechanism within the conditions of approval to determine how many people had actually been disincentivized by the program and turned away from the beach due to parking

⁸ See, for example, *Free the Beach! Public Access, Equal Justice, and the California Coast*, by Robert Garcia and Erica Flores Baltodano, in the 2 Stanford Journal of Civil Rights and Civil Liberties (143, 2005).

⁹ See *Coastal Access Equity and the Implementation of the California Coastal Act*, by Reineman, et al, in the Stanford Environmental Law Review Journal (v. 36, pages 96-98, 2016).

costs. Thus, adverse impacts to affordable coastal access and recreation have the potential to remain if there is no way to understand, monitor, and address them. Therefore, the proposal to incorporate a low-income pass and associated monitoring requirements would help to account for those who are disincentivized or cannot afford to pay at the lots, consistent with the Coastal Act's public access and recreation policies, and in furtherance of Coastal Act Section 30604(h). In addition, a low-income pass and monitoring requirement will allow for tracking and measuring of those who have been previously disincentivized by the paid parking program. Since the proposed low-income pass has not yet been fully developed, though in concept the program has been proposed by the Applicant, **Special Condition 1** is applied that requires submission of a final low income pass plan, to be called the "Pacifica Resource Pass," for Executive Director review and approval. Specifically, the Pacifica Resource Pass must include an establishment of eligibility that, at a minimum shall provide that those qualifying for programs such as CalFresh, SFMTA Lifeline, PG&E CARE or a similar program will also qualify for the pass, shall offer a one-month pass for free, and shall offer an annual pass discounted 50-75% with the ability to pay in monthly installments of no more than \$3; an outreach plan; and installation of signs at each fee station in English and Spanish explaining the program and how to access it. In addition to the establishment of the pass, **Special Condition 1** also requires pass usage monitoring where the City will submit an annual accounting of the program through the CDP's annual reporting mechanism.

Other Requirements

To continue to assure that affordable coastal access and recreation opportunities are protected and provided, a series of conditions are applied that help define the program, monitoring of it, options for adaptive management, and related measures. Specifically, **Special Condition 6** explicitly requires the beach and parking lots to remain open 24 hours per day. With regards to the effect of the program on parking access locally, **Special Condition 2** requires the continuation of monitoring and annual reporting as per **Special Condition 4**. **Special Condition 2** requires the continuation of parking monitoring that is designed to document the use of the two parking lots, adjacent free private and public lots, and on-street parking. The monitoring required under **Special Condition 2** will continue to assist with determining if the parking fee is resulting in significantly less use of the parking lots and Pacifica State Beach facilities, and the degree to which it is impacting surrounding areas and coastal resources, including with respect to public access. Under **Special Condition 2**, the City will continue to closely monitor the nearby neighborhoods and parking lots, such as at the Linda Mar Shopping Center and other commercial establishments, to identify the ways in which parking demand may have shifted (including shifting to other forms of transportation, like public transit¹⁰), and to ensure that the proposed parking fee program is not negatively affecting public access.¹¹ The City will also ensure

¹⁰ There are five bus lines operated by SamTrans that run through the City of Pacifica, these include the 14, 16, 110, 112, and 118 lines. There are bus stops at the Crespi and Highway 1 intersection in both the northern and southern directions. There are five stops in the Linda Mar neighborhood located just east of the project site and additional stops along Linda Mar Boulevard, Crespi Drive, and other travel routes in the area. Thus, SamTrans provides beach users with an alternative means of accessing the beach should they choose and/or be able to not drive to the site.

¹¹ The City indicates that it already has digital video baseline data for the parking lots and the more inland parking areas to compare against.

continued dune protection as per **Special Condition 3** by monitoring the trail area to help prevent dune/plover impacts (see also Sensitive Habitat findings below). Minor project modifications to make the program operate more effectively and efficiently, and to better protect coastal resources, may be approved by the Executive Director during the annual reporting process, including in response to monitoring data.

In order to ensure that the revenues are used as proposed, **Special Condition 4** requires a continued accounting of all revenues and expenditures associated with the pay parking program. And finally, **Special Condition 5** limits the length of development authorization to five years, with the possibility of Executive Director extension for an additional 5 years.

Therefore, provided the project is conditioned so that it is limited in scope and duration, project impacts are closely monitored and identified, and project revenues are directly earmarked to public recreational access enhancement at Pacifica State Beach, the Commission finds the proposed project, as conditioned, consistent with the Coastal Act's public recreational access requirements as cited above, and finds that it furthers the Coastal Act's environmental justice objectives (including those associated with the Commission's adopted environmental justice policy).

E. SENSITIVE HABITATS

Applicable Policies

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

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

***Section 30230:** Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Similarly, the Pacifica certified LCP provides guidance as follows:

***C-7 18:** Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to*

prevent impacts which would significantly degrade such areas, shall be compatible with the continuance of such habitat areas.

C-103: *Native vegetation shall be protected. In areas disturbed by development, revegetation shall occur promptly with native or low maintenance natural vegetation to reduce erosion potential; landscaping plans should be required.*

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

Analysis

The snowy plover habitat area at Pacifica State Beach is concentrated in the back dunes at the northern end of the beach (to the north of Crespi Drive) where approximately 3.5 acres of active dunes serve as foraging and potentially future nesting habitat for this shorebird species (see **Exhibit 6**).¹² This area has also been identified as a breeding and wintering location for plover. Plover nesting season runs between mid-March to mid-September. The City's LCP identifies this area as an environmentally sensitive habitat area (ESHA).

Western snowy plover (*Charadrius alexandrinus nivosus*) is a California Species of Concern and a Federally-listed Threatened Species, including due to loss of nesting habitat from development, invasion of non-native plants (such as European beach grass), and predation. The Pacific coast population of the western snowy plover breeds and overwinters in coastal areas extending from Damon Point, Washington, south to Bahia Magdalena in Baja California, Mexico (including both Pacific and Gulf of California coasts). The U.S. Fish and Wildlife Service's (USFWS) 2007 Recovery Plan for western snowy plover states that habitat destruction is the main cause for the species' decline. The Plover Recovery Plan, additionally, identifies management measures needed in order to protect it, including enforcement of rules and regulations, management of pets (e.g., keeping dogs on leash, etc.), and on-site signs to educate the public. Similarly, management recommendations for snowy plovers made by the Point Blue Conservation Science¹³ include the above measures as well as suggesting additional actions to improve habitat and provide ongoing monitoring.

Environmental organizations, such as the Pacifica Shorebird Alliance, Point Blue, and others interested in western snowy plover protection worked with the City on the original Plover Recovery Plan, to ensure the protection of snowy plover at Pacifica State Beach. In addition, certain aspects of that plan (such as dune monitoring, protective fencing, and the addition of directive signage) were incorporated into the originally approved program here (CDP 2-12-019). Plans have been considered by the City to formalize and enhance plover protection measures at Pacifica State Beach, some of which include public outreach, enforcement of dog-leash laws and regulations, clean-up of litter and trash from the beach area, use of fencing or symbolic fencing to act as a deterrent, and signage for education and outreach purposes. The City worked with USFWS to consolidate such measures into a more formal management plan. These efforts also

¹² See CDP 2-19-0586.

¹³ Previously known as Point Reyes Bird Observatory (or PRBO), and an organization that is responsible for management and monitoring of plover populations for many portions of California coast.

resulted in CDP 2-13-1020 – the installation of 1,300 feet of year-round fencing, 930 feet of seasonal fencing, and associated interpretive signs at Pacifica State Beach as part of a protection plan for western snowy plovers, which implemented measures required through CDP 2-12-019. After fencing had been installed in 2015, plover populations increased by 50% after 12 years of having decreased.¹⁴

As part of this project renewal, the City would continue use the fees collected through its parking fee program to fund two beach rangers and to maintain the beach and the facilities, including for the protection of plover. This has included clean-up and controls to assure rules and regulations are enforced regarding littering and trash on the beach, as well as leash laws. The parking fees also pay for part-time police personnel. The City indicates that one of the beach rangers' primary responsibilities is to ensure the protection of western snowy plover and its habitat at Pacifica State Beach. Specific duties for the beach rangers include informing the public about beach and parking regulations, and monitoring and protecting habitat areas. Thus, this part of the project serves to provide appropriate and enhanced sensitive habitat protection.

Concerns raised before the implementation of the parking program included the fact that the program could dissuade the public from utilizing the pay parking lots. Beachgoers looking for free parking options during the day were thought to be likely to park in free parking areas inland of Highway 1 (i.e., on-street and/or in the parking lots described above), where they would then cross the highway and potentially walk through the coastal dune habitat area. There was also a concern that with an increase in the use of existing informal paths to the beach in order to avoid the parking lot fee, in particular at the more northern end of the beach, the western snowy plover and dune habitats could possibly be adversely affected should such users make their way to the immediate shoreline through 'volunteer' trails in the dunes. Additional informal footpaths over the dune areas could also develop if there is a significant change in the use pattern of the public access. The sand dunes located between the main beach area and the existing multi-use public access trail could be affected should the public change the points it uses to access the beach. This could not only affect plovers, but also more generally affect native vegetation and the overall condition of the back dunes.

According to annual monitoring reports, City Rangers have been monitoring and maintaining the multi-purpose coastal trail area adjacent to the State Beach (east of the sandy beach), and have been able to avoid the creation of volunteer trails through the dunes. In order to manage trail use, the rangers direct and educate trail users on the presence and importance of using developed trails instead of informal paths. They also enforce dog leash laws. And finally, with help from the City and volunteers, the rangers conduct regular dune restoration activities which help to prevent and mitigate dune and plover habitat impacts.

Before the implementation of the Paid Parking Program, the City had indicated that beach users had expressed frustration over what they perceived to be a lack of State and/or City presence to ensure that beach users were informed of and followed beach regulations, particularly with respect to the protective measures required for western snowy plover and the requirement to keep

¹⁴ Rickard, Ariana. "Wintering Population of Pacifica Snowy Plovers Increasing." Audubon California. National Audubon Society 9, June 2015. ca.audubon.org/news/wintering-population-pacifica-snowy-plovers-increasing.

dogs on a leash. However, according to a police department memorandum included the most recent annual report from fiscal year 2018 to 2019, “the City sees this program as a big success. Our beaches, trails, and facilities are now better maintained. The public is even more sensitive to the environment and better educated on the presence and preservation of wildlife.”¹⁵ Fortunately, the potential for indirect impacts to plovers discussed above have been controlled by the new beach ranger activities, and further addressed through implementation of the fencing and interpretive signs, as well as dune restoration and enhancement to benefit plover. To ensure that plover protection continues to be an explicitly fundamental part of this approval, **Special Condition 3** requires dune protection measures continue to be required, including a required portion of the beach rangers’ duties. Furthermore, **Special Condition 5** limits the length of development authorization to another 5 years, thereby allowing for reevaluation of the program at that time, and through the annual monitoring reports. As conditioned, and in tandem with the current plover management plan, it is expected that that adverse impacts to plovers will continue to be avoided, and in fact that the program results in a significant net benefit to plovers. Therefore, because the project is conditioned to limit the scope and duration, because project impacts to the plovers continue to be closely monitored and identified, because the program results in a significant net benefit to plovers, and project revenues are directly earmarked to beach management at Pacifica State Beach, the Commission finds the proposed project, as conditioned, consistent with the Coastal Act’s sensitive habitat requirements as cited above.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

The City of Pacifica, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Public Resources Code Section 21080(b)(1) (as a ministerial project), and thus the City did not identify any significant adverse environmental effects from the proposed project. The Coastal Commission’s review and analysis of CDP applications has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives, nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval

¹⁵ According to Sam Bautista, Acting Director of the Public Works Department, in the “Annual Reports for FY 2018-2019” for the City of Pacifica.

of the proposed project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- City of Pacifica Local Coastal Program
- U.S. Fish and Wildlife Service’s Western Snowy Plover Recovery Plan (2007)
- CDP Application File Number 2-07-042 (Incomplete Application)
- CDP Waiver File Number 2-08-019-W (Beach Safety Kiosks)
- CDP File Number 2-12-019 (Expired Paid Parking Permit)
- CDP File Number 2-13-1020 (Plover Fencing)
- CDP Amendment File Number 2-13-1020-A (Permanent Plover Fencing)
- CDP Waiver File Number 2-18-1079-W (Temporary Storage Tanks)

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- California State Parks
- Pacifica Resources Center