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Prepared February 24, 2023 (for March 8, 2023 Hearing)

To: Coastal Commissioners and Interested Persons

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Subject: **City of Pacifica Local Coastal Program Amendment Number LCP-2-PAC-20-0036-1 (City of Pacifica LUP Update)**

SUMMARY OF STAFF RECOMMENDATION

The City of Pacifica is proposing a complete update of its Local Coastal Program (LCP) Land Use Plan (LUP). The City's LUP was originally approved by the Commission in 1980, and the current LCP, including the Implementation Plan (IP), was certified with the City assuming coastal development permitting (CDP) authority in 1994. The City intends to update its IP following certification of the proposed LUP update. In the interim, the City intends the updated LUP to provide the primary standard of review for proposed development, and if there were to be any conflicts between the updated LUP and the older IP (and these are to be expected until the IP too is updated), the updated LUP would prevail.

The City of Pacifica is located about 10 miles south of San Francisco along the San Mateo County 'coastside', where the coastal zone boundary mostly tracks along Highway 1 and encompasses residential neighborhoods, visitor-serving and commercial areas, as well as open space and habitat areas. In addition, the City is also a very popular recreational destination for visitors from all over the Bay Area, due in part to its beaches, open spaces, and well-known beginner surf breaks, but also due to its proximity to both the San Francisco area and to the Peninsula, San Mateo, the Santa Clara (or Silicon) Valley, and the East Bay. With the exception of its beaches and other shoreline-adjacent open space, the built-out environment of the City essentially extends right up to the shoreline interface, and shoreline armoring is present along roughly a third of the City's entire shoreline including along almost all of the shoreline fronted by developed areas.

The City's proposed LUP update is a complete overhaul that would replace the existing LUP, and contains updated policies to reflect new information and approaches to coastal resource management since the original certification over four decades ago. It includes new provisions to address both coastal resource issues not covered in the existing LUP and to reflect the emergence of new City priorities. To that end, while the

City completed a “Sea Level Rise Vulnerability Assessment” and “Sea-Level Rise Adaptation Plan” in January and September 2018, respectively (funded by the Coastal Commission’s grant program), and although the proposed LUP update acknowledges that Pacifica will experience significant impacts associated with coastal hazards, including impacts exacerbated by sea level rise along its coastline, the City’s proposed new and updated LUP provisions cannot be found consistent with the Coastal Act, including Sections 30235 and 30253¹, as submitted.

Specifically, the City’s proposal would limit application of the proposed coastal hazard provisions to a very limited subset of potential development. In effect, most of the coastal hazard policies would actually not apply to development located on low-lying shoreline or blufftop land on shoreline fronting sites, even if the development is and/or would be subject to coastal hazards now or in the future. Thus, the vast majority of such development would not be required to provide adequate analyses to demonstrate it would avoid, minimize, and mitigate for such hazards and associated impacts over time including that the development would not rely on armoring. As proposed, only new development on vacant, immediate shoreline-adjacent properties, which are extremely limited in Pacifica, would be required to be designed and sited safe from hazards without shoreline armoring, and only these projects would be subject to associated required approval conditions (e.g., related to hazard disclosure, avoiding armoring, mitigation for impacts, etc.).

In fact, the proposed definitions, when applied to the City’s associated proposed provisions, would actually expand allowances for shoreline armoring throughout the City, and are structured to ensure that the existing development pattern in hazardous areas of the City would be allowed to continue in perpetuity. This includes allowing for unlimited redevelopment on sites developed prior to the time this LUP is certified and already protected by armoring, and allowing for existing shoreline armoring to be redeveloped/replaced irrespective of what it is protecting if such armoring is not expanded in height or length by more than 10 percent. In short, the City’s proposal does not actually take on the difficult coastal hazard questions facing this community, and is most aptly described as a ‘full-armoring’ adaptation plan that would essentially commit the City in the long run to the detrimental effects of same, including the loss of its beach and shoreline recreational areas. This commitment to ‘full armoring’ is clear as the City’s proposal explicitly requires that managed retreat be prohibited from even being considered in any LCP/CDP analysis scenario. The City’s proposed coastal hazard provisions cannot be found consistent with the Coastal Act as proposed.

Thus, modifications are suggested to ensure Coastal Act consistency. To be clear, such modifications should not appear to be unfamiliar to the City as they are the same types of changes that staff has been suggesting to the City for many years. In fact, they are even further refined and limited to the extent feasible to the core changes necessary to allow for a functioning LUP with respect to hazards. In other words, there are even more possible modifications that have been previously identified as appropriate changes for the City to consider that have been ‘left on the table’ in this effort. Not because those changes would not also be appropriate under the Coastal Act, because they would and

¹ References to the Coastal Act or Sections refer to Pub. Resources Code Division 20.

could help to further improve the LUP, but more in the spirit of trying to provide the City an as-modified LUP that can be approved and that retains the City's proposed structure and many of its core provisions in a way that can ideally be accepted by the City and form the basis for future LCP planning, including the IP update that would need to follow. Staff is optimistic that the City will understand the suggested modifications in that way, and choose to move City coastal management planning forward through their acceptance accordingly.

Beyond the coastal hazard concerns, the proposed LUP mostly provides for appropriate updated provisions affecting coastal resources in the City, and should be able to effectively govern proposed coastal zone development moving forward, with some caveats. In particular, the proposed LUP raises questions as it relates to natural resource protection, including ensuring that habitat resources are appropriately identified in the first place, and that appropriate buffers are provided to ensure their protection as required by the Coastal Act. In addition, the proposal is lacking in terms of ensuring that constraints to development are clearly identified and addressed, including in terms of adequacy of public services. These issues also raise Coastal Act inconsistencies.

Fortunately, modifications can be provided that can address these issues and others, and allow for an approvable LUP update. These modifications ensure sufficient analysis of, and accounting for, the impacts of coastal hazards on proposed development; limits on allowances for shoreline armoring; adequate site constraint analysis, including as it relates to public services; clarifications around required natural resource delineation and buffer areas; environmentally sensitive habitat area protections; and other general clarifications that ensure a cohesive and Coastal Act consistent LUP update. Again here, staff has previously made all of these points to the City during the course of time that the proposed LUP update has been pending, including providing suggested language to address such issues going back several years. In fact, Commission and City staff worked extensively on the proposed update as it was being developed, and ultimately as it went through the City's local review processes. While Commission Staff and the City made progress toward consensus through this process, disagreements remain on a number of key topics, including most notably with respect to the proposed LUP's coastal hazards and coastal resilience approach. Importantly, though, such disagreement is not due to lack of staff to staff coordination, rather it is simply that the City and Commission staff have had and continue to have different approaches to addressing the coastal zone issues facing the City. No matter what, staff very much thanks the City and City staff for their commitment to the LUP update process, and continues to stand ready to partner with the City to work next on the IP update to follow.

To conclude, as suggested to be modified, staff believes that the proposed LUP update amendment is consistent with and adequate to carry out the Coastal Act, and recommends that the Commission approve the as-modified LUP update. The motions to implement staff's recommendation are found on **page 6** below.

Staff Note: LCP Amendment Action Deadline

The proposed LCP amendment was filed as complete on August 12, 2022. The proposed amendment affects only the LUP portion of the LCP and the 90-working-day

action deadline was December 22, 2022. On December 16, 2022, the Commission extended the action deadline by one year, and thus the Commission has until December 22, 2023 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit 1 – City Location Map

Exhibit 2 – Proposed LUP Text & Suggested Modifications

Exhibit 3 – Proposed LUP Maps & Figures

1. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** the LCP amendment with suggested modifications. The Commission needs to make two motions on this LCP amendment in order to act on this recommendation.

A. Deny the LUP Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Motion to Deny LUP Amendment: *I move that the Commission certify Land Use Plan Amendment LCP-2-PAC-20-0036-1 as submitted by the City of Pacifica, and I recommend a no vote.*

Resolution to Deny LUP Amendment: *The Commission hereby denies certification of Land Use Plan Amendment LCP-2-PAC-20-0036-1 as submitted by the City of Pacifica and adopts the findings set forth below on the grounds that the Amendment, as submitted, does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment as submitted.*

B. Approve the LUP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the LUP amendment with suggested modifications and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Motion to Approve LCP Amendment with Modifications: *I move that the Commission certify Land Use Plan Amendment LCP-2-PAC-20-0036-1 for the City of Pacifica if it is modified as suggested by the staff recommendation. I recommend a yes vote.*

Resolution to Approve LCP Amendment with Modifications: *The Commission hereby certifies Land Use Plan Amendment LCP-2-PAC-20-0036-1 for the City of Pacifica if modified as suggested and adopts the findings set forth below on the grounds that the Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Amendment if modified as suggested 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 Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts the Amendment may have on the environment.*

2. SUGGESTED MODIFICATIONS

The Commission suggests the following modifications to the City of Pacifica-submitted Land Use Plan amendment that are necessary to make the requisite Coastal Act consistency findings (see **Exhibit 2**). Where applicable, text in underline and ~~cross-out~~ format denotes text to be added/deleted (respectively) by the Commission, and renumbering (and reference to such renumbered provisions) shall be applied as required by changes made.

If (a) the City of Pacifica accepts all of the suggested modifications within six months of Commission action (i.e., by September 8, 2023), by formal resolution and action of the City Council; (b) the Executive Director reviews the City's action and determines that it is legally adequate to meet all of the Commission's conditional certification requirements; and (c) the Executive Director reports such determination to the Commission, then the amended LUP will be certified as of that reporting date.

3. FINDINGS AND DECLARATIONS

A. Background

The City of Pacifica is located about 10 miles south of San Francisco along the San Mateo County 'coastside', with most of the City's coastal zone lying west of Highway 1.² The City's coastal zone encompasses residential neighborhoods, visitor-serving and commercial uses, national parklands, open space and habitat areas. In addition, the City is a popular recreational destination for visitors from all over the Bay Area, due in part to its beaches, open spaces, and well-known beginner surf breaks, but also due to its proximity to both the Bay Area, generally, including San Francisco proper and the Peninsula, San Mateo County, the Santa Clara (or Silicon) Valley, and the East Bay. See **Exhibit 1** for a location map.

The City's coastal zone is broken down in the proposed LUP into seven sub-areas, as listed here from north to south: Fairmont West, West Edgemar/Pacific Manor, West Sharp Park, Sharp Park Golf Course/West Fairway Park/Mori Point, Rockaway Beach/Quarry/Headlands, Pacifica State Beach, and Pedro Point/Shelter Cove. Much of the development in these areas dates back to the 1950's, and currently the City estimates that they are made up of protected open space (48%); single-family and multi-family housing, including mobile homes (21%); commercial shopping centers, mixed-use development, and hotels (4%); industrial uses (1%); public, community, and institutional buildings (4%); and undeveloped/vacant land, almost entirely inland and away from the immediate shoreline (22%). The character of the City's shoreline varies, with mostly undeveloped, high bluffs at the northern-most portion of the City in the Fairmont West neighborhood; development on or near the bluff edge along the high bluffs in the West Edgemar/Pacific Manor neighborhood; developed areas on and near the bluff edge along lower bluffs in the West Sharp Park neighborhood; a constructed berm fronting the golf course in the Sharp Park Golf Course/West Fairway Park/Mori

² The Shelldance Nursery area (east of Highway One between the East Fairway Park and Vallemar neighborhoods) and a portion of the National Park Service's Pedro Point Headlands property are located in the City's coastal zone inland of Highway 1.

Point subarea, with high bluff area to the south of this subarea approaching Mori Point; high bluffs at the Quarry site and the Headlands, sandwiching Rockaway Beach; a large sandy beach area at Pacifica State Beach; and high bluffs, with some residential development on the upcoast side, in the Pedro Point/Shelter Cove neighborhood.

Except for the beaches and other parklands and open spaces that abut the Pacific Ocean, the built environment of the City extends right up to the shoreline, with shoreline armoring covering over approximately 33%, or roughly two miles, of the City's roughly six miles of shoreline, including a combination of seawalls, riprap, piers, and a combination of these and other applications. When the open space areas are taken out of the equation, almost all of the City's shoreline fronting developed areas is armored, much of it emanating from a 1984 citywide CDP in response to the 1982-83 El Niño winter storms.³

The City's Local Coastal Program (LCP) Land Use Plan (LUP) was originally approved by the Commission in 1980. The LCP Implementation Plan (IP), and full certification, occurred in 1994, with the City assuming coastal development permitting (CDP) authority at the time. The LCP currently includes two areas of deferred LCP certification, where CDPs must still go through the Coastal Commission (at Sheldance Nursery and the Quarry Site). This LUP update proposes to certify these two areas so that they would transfer to the City's CDP jurisdiction.

Although the existing LCP has served the City well, it has also been confronted by challenges, including those related to a development pattern that has resulted in residential and other density and infrastructure built right up to the shoreline in many parts of the City. Since initial LUP certification, and subsequent construction of armoring along a large portion of the City's developed shoreline, many of the original goals of the LUP were carried out, development has slowed given limited remaining developable land combined with infrastructure constraints, and new priorities have emerged. In particular, the City context regarding the interconnection of land use, environmental preservation, housing, and climate adaptation and resiliency has changed. While the existing certified LUP acknowledges issues related to bluff erosion and contains core policies consistent with Coastal Act Sections 30235 and 30253, the LUP is over four decades old, and it does not explicitly reference current best practices, newer information or science on coastal hazards, all of which is expected to impact such development patterns. At the same time, State guidance and direction on a variety of coastal resource issues has evolved since in those decades, and there is now a more robust understanding regarding coastal hazards and hazards response options, particularly as those responses relate to sea level rise and how to adapt to associated

³ CDP 3-83-172 and subsequent amendments allowed for armoring structures throughout the City. Instead of each armoring structure receiving an individual CDP, they were covered by amendments to the original CDP, with terms and conditions that are site-specific. Armoring under this CDP includes a revetment between 538 Esplanade and 700 Palmetto Avenues; a revetment West of Shoreview; armoring fronting Viewpointe at Seaside Mobile Home Park (formerly Pacific Skies Estates) at 1300 Palmetto Avenue; a revetment at Beach Boulevard; and the Sharp Park Berm. In addition to CDP 3-83-172, there are a number of other armoring structures dispersed across the City's shoreline, some (but not all) of which were initially authorized (emergency or otherwise) but have long passed their authorization limits, are out of their permitted configuration, or are otherwise unpermitted.

impacts. Thus, the City embarked on a proposed LUP update intended to address such issues, as well as new and emerging concerns.

B. Proposed LCP Amendment

The City's proposed LUP update is a complete overhaul that would replace the existing LUP and contains updated policies that attempt to: 1) reflect new information and approaches to coastal resource issues since original certification; 2) add new provisions to address coastal resource issues not explicitly covered in the 1980 LUP; and 3) to reflect the emergence of new City priorities. Importantly, from the City's perspective, the update is designed with the intention of better addressing sea level rise and its associated impacts, and to better protect coastal resources overall, including by adding more detailed and expanded provisions protecting habitat resources and public access opportunities, designating more precise land use designations, and adding a new environmental justice policy.

The proposed LUP update includes six chapters, each of which covers a different coastal resource issue area (with some inherent overlap, and with some issue areas overlapping more than others), as follows: 1) Introduction; 2) Land Use and Development; 3) Public Access and Recreation; 4) Environmental and Scenic Resources; 5) Natural Hazards; and 6) Coastal Resilience. The chapters are supplemented by two appendices: a) Coastal Act Policies; and b) Coastal Vulnerability Zone Maps. In addition, the proposed LUP update includes a glossary and updated maps throughout the document. See **Exhibit 2** for the proposed updated LUP text and **Exhibit 3** for the proposed updated associated maps and figures.

As proposed, the LUP update would maintain the core policy content from the existing certified LUP (e.g., a focus on concentrating development and protecting open space land uses, sensitive habitat areas, public access, and visual resources). At a broad level, the proposed LUP update is structured around creating a vibrant community through developing new community spaces and visitor-serving areas to enhance Pacifica as a visitor node and coastal destination. This includes identifying development opportunities and expanding protection and enhancement of public access. In addition, the proposed LUP update contains numerous updated and new policies to address a variety of coastal resource issues not explicitly covered in the current LUP, as well as to reflect new understandings and improved planning techniques regarding various coastal resource concerns (including related to sea level rise, flood and hazard abatement, ESHA identification and protection, wetland and riparian corridor protection, tribal/archaeological protections, and environmental justice). Ultimately, the City intends to update its IP following certification of the proposed LUP update. In the interim, the City proposes that the provisions of the updated LUP, however certified by the Commission, would provide the primary standard of review for any proposed development, and if there were to be any conflicts between the updated LUP and the older IP (and they are to be expected until the IP is updated), the provisions of the updated LUP as certified would prevail.

The City's proposed LUP update process has spanned over 10 years, starting with a first attempt at a draft plan that was eventually abandoned in 2014, and the existing effort that commenced in earnest in 2018. The City process was thorough, with

presentations to several City commissions and committees, online public input opportunities, and public comment periods. In addition to public meetings associated with the vulnerability assessment and sea level rise adaptation plan, there were numerous study sessions, followed by Planning Commission and City Council hearings, and City staff continued to refine the proposed update with guidance and feedback from the City's Planning Commission and City Council. Throughout the process, the City engaged the local community and solicited feedback on the proposed LUP update. Major concerns raised through the public engagement process that have been addressed in the proposed LUP update include protection of existing neighborhoods and private property rights in light of sea level rise, in particular advocating for a 'level playing field' for pre- and post-Coastal Act development, as well as modifications to existing development. As such, the City Council's goals for the update were to bolster efficacy of public safety efforts; respond to climate change; preserve existing neighborhoods and promote environmental justice and local economic vitality; and preserve and enhance coastal access. Following numerous public meetings regarding the sea level rise adaptation plan and two joint study sessions with both the Planning Commission and the City Council, the City held six public hearings (including three Planning Commission and three City Council hearings) that took place between November 2018 and February 2020. The City Council ultimately approved the proposed LUP update at the February 2020 meeting, and the City submitted the proposed LUP update to the Commission in June 2020. Following requests for information and Commission staff to City staff coordination, the proposed update was filed as complete in August 2022.

The City has put forth a considerable effort over the past several years to solicit public input and prepare to submit the proposed LUP update, including with substantial grant funding from the Coastal Commission through the Commission's Local Assistance Grant program,⁴ and Commission and City staff worked extensively on the proposed update as it was being developed, and ultimately as it went through the City's local review processes. Specifically, Commission staff provided written feedback following each draft iteration of the update, including suggested in-line edits, and met with City staff multiple times prior to submittal to discuss remaining issues, including the substantial concerns regarding the approach to coastal hazards, sea level rise, and associated terms. Staff very much thanks the City and City staff for their commitment to that process. However, while some progress toward consensus was made through this process, it is acknowledged that the two staffs have continued to disagree on a number of key topics, including most notably the LUP's proposed coastal hazards and coastal resilience provisions. Ultimately, City staff and City decision-makers chose not to make the coastal hazard related changes that Commission staff had suggested for many years, including because the City Council felt the Commission staff's suggestions were inconsistent with the City's community wide interests and policy priorities and, from the City's perspective, the LUP provisions as proposed would enable continued economic

⁴ The Commission awarded the City \$247,370 in 2016. This funding supported preparation of the sea level rise vulnerability assessment, adaptation plan, and draft LUP amendment with updated policies related to coastal hazards and sea level rise adaptation.

use of already developed property while adequately protecting coastal resources in light of coastal resource challenges.

C. Standard of Review

The standard of review for proposed LUP amendments is consistency with Coastal Act Chapter 3.

D. Land Use and Development

Applicable Coastal Act Provisions

The following sections of the Coastal Act guide appropriate land use and development locations and intensities:

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.*

30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

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.*

30250. *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be*

sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

30253. *New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development. (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

Analysis

The Coastal Act establishes clear parameters and priorities for the location, intensity, type, and design of new development in the coastal zone as a means of protecting, and enhancing where feasible, coastal zone resources. These parameters and priorities emanate from both specific Coastal Act policies and requirements, as well as the overlap and interplay between them. At a broad scale and fundamentally, Section 30250(a) requires that most new development be concentrated in and around existing developed areas with adequate public services and infrastructure to accommodate it. Within that broader framework, the Coastal Act also provides specific development

prescriptions for specific resource types. For example, the Coastal Act provides that new development should be sited where it will not have an adverse impact on coastal resources, protect visual and scenic corridors, maintain public access to the coast, and minimize risks to life and property while ensuring structural integrity. In addition, policies require that oceanfront and private land, as applicable, is protected for visitor-serving commercial uses and public recreation; that coastal-dependent development takes priority along or near to the shoreline; and requires development adjacent to ESHA to be sited appropriately to avoid impacts.

The proposed LUP update identifies land use constraints and opportunities throughout the City, designates updated locations and densities for potential new development, and overall provides ways to assure that development will not have significant adverse effects, either individually or cumulatively, on coastal resources consistent with these Coastal Act objectives. The new land use designations create clearer distinctions between open space and established developed areas and promote new development in and directly adjacent to existing developed areas in an effort to create more commercially vibrant areas in the City. Additionally, there are proposed provisions to encourage that density and/or intensity of land use in Coastal Vulnerability Zones (see page 23 of **Exhibit 3**) does not increase. Proposed provisions of the land use chapter also include prioritizing and protecting lower cost visitor-serving facilities, facilitating walkable and transit-oriented development, protecting open space and habitat, and concentrating development where it will not have significant impacts on coastal or other resources. All of which help to focus the LCP on developing in appropriate areas, and staying away from areas that cannot necessarily sustain use and development in the same ways.

In addition, the City proposed new land use designation classifications, with an eye toward sharpening distinctions. The proposed new residential classifications, which remain similar to the classifications in the 1980 LUP, include:

Open/Space/Agriculture/Residential (0.2 units per gross acre); Very Low Density Residential (0.2 to 2 units per gross acre); Low Density Residential (10 to 15 units per gross acre); Medium Density Residential (12.5 units per gross acre); and High Density Residential (30 units per gross acre).

The proposed update also adds mixed-use classifications that are not part of the existing LUP, intending to help create areas where housing and active commercial uses may be integrated where appropriate, and these include: Coastal Residential Mixed-Use (up to 15 units per gross acre and 0.10 Floor Area Ratio (FAR) for nonresidential use); Mixed-Use Neighborhood (16 to 26 units per gross acre for sites less than 0.5 acre and up to 30 units per gross acre for sites of 0.5 acres or more, with total FAR to not exceed 2.0); and Mixed-Use Center (30 to 50 units per gross acre and 2.5 FAR for non-residential uses).

The proposed update would also modify the existing LUP's generic commercial use designation to designate five different commercial zones with a more distinctive differentiation of land uses, including: Retail Commercial (retail, restaurant, and service uses, typically in single- or two-story buildings within shopping centers or on sites in the Highway 1 corridor), Office/Commercial (offices as well as retail and service uses),

Service Commercial (industrial and heavy commercial uses), Visitor-Serving Commercial (hotels or a visitor attraction, such as an interpretive center or conference center, restaurants, retail and services, commercial recreation, or other compatible uses), and Low-Intensity Visitor-Serving Commercial (campgrounds, rustic lodging, concession stands, warming huts, outdoor event sites, and similar uses).

Lastly, the City proposed several public and community use designations to be added. Classifications similar to the existing LUP's include Public and Semi Public (public or private schools, libraries, police and fire stations, and other civic and community uses), Utilities (water tanks, communications facilities including wireless communications facilities, and other utilities serving the City), and Park (public land either now developed for active recreation use or intended for future recreation development). New proposed classifications without corollaries in the existing LUP include Conservation (publicly- or privately-owned open areas not intended for development), Urban Reserve (private lands outside of City limits but within the Planning Area), and Beach and Commuter Parking (where the priority use is public parking to serve beach visitors and/or transit users).

As previously mentioned, the proposed LUP update also splits the City into LCP sub-areas, also referred to as neighborhoods, for which specific provisions are proposed for each. There are seven proposed sub-areas in the City, as seen in on Figure 2-4 on page 4 of **Exhibit 3**, each of which would have their own set of provisions that correspond to their particular development pattern and character. As previously stated, these sub-areas north to south include Fairmont West, West Edgemar-Pacific Manor, West Sharp Park, Sharp Park Golf Course/West Fairway Park/Mori Point, Rockaway Beach/Quarry/Headlands, Pacifica State Beach, and Pedro Point/Shelter Cove. As the proposed LUP has policy requirements and designated land uses that vary for each sub-area, the Coastal Act consistency analysis is separated below based on such areas.

In northern Pacifica, the Fairmont West sub-area between Highway 1 and the Pacific Ocean, extending from Daly City along the Northern Coastal Bluffs, includes the Northern Coastal Bluffs, the "Bowl" site, and a low-density residential area (again, see **Exhibit 3**). The undeveloped land on the Northern Coastal Bluffs on the west side of Palmetto Avenue, would now be designated as Open Space/Agriculture/Residential, a reduction of the current LUP low density residential development capacity from 9 units per acre to 1 unit per 5 acres, and also identifies the area as a priority for permanent open space conservation. Meanwhile, the update does not alter the density allowed for the currently vacant 'Bowl' site, which remains medium density residential (10 to 15 units per gross acre), despite Commission staff providing frequent feedback on proposed projects at this site conveying concerns that the ESHA present onsite likely consists of a mosaic of wetlands and perched dunes, all of which would reduce the developable onsite area significantly, and constrain development here to the point that the City's allowable density could conflict with the natural resource protection requirements of the updated LCP and Coastal Act.

Just south of Fairmont West is the West Edgemar/Pacific Manor sub-area, which contains the highest density housing in Pacifica and is centered around the Pacific

Manor Shopping Center from north of the Oceanaire Apartments (formerly Land's End Apartments) to south of the San Francisco RV Park between Highway 1 and the ocean (again, see **Exhibit 3**). This area experiences substantial coastal bluff erosion, several residential apartment buildings have been demolished at 310-330 Esplanade due to such erosion, and the City has taken ownership over this remnant blufftop land. The City indicates in the land use chapter (page 2-17) that this blufftop could potentially become a park with improved coastal access, dependent on hazard conditions. The blufftop area along Esplanade has been designated through this update as predominantly Conservation (areas not intended for development), with a small section designated Open Space/Agriculture/Residential (west of the intersection of Esplanade and Bill Drake Way). Areas of the Esplanade blufftop with remaining existing housing development remain designated high density residential consistent with the existing LUP designation, which allows 16 - 21 units/acre.

West Sharp Park, to the south of West Edgemar/Pacific Manor from South of the San Francisco RV Park to just north of the Sharp Park Golf Course (again, see **Exhibit 3**), contains a variety of land uses, including single-and multi-family housing, retail commercial uses, civic buildings, and some of Pacifica's only industrial and service commercial uses. Additionally, this neighborhood features the Pacifica Pier, the Beach Boulevard Promenade, and the northern portion of Sharp Park Beach. The LUP update includes a policy to facilitate the transition of the industrial Northern Palmetto area to Low-Intensity Visitor-Serving Commercial uses over time to account for the progressive coastal erosion on the blufftop in this area (Policy LD-I-11) which could threaten the current somewhat dense development found from around 898 to 1300 Palmetto Avenue (Viewpointe at Seaside). This policy would help to allow for better adaptive capacity for this area, including to help prevent hazardous industrial materials from eroding onto the beach if and when hazards threaten these uses. However, the southern portion of this sub-area is envisioned to grow into a higher-density mixed-use corridor intended to support higher-intensity development on Francisco Boulevard, and with an enhanced connection to the coast achieved with redevelopment of the Beach Boulevard property, with proposed Policy LD-I-13 supporting such enhancements. Additionally, proposed Policy LD-I-14 states the desire to enhance the Promenade as a tourist destination and to redevelop the City-owned Beach Boulevard property, which is fronted by the Beach Boulevard Promenade, and public parking for Sharp Park Beach. The policy indicates that the preferred use for this area would be a hotel if market conditions allow, but that other appropriate uses could include a conventional commercial/residential mixed-use project. However, this policy does not include any mention of, or consideration for, the existing coastal hazards at this site despite Coastal Act requirements that state risks from such hazards to new development should be minimized. Therefore, to make this policy Coastal Act consistent, staff recommends a modification to this policy (page 40 of **Exhibit 2**) to include language that coastal hazards must be considered in the design of any proposed project and any determined use for this site should be deemed appropriate only after such coastal hazards risks are evaluated and the development sited and designed to minimize such risks. Additionally, while a hotel may be one option for development on site, the hotel as the preferred use, before a site-specific, up-to-date hazards analysis is done, may limit other options, and increase risks, for the area. Therefore, the suggested modification deletes the language regarding the preferred use but keeps the hotel as an example of potential development (page 40 of **Exhibit 2**).

South of West Sharp Park, the Sharp Park Golf Course/West Fairway Park/Mori Point sub-area includes a large swath of open space, the Sharp Park Golf Course, and the single-family residential neighborhood of West Fairway Park (again, see **Exhibit 3**). The proposed LUP maintains policy-specific direction for the Sharp Park Golf Course and Mori Point in the same manner as the current certified LUP designation of Open Space/Public Facility by designating this area as Park. The Park designation is applied to public land either now developed for active recreation use or intended for future recreational development. Thus, as this designation does not change the use or intensity of the area, this designation is consistent with the previous LUP. The Golf Course is additionally mentioned in the Coastal Resilience chapter and provisions and modifications to such can be found on page 156 of **Exhibit 2** and are further explained in the Coastal Hazards section of this report.

Moving further south, the Rockaway Beach/Quarry/Headlands sub-area includes the vacant Quarry site, which is currently a designated Area of Deferred Certification or ADC), public trails, the Calera Creek Water Recycling Plant, and a small, pedestrian and visitor-serving oriented area with shops, restaurants, and lodging known as Rockaway Beach. The chapter states that the Quarry site, which at one time served as a rock quarry but that use has ceased, is Pacifica's most viable potential development site. However, as noted in the text, prior to pursuing development the site must be reclaimed pursuant to the State Mining and Reclamation Act and the Pacifica Municipal Code. Under the currently certified LUP, the Quarry site is designated as a special area which was intended to have a separate planning process to determine uses, where such panning could then be made part of the LCP. However, this never occurred. Because of this, and the current ADC status of the property, any proposal for reclamation or proposed development would currently have to go through the Coastal Commission. However, the City now proposes through this update, to incorporate the Quarry site into their certified LCP and permitting jurisdiction. The stated vision for this location includes a partial designation of Conservation (i.e., an area without development) for approximately half the site, or the portions on the hillside and western coastal cliffs, with the other half designated Service Commercial (industrial and heavy commercial uses). Proposed Policy LD-I-16 encourages the responsible development and environmental conservation of the Quarry site and lists potential commercial, and visitor-serving uses (supporting such potential uses as a resort hotel, boutique hotels, visitor attractions, and retail), and Policy LD-I-26 prescribes that the City will create an enhanced visitor node at Rockaway Beach and the Quarry site. Importantly, while they are not mentioned in either policy, this area has many site constraints, including wetlands, red-legged frogs, and coastal hazards, where similar to the Beach Boulevard area, the Coastal Act would require those constraints to be considered and accounted for in any future development proposals. To make these provisions Coastal Act consistent, modifications are proposed (page 40 and 42 on **Exhibit 2**) to include language that caveats the potential development must consider all site constraints, including consideration of coastal hazards, such as bluff erosion and slope stability, and biological constraints including known wetlands and ESHA containing California Red Legged Frog habitat at this location, which would require a minimum 100-foot buffer.

The next sub-area to the south of Rockaway Beach/Quarry/Headlands is Pacifica State Beach (bounded by the Rockaway Headlands and the Pedro Point Shopping Center),

also known as Linda Mar Beach, which is a prime recreational asset for the City and attracts over one million visitors annually due to its beginner-friendly surf break, sandy beach/dunes areas, and its parking and visitor-serving amenities. This area is mostly under State Parks ownership but is managed by the City under an operating agreement with State Parks. Consistent with the current certified LUP, this area is designated as a Park (which allows recreational use), with some limited commercial development that currently exists on site (i.e., the Taco Bell), which is designated as Retail Commercial (retail, restaurant, and service uses).

Lastly, furthest to the south the Pedro Point/Shelter Cove sub-area (bounded by Pacifica State Beach and the Pedro Point promontory) contains single-family houses, commercial development, and a small shopping center. The proposed update mostly reinforces existing land use patterns of this sub-area. Overall, the policies and land use designations for this area are Coastal Act consistent because they maintain the same designations as the previously certified LUP. However, the update includes proposed Policy LD-I-19 regarding improvements to the Pedro Point shopping center and adjacent parcels to accommodate new retail development. One area of concern is an undeveloped site west of the shopping center (and bounded by Halling Way, San Pedro Ave, Danmann Ave and Shoreside Drive) which the City indicates it wishes to establish it as a Coastal Residential Mixed-Use designation (which would allow up to 15 units per gross acre and 0.10 Floor Area Ratio (FAR) for nonresidential use) to allow a range of options for development onsite. While this new land use designation is not drastically different from its current commercial land use designation, which would allow a variety of potential commercial uses, including visitor serving, commercial, retail, office, and light industrial, this undeveloped site is known to contain wetlands and ESHA supporting California Red Legged Frog habitat, and the presence of such coastal ecological resources could significantly constrain the development potential of this site. While the proposed policy does note that a wetland survey would be required to delineate potential wetlands on the site as part of any future development application, this text is written as sub-text to the policy and not in the main body of the policy, making it less apparent and more difficult to enforce. In addition, the City fielded significant public comments that expressed concerns with any development at this site because of limited parking, traffic, and infrastructure capacity, as well as with adequate protections for the ecological coastal resources present. Specifically, a group of local residents who reside in the Pedro Point neighborhood have raised these concerns to Commission staff and continue to have issues with the lack of data included in the update around the biological constraints present at the site (mainly in regard to red-legged frogs) and they do not support development at the site. Therefore, to make this policy consistent with aforementioned Coastal Act requirements that protect such resources from development, a modification is proposed to Policy LD-I-20 ensure that all biological constraints are considered for this site prior to any future development allowances (page 41 in **Exhibit 2**).

In addition to these suggested modifications, there are a number of other modifications proposed for the land use and development chapter. While the City has a proposed policy outlining requirements for land divisions, it does not limit land divisions for properties in coastal hazard areas, as is required by Coastal Act provisions that require minimization of risks to life and property in areas of high geologic, flood, and fire

hazards in Section 30253. Therefore, staff recommends a modification to prohibit land divisions on properties within Coastal Vulnerability Zones as mapped by the City (see **Exhibit 2**, page 26, Policy LD-I-2), unless the resulting parcels are set aside for conservation, or unless the resulting parcels can be developed consistent with LCP policies. Lastly, the City has indicated, but not codified in the proposed update, that it plans to refer to the policies of the LUP in advance of the upcoming, corresponding IP update, including where these policies are more protective than the IP. Accordingly, a modification is proposed to Policy LD-I-3 to ensure clarity regarding how the policies will be applied if there are conflicts between the two components of the LCP in the time between certification of this update and IP certification (**Exhibit 2**, page 26).

Therefore, with the suggested modifications, the land use and development provisions can be found consistent with the Coastal Act.

E. Public Services

Applicable Coastal Act Provisions

The following sections of the Coastal Act pertain to management and provision of public services, including water, sewer, and circulation infrastructure:

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.*

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

30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the*

Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public reaction, commercial recreation and visitor-serving land uses shall not be precluded by other development.

Analysis

The Coastal Act requires that public works facilities, such as water, sewer, and circulation systems, be appropriately distributed and designed to accommodate needs generated by development so as to mitigate impacts of overcrowding and overuse; that new development should be located in or adjacent to areas with existing public services, or areas able to accommodate such services; and that all coastal waters are to be protected (through maintaining and where feasible restoring coastal waters biological productivity and water quality), in part through ensuring that waste water discharge and runoff is properly handled, and groundwater supplies are appropriately managed.

The existing LUP requires adequate public services, future public facilities be expanded within the confines of the present site if the expansion is consistent with the policy to focus urban development in already developed areas of Pacifica, and that if the capacity of services is approached, priority allocations will be given to coastally dependent land uses and essential public services.

Similar to the currently certified LUP, the proposed LUP update describes the City's existing public works facilities, and includes several policies that encourage water conservation, ensure adequate capacity to handle wastewater needs, and require that all new development be connected to the sewer system, which will be monitored to ensure adequate capacity. The update also includes policies that require that new development be adequately served by existing and planned public works facilities but does not include language discussing how coastal hazards and environmental hazards may impact this critical infrastructure.

Therefore, a modification to proposed Policy LD-I-27 is suggested to include such language and to support studies that evaluate the condition of facilities at risk from hazards and plan for adaptation of critical infrastructure (see **Exhibit 2**, page 48). Additionally, a new policy is suggested, Policy LD-I-37 Public Services for New Development (see **Exhibit 2**, page 49), which requires that development shall only be approved if it can be shown that it can be accommodated by adequate and sustainable public services (including in terms of water, sewer, and circulation) without any significant impacts to coastal resources in order to ensure consistency with Coastal Act requirements to minimize risks to life and property (per Section 30253) and provide adequate public services (per Section 30250 and 30254). This suggested added policy would further require that public service development be limited to levels that are sufficient to accommodate LCP consistent development, including at buildout (as seen in Table 2-2 and 2-3 on page 44 and 45), and shall not be allowed if it would be growth

inducing past that threshold. With the addition of these modifications, the public services provisions can be found consistent with the Coastal Act.

F. Agriculture

Applicable Coastal Act Provisions

The following sections of the Coastal Act pertain to protection, and limits on conversion, of agricultural land:

30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.

30241.5. *(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, “area” means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

30242. *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Analysis

In terms of agriculture, the Coastal Act requires that the maximum amount of prime agricultural land be kept in agricultural use; that conflicts be minimized between urban and agricultural land uses; that the viability of existing agricultural uses be determined through economic analysis; and that land suitable for agricultural use not be converted to nonagricultural uses unless continued agriculture is not feasible or if such conversion would preserve prime agricultural land. Further, the Coastal Act requires that new development be concentrated in already-developed areas with adequate public services in order to limit urban sprawl and protect rural and agricultural lands.

The existing LUP does not expand on agricultural protections besides incorporating the above Coastal Act policies by reference. The City of Pacifica has minimal agricultural

uses in the coastal zone and no land in the City's coastal zone is classified as farmland by the California Department of Conservation's Farmland Mapping and Monitoring Program. While there are approximately nine acres of land with agriculturally related uses in the coastal zone near Pacifica (mainly horse boarding at Shamrock Ranch along Highway 1), this area is outside of City limits and is in unincorporated San Mateo County jurisdiction. Regardless, the LUP does have three policies to address agricultural uses, including to promote the preservation of agricultural open space, to allow compatible agricultural uses where they exist, and to promote agriculturally compatible recreational uses such as horse boarding and trail riding. These provisions should be sufficient to address any adjacency issues with respect to agricultural lands just out of the City. Therefore, the agricultural provisions can be found consistent with the Coastal Act.

G. Natural Resources

Applicable Coastal Act Provisions

The following sections of the Coastal Act pertain to preservation and enhancement of marine resources, coastal waters, wetlands, and environmentally sensitive habitat areas (ESHAs):

30107.5. *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

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.*

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

30232. *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource-dependent activities.*

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

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.

30236. *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

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.*

Analysis

The Coastal Act provides protection for natural resources, including on and offshore marine resources, wetlands, ESHAs, and other coastal waters, streams, estuaries, and lakes. Coastal Act policies emphasize the importance of protecting, maintaining, enhancing, and restoring coastal waters, wetlands, and ESHA and stress that development within or adjacent to such areas is only allowed for a very limited number of uses and under exacting criteria as specified in each applicable provision to protect these resources from degradation.

The existing LUP incorporates the Coastal Act policies that provide protection for natural resources and ESHA, and also includes policies that require buffers (generally 100 feet) and protections for rare and endangered species and wetlands. The proposed LUP update incorporates Coastal Act Chapter 3 policies by reference, expands on ESHA protections as compared to the currently certified LUP, and generally provides more thorough natural resource protections than the currently certified LCP (including monitoring policies, such as requiring a Restoration and Monitoring Proposal for projects that propose or are required to conduct habitat restoration or mitigation; stormwater policies that require best management practices to reduce water quality impacts from construction and development, implement green infrastructure, manage erosion through on-site erosion control, reduce impervious surfaces, and prevent contaminated runoff; and monitoring policies requiring pre-construction bat monitoring and nesting bird protections). Proposed policies also provide that development shall be sited and designed to prevent impacts that would degrade adjacent habitat areas and that alteration of landforms, removal of vegetation, impervious surfaces, noise, light, and that glare shall be minimized as much as possible.

The update also adds an Environmental and Scenic Resources chapter that is generally organized into the following categories: hydrology and water quality; biological

resources; and forest, agricultural, and soil resources, with some overlap between these.

In terms of riparian resource protections, the update describes the five creeks in Pacifica, which are, from north to south, Milagra Creek, Sanchez Creek (also known as Sharp Park Creek), Calera Creek, Rockaway Creek, and San Pedro Creek. Additionally, the update details that there are wetlands that are generally found along riparian areas, drainages, along the coast, in upland areas and perched dunes, and in both fresh and brackish water marshes. Additionally, the proposed LUP states that the criteria for wetland boundary determinations are as detailed in Title 14 California Code of Regulations Section 13577(b), which details the requirements for wetland delineations under the Coastal Act, which include the specification of the one-parameter approach, meaning that wetlands in the coastal zone need to meet one parameter (hydrology, hydric soils, or hydrophytic species) to be considered a wetland. While the proposed update includes the citation to Section 13577(b) (see page 99 on **Exhibit 2**), it does not expand on such in the text. Therefore, suggested modifications include clarifications to the wetlands classifications and pond descriptions to specify that not all wetlands in Pacifica are seasonal and to explain that wetlands in the coastal zone only need to meet one parameter (i.e. hydrology, hydric soils, or hydrophytic species) to be considered a wetland, which is different from the three-parameter approach that the Army Corps of Engineers uses for wetland delineations.

In terms of protections for creeks and wetlands, the proposed LUP update generally includes policies that promote improving water quality and preserving wetlands. For example, Policy ER-I-1 Creek Protection and Restoration, is a comprehensive policy which details protections to maintain, protect, and restore Pacifica's creeks (see **Exhibit 2**, page 101). This policy includes provisions to continue restoration along San Pedro Creek to improve fish passage, guidance on partnering with local organizations, enforcing restrictions on planting invasive species, and identifying and working with property owners on creek enhancements. Importantly, this policy also details riparian buffer requirements including a 100-foot setback from the top of creek banks or from the outer edge of riparian vegetation, where it exists, for development proposed adjacent to creeks. The City's proposed policy language states that exceptions to buffer requirements should be supported by a biological report demonstrating that the adjusted buffer, in combination with incorporated siting, design, or other mitigation measures, shall prevent impacts that significantly degrade the creek. Further, the City's proposed policy limits buffer adjustment allowances to when the entire subject legal lot is within the buffer or where it is demonstrated that development outside the buffer would have a greater impact on the creek, however the policy does not establish an absolute buffer reduction minimum.

In order to adequately protect wetland resources as is required by the Coastal Act, the Commission suggests modifications to simplify the buffer policy and incorporate necessary components to include language specifying that the 100-foot buffer may be reduced by the minimum necessary to: 1) avoid a taking (for private development), or 2) provide required public services (for public development), provided that the buffer is as close to 100 feet as possible, and no less than 50 feet in any case; and provided that creek resource impacts are avoided as much as possible, and unavoidable impacts

commensurately mitigated, all as conclusively demonstrated by a qualified biologist to the satisfaction of the City, USFWS, and CDFW. Additionally, the suggested modifications to this policy detail the allowed permitted uses within the buffer zones where the City proposed policy did not lay these out, which if modified would be limited to resource-dependent uses (i.e., habitat management and restoration, scientific research and educational activities, low-intensity public access and recreation, etc.). As indicated in the modifications, temporary disruption in the buffer (e.g., less than six months) for the construction, alteration, repair, and maintenance of existing or newly permitted facilities or structures may be allowed if there are no feasible alternatives, if the disruption area is repaired and restored to its pre-disruption state or better within one year, and if disruption impacts are otherwise commensurately mitigated. For suggested modifications please see **Exhibit 2**, page 102.

The proposed update also details various plant communities and wildlife habitats in the City, including grasslands, coastal bluff scrub, northern coastal scrub, eucalyptus, Monterey cypress, riparian mixed hardwood, wetlands and ponds, streams, and beach/intertidal. However, dune habitat is missing from the listed habitats present in Pacifica. Dune habitat qualifies as ESHA and therefore the Coastal Act ESHA provisions (Section 30240) would apply to this habitat. Therefore, a modification (see **Exhibit 2**, at page 110) is necessary to add a section dedicated to dunes that defines that dune habitat includes areas with sandy substrates proximate to the marine environment and may range from bare to vegetated with species typical of foredune and dune scrub communities, including non-natives such as ice plant and invasive grasses, and that dune topography may or may not be evident, depending on the condition of the dune and past land use or invasions, but may be readily restored. Relatedly, a modification to Policy ER-G-6 Coastal Environment and Special Status Species (see **Exhibit 2**, page 116) is provided to further protection for dune habitat, including to prohibit development on coastal dunes, prevent overuse in dune areas, and prohibit motor vehicles in dunes.

In terms of ESHA protections, the glossary defines ESHA consistent with Coastal Act Section 30107.5.⁵ Figure 4-3 (see page 16 on **Exhibit 3**) identifies potential ESHA in the planning area, which the chapter states include all designated critical habitat for endangered or threatened species, special status communities, and areas designated as “other potential Environmentally Sensitive Habitat Areas.” As Figure 4-3 is not a comprehensive list of ESHAs necessarily present and does not include all known ESHA, nor all potential ESHA, a modification is required to add disclaimer language to the figure that it is meant to serve as a flag for further studies to be undertaken, and is for informational purposes only (see **Exhibit 2**, page 112). The proposed LUP update requires site-specific biological studies as part of proposed development review to determine the presence and extent of ESHA and its required buffer zone, and other information (e.g., site evaluation, other studies nearby, etc.) may dictate the need for such studies as well, even if the area is not mapped as potential ESHA on Figure 4-3.

⁵ Coastal Act Section 30107.5 states that “Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Beyond the figures, the proposed update details the methods, surveys, and documents required to verify the presence of ESHA, and that are triggered by any development in an ESHA or potential ESHA (see policy ER-I-23, **Exhibit 2**, page 117), requiring that a habitat survey be conducted if certain triggers are met,⁶ however the LUP update neglects to include historical records of ESHA. Once an area is documented as ESHA, or as supporting sensitive species warranting ESHA, these historical records remain relevant, and in some cases may provide evidence that the area is ESHA. Therefore in order to be consistent with the normal ESHA designation process the policy should be modified accordingly to add these requirements (see **Exhibit 2**, page 118). Further, while the update details that no new development shall be allowed within ESHA, with the exception of resource dependent uses (see Policy ER-I-24, **Exhibit 2**, page 118), the policy does not include examples of resource dependent uses that would be allowed lacking the specificity required for the policy to be found consistent with the Coastal Act. Therefore, a suggested modification is required to clarify that this such resource-dependent uses include habitat management and restoration, scientific research and education activities, and low-intensity public access and recreation.

Regarding ESHA buffers, the update as proposed establishes a minimum 100-foot buffer, which can be expanded as needed to account for feeding, breeding, nesting, or other habitat requirements (see Policy ER-I-24, **Exhibit 2**, page 118). Similar to the proposed riparian/creek buffers discussed above, while the ESHA buffer policy discusses buffer adjustments, it does not establish the minimum allowable buffer. Therefore modifications to the language (to mirror the suggested modifications for the riparian/creek buffer policy) are necessary in order to protect ESHA resources as is required by the Coastal Act, and to allow buffer reductions by the minimum amount necessary (1) to avoid a taking (for private development), or (2) to provide required public services (for public development), provided that the buffer is as close to 100 feet as possible, and no less than 50 feet in any case; and provided that ESHA resource impacts are avoided as much as possible, and unavoidable impacts are commensurately mitigated, all as conclusively demonstrated by a qualified biologist to the satisfaction of the City, USFWS, and CDFW.

Relatedly, Policy ER-I-30 (**Exhibit 2**, page 120) discusses protections for California red-legged frog⁷ and San Francisco garter snake,⁸ however it is internally inconsistent with other policies in the update, as it stipulates grading within 100 feet of aquatic habitat shall only be conducted during the dry season, despite buffer policies that would otherwise require a buffer from such habitat of 100 feet year-round because these habitats are considered ESHA. Therefore, in order to correct this internal inconsistency, a modification is required to instead state that all allowed construction activities with the potential to impact California red-legged frogs and San Francisco garter snake shall be

⁶ Based on presence of natural communities defined as rare; where there is recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law; where there is recorded or potential presence of plant or animal species for which there is compelling evidence or rarity; where there is presence of coastal waterways; and where integrity of the habitat and its connectivity to other natural areas exists.

⁷ Federally listed as threatened.

⁸ Federally listed as endangered.

conducted during the dry season and provide appropriate buffers per the ESHA buffer policies already discussed. Additionally, the update refers to Figures 4-2 and 4-3 (pages 15 and 16 in **Exhibit 3**), which map the various plant communities and sensitive habitat areas. However, such mapping tools should only be used for informational purposes, and site-specific biological studies, as required as part of development review, need to be required to determine the presence and extent of plant communities and habitat on-the-ground at the time that development is proposed, in order to assure adequate protections for the resources actually present on site. This also offers a means to avoid impacts to, and enhance, coastal resources, and this modification will convey that nuance. Further, a reference to the EIR for the General Plan and LUP update is used in the proposed update to supplement the information written for the natural resources section of the LUP. Generally, references to outside resources are discouraged in LUP documents, as the intention is that the document and what it requires can stand alone. As the EIR is not included in the proposed LUP, references to this outside document are not appropriate in the LUP update, and thus modifications delete the reference to the EIR. Other modifications are suggested to pages 107, 121, and 119 in **Exhibit 2** to change references to “annual grasslands” to just simply “grasslands;” add considerations for coastal hazards in addition to any biological considerations to align with the Coastal Resilience chapter; and remove language regarding construction requirements and nesting to ensure that nests are treated properly if found during construction work.

Therefore, with the modifications proposed, the natural resources provisions can be found consistent with the Coastal Act.

H. Coastal Hazards

Applicable Coastal Act Provisions

The Coastal Act is, at its core, a law that requires coastal resource protection. In adopting the Act in 1976, the State Legislature included a series of goals and objectives. For example, Coastal Act Sections 30001 and 30001.5 state:

30001. *The Legislature hereby finds and declares: (a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem. (b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation. (c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction. (d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.*

30001.5. *The Legislature further finds and declares that the basic goals of the state for the coastal zone are to: (a) Protect, maintain, and where feasible,*

enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state. (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners. (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast. (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone. (f) Anticipate, assess, plan for, and, to the extent feasible, avoid, minimize, and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone.

In short, it is clear from the law that the coastal zone is to be recognized as a special place, where coastal resources are of “paramount concern,” and require not only protection against degradation, but also enhancement where feasible. To implement these objectives, Coastal Act Chapter 3 includes a series of specific provisions that clearly and emphatically require the protection of coastal resources, from public recreational access to coastal habitats to public views and landforms.⁹ Perhaps just as clearly, and as explained in detail subsequently, armoring has significant adverse impacts on all such protected coastal resources, including that armoring leads to unavoidable impacts on natural landforms, public recreational access, natural processes (which also significantly impact public recreational access) and public views.¹⁰ These impacts are all unavoidably inconsistent with these Coastal Act resource protection requirements, and these inconsistencies direct that armoring be denied in order to meet such Coastal Act requirements. In other words, the plain language of the Act is actually best understood as ‘anti-armoring,’ where the Act’s resource protection policies essentially prohibit armoring as a general rule, including Section 30253, which makes clear that armoring is not allowed to protect new development when it would cause erosion or destruction of the site, or substantially alter natural landforms,¹¹ which is essentially always the case with armoring.¹²

In fact, as contrasted with the numerous Coastal Act resource protection policies, both broad and specific, there is exactly one policy that includes any language that

⁹ See, for example, over 40 sections nested in Chapter 3, including sections related to public access, recreation, the marine environment, and land resources; all as detailed in other sections of this report.

¹⁰ See, for example, Commission findings in LCP-3-MRB-21-0047-1 (Morro Bay Land Use Plan Update), and CDPs A-3-SCO-07-095/3-07-019 3-07-019 (Pleasure Point seawall), 3-09-025 (Pebble Beach Company Beach Club seawall), 3-09-042 (O’Neill seawall), 2-10-039 (Lands End seawall), 3-14-0488 (Iceplant LLC seawall), and 2-17-0702 (Sharp Park golf course).

¹¹ Section 30353 states, in applicable part, that “New development shall...Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area **or in any way require the construction of protective devices** that would substantially alter natural landforms along bluffs and cliffs” (emphasis added).

¹² Ibid.

specifically allows armoring, Section 30235, and it includes important – and severely limiting – criteria. Section 30235 states, in applicable part:

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. ...

On its face, Section 30235 only requires the Commission to approve armoring under very limited circumstances, namely when required to serve coastal-dependent uses or to protect public beaches or existing structures in danger from erosion, and only when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In other words, when there are qualifying uses, beaches, or structures,¹³ armoring must be allowed only if it is required to serve/protect them, meaning when there are no other less environmentally damaging feasible alternatives that can perform that same function. Put another way, given that armoring has significant adverse impacts on a myriad of protected coastal resources and is only required to be approved in limited circumstances, the Coastal Act should be understood to actually prohibit armoring as its default, and then to allow that prohibited thing only as a limited exception to the rule. When framed in this way, the Section 30235 limited requirement to approve shoreline armoring is probably best understood as an exception, variance, and nonconformity with respect to the Coastal Act's coastal resource protection provisions.¹⁴

In addition, when dealing with the 'existing structures' portion of Section 30235, the allowance for armoring is even further limited. The issue of what constitutes an "existing structure" for Section 30235 purposes has been debated for many years, where some, including some local governments in their LCP implementation, have argued at times that it means whether a structure is simply 'extant' at the time of armoring application. Another interpretation is that the Legislature intended the word to mean exactly what it meant at the time when the Legislature chose to use the word. In other words, in enacting the statute in 1976, the Legislature included the word "existing" in the natural sense, to mean existing at that time.

¹³ Where two of the three are based on protecting important State shoreline priorities (coastal-dependent uses and public beaches), and where armoring rarely actually protects beaches so much as reduces them. In fact, when public beaches are in danger of erosion, such danger is typically exacerbated by armoring as opposed to protected by it because armoring typically not only occupies beach and shoreline space that would otherwise be available to public recreational uses, but it also blocks the normal transmittal of beach-generating materials from bluffs, and it also leads to loss of beaches over time as an eroding shoreline bumps up against such armoring (also referred to as the 'coastal squeeze' or passive erosion). Thus, bracketing groins in certain circumstances, armoring is typically the opposite of what is necessary to protect a public beach in danger from erosion. Finally, past these two important State shoreline priorities, the only other development allowed armoring by Section 30235 are existing structures, including private structures (e.g., residences, etc.).

¹⁴ Where exceptions, variances, and nonconformities are typical land use planning and permitting concepts that account for odd/specific circumstances to allow something that would normally not be allowed.

This controversy over these competing interpretations did not fully arise until at least 2000. This is likely due, in large part, to the fact that prior to then, the only structures for which the distinction would be relevant (those built along the shorefront after 1976) were relatively new, and the parties who had secured permits to construct them had had to demonstrate that they would be safe without requiring armoring. Thus, even if that showing would eventually prove to have been mistaken, coastal erosion had not yet progressed far enough for that error to have become evident and problematic. Since 2000, as the issue has become increasingly contentious, the Commission has become progressively more focused on it and increasingly consistent in adopting the correct interpretation – that “existing structures” as the phrase is used in Section 30235 refers to structures that were legally in existence as of the start of 1977.

The interpretation that ‘existing’ means ‘extant’ fails for other reasons as well. Section 30253, the only other Coastal Act policy that explicitly refers to armoring, actually prohibits new development that would require armoring. Thus, development approved since the Act’s effective date (January 1, 1977) is not allowed armoring pursuant to Section 30253. If Section 30235’s ‘existing’ meant ‘extant’ at the time of an application, then that would be the opposite of what Section 30253 requires, and the two cannot readily be harmonized. More appropriately, Section 30253 application since 1977 creates two types of development under the Coastal Act: pre-Coastal Act development that may not have been built to meet Section 30253 requirements to avoid armoring, and post-Coastal Act development that has (including because it is required by Section 30253). Put another way, the Section 30235 requirement to allow for armoring is intended to only apply to pre-Coastal Act development, and not anything else, essentially ‘grandfathering’ pre-Coastal Act structures and allowing them armoring as an exception to the otherwise applicable Coastal Act requirements.¹⁵ In addition, such pre-Coastal Act structures lose their ‘existing’ status under Section 30235 if they are modified in such a way that they are no longer the same structure, but rather a replacement structure (often referred to by the Commission as a ‘redeveloped’ structure).¹⁶

¹⁵ As described in the Commission’s 2015 Sea Level Rise Policy Guidance, the Commission interprets the term “existing structures” in Section 30235 as meaning structures that were in existence on January 1, 1977, the effective date of the Coastal Act, and that have not been redeveloped since in a way that would require them to be reevaluated against the Coastal Act/LCPs as if new. In other words, Section 30235’s directive to permit shoreline armoring for structures in certain circumstances applies to development that lawfully existed as of January 1, 1977, and that has not subsequently been redeveloped (i.e., where changes to it since 1977 have been extensive enough that it is considered a replacement structure required to conform to applicable Coastal Act and LCP provisions). This interpretation is the most reasonable way to construe and harmonize Sections 30235 and 30253, which together evince a broad legislative intent to allow armoring for development that existed when the Coastal Act was passed, when such development is in danger from erosion, but to avoid such armoring for development constructed consistent with the Act, which does not allow shoreline altering armoring development to support same. This interpretation, which narrowly allows protection for development that predates the Coastal Act, is also supported by the Commission’s duty to protect public trust resources and interpret the Coastal Act in a liberal manner to accomplish its purposes.

¹⁶ Coastal Act Section 30610(d) and Title 14 of California Code of Regulations (CCR) Section 13252(b) help define when structures meet or don’t meet the redevelopment threshold. CCR Section 13252(b)

The purpose and structure of the Coastal Act support such an interpretation as well, as reflected in numerous policies of the Act. For example, not only does Section 30009 require a liberal interpretation to protect shoreline and beach resources,¹⁷ but Section 30007.5 also directs the Commission to resolve conflicts in a manner that is “most protective of significant coastal resources.”¹⁸ Courts have relied on Section 30009 to find that exceptions to the Act’s requirements must be read narrowly,¹⁹ and have also found that the Act is designed to ensure “that state policies prevail over the concerns of a local government” making “the Commission, not the [local government], the final word on the interpretation of the LCP.”^{20,21} The Coastal Act is thus the arbiter for understanding LCPs on these points. In fact, courts have also previously found that LCP provisions must be understood in relation to the relevant Coastal Act section or sections from which a specific LCP provision derives its authority.²²

In short, the Coastal Act prioritizes the protection – and in fact enhancement – of bluffs and beaches when development is located in hazardous areas, as is the case with the City of Pacifica shoreline. Thus, the City’s proposed coastal hazard provisions need to be understood in terms of the overall Coastal Act context as it relates to coastal resource protection being a “paramount concern” and clearly the underlying objective in the coastal zone, which area is required to be understood as “a distinct and valuable

specifically states that replacement of 50% or more of a structure, including single-family residences, is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure that must be evaluated for Coastal Act compliance purposes. In applying Section 13252(b)’s 50% criteria, the Commission has, in the past, found that a structure will be considered a replacement structure (also referred to as redevelopment) if at least one of the following takes place: 1) 50% or more of the major structural components (i.e., including exterior walls, floor, roof structure, or foundation, where alterations are not additive between individual structural components) are replaced; 2) there is a 50% or more increase in gross floor area; 3) replacement of less than 50% of a major structural component results in cumulative alterations exceeding 50% or more of that major structural component (taking into account previous replacement work undertaken since January 1, 1977); and 4) a less than a 50% increase in floor area where the alteration would result in a cumulative addition of 50% or more of the floor area, taking into account previous additions to the structure since January 1, 1977 (see, for example, LCP amendments LCP-2-MAR-13-0224-1 Part A and LCP-3-MRB-21-0047-1 and CDP 3-16-0345 (Honjo armoring)).

¹⁷ Section 30009 requires that: “This division [i.e., the Coastal Act] shall be liberally construed to accomplish its purposes and objectives.”

¹⁸ Section 30007.5 states, in applicable part: “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.”

¹⁹ See, for example, *Citizens for a Better Eureka v. California Coastal Com.* (2011) 196 Cal.App.4th 1577, 1586-87 (“[i]n light of the legislative directive to construe the Act liberally...it is appropriate to construe the exceptions narrowly”, quoting *Capon v. Monopoly Game LLC* (2011) 193 Cal.App.4th 344, 355).

²⁰ See, for example, *Charles A. Pratt Const. v. California Coastal Commission* (2008) 162 Cal.App.4th 1068, 1076, 1078.

²¹ California law affords “great weight” to the Commission’s interpretation of the statutes and regulations under which it operates (see, for example, *Ross v. California Coastal Commission* (2011) 199 Cal.App.4th 900, 922-23; and *Reddell v. California Coastal Commission* (2009) 180 Cal.App.4th 956, 965).

²² See, for example, *McAllister v. Coastal Commission* (2008) 169 Cal.App.4th 912.

natural resource of vital and enduring interest to all the people” where armoring is probably best understood as an exception, variance, and nonconformity with respect to the Coastal Act’s coastal resource protection provisions, where the only types of non-coastal-dependent structures allowed armoring under Section 30235 are those that existed before January 1, 1977 and have not been redeveloped since.

Analysis

Sea level rise (SLR) will have dramatic impacts on California’s coast in the coming decades and is already impacting the coast today. In the past century, the average global temperature has increased by about 0.8°C (1.4°F), and global sea levels have increased by 7 to 8 inches (17 to 21 cm). In addition, SLR has been accelerating in recent decades, with the global rate of SLR tripling since 1971 (IPCC, 2021). These rising seas have and will continue to increase the risks of flooding, inundation, coastal erosion, saltwater intrusion, and changing groundwater dynamics. In turn, these coastal hazards have the potential to threaten many of the resources that are integral to the California coast, including coastal development, coastal access and recreation, habitats (e.g., wetlands, coastal bluffs, dunes, rocky intertidal areas, and beaches), coastal agricultural lands, water quality and supply, cultural resources, community character, and scenic quality.

Further, the various possible adaptation responses to these increasing coastal hazards each carry their own potential benefits or adverse impacts to these different coastal resources and values. As a primary example, beaches, wetlands, and other habitats backed by fixed or permanent development, such as shoreline armoring, will not be able to migrate inland as sea level rises, and will become permanently inundated over time, which in turn presents serious concerns for future public access, recreational opportunities, environmental justice, habitat protection, and scenic and visual qualities of the coast. However, shoreline armoring may be a necessary strategy for protecting coastal dependent infrastructure or uses (e.g., ports and harbors) and in some cases to protect access to the shoreline. Thus, the increasing threats of SLR only heighten long-standing coastal hazard challenges along the California coast, including how to balance the protection of coastal development and coastal resources when emphasizing one is typically at the expense of the other.

As detailed above, the Coastal Act mandates the protection of public access and recreation along the coast, coastal habitats, and other coastal resources, as well as providing priority for visitor-serving and coastal-dependent or coastal-related development while simultaneously minimizing risks from coastal hazards. Accordingly, the Coastal Act places a strong emphasis on protecting natural landforms and shoreline/beach access and related resources, while also requiring that risks be minimized in association with coastal hazards, including via ensuring stability and structural integrity for development over time without armoring, and avoiding adverse impacts to natural processes and coastal resources. The Act also recognizes that shoreline-altering development, such as armoring, can cause significant adverse impacts to coastal resources such as sand supply and ecology, public access, coastal views, natural landforms, and shoreline processes, and thus requires approvable armoring to avoid or minimize coastal resource impacts, and to commensurately mitigate for allowed impacts that are unavoidable. More recently, the Coastal Act was

also amended to explicitly require the Commission to take into account the effects of SLR in coastal resource planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of SLR.

Coastal Act Sections 30235 and 30253 acknowledge that seawalls, revetments, cliff retaining walls, groins, and other such structural or “hard” methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, under Section 30235 shoreline armoring may be approved only to serve a coastal-dependent use, or to protect existing (not new or redeveloped) structures or public beaches in danger of erosion (subject to the requirement that adverse impacts to local shoreline sand supply are mitigated or eliminated, and per other Coastal Act sections that other coastal resource impacts are also addressed). In other words, new or redeveloped non-coastal-dependent developments cannot rely on shoreline armoring in their proposed siting and design, and instead must be located safe from coastal hazard threats without reliance on such devices. This is true even as to new development that may not include a proposal for new shoreline armoring because it is sited in locations already protected by existing (and possibly legally permitted) shoreline armoring, as Section 30253(b) states that new development shall not “in any way require the construction of protective devices that would substantially alter natural landforms...” This is an important concern in the City of Pacifica in particular, where much of the shoreline is already armored.

In short, the Coastal Act requires new development to minimize risks to life and property while ensuring stability and structural integrity without contributing significantly to erosion, geologic instability, or destruction of the site or surrounding area. It also provides that new development or redevelopment that would rely on shoreline armoring is prohibited and that adverse impacts of shoreline armoring to coastal resources such as sand supply be avoided, lessened, and mitigated for where unavoidable. Thus, while the Coastal Act recognizes that shoreline-altering development in response to coastal hazards, such as armoring, may be required in certain very narrowly defined situations, it also reflects that such armoring can cause significant adverse impacts to coastal resources due to its effects on natural landforms and processes (which impact, among other resources, public access and recreation), the introduction of manmade structures into the public view, landform alteration, and changes to shoreline habitats and ecology. Given these impacts, the Coastal Act allowance for shoreline armoring is probably best understood as an exception, variance, and nonconformity with respect to the Coastal Act’s resource protection policies. This is the lens in which shoreline armoring must be reviewed and evaluated, including when policies that provide for shoreline armoring are considered as part of an LCP coastal hazards amendment.

As such, for consistency with the above Coastal Act policies, an updated LUP must, at a minimum, include the following: policies that require new development to be safe from coastal hazards risk, including as these hazards may be exacerbated in the future due to climate change and sea level rise; policies that specify which uses are potentially allowed shoreline protective devices, namely coastal-dependent development and other “existing” development that is considered as such because it was built prior to the Coastal Act’s effective date (i.e., January 1, 1977) and not redeveloped since; and, for such development allowed shoreline protection, specify the requirements and mitigation

measures needed to ensure resultant coastal resource impacts are mitigated, including with respect to impacts on sand supply, as well as public access and recreation, public views, beach ecology, and other coastal resources.

Taken together, the Coastal Act's provisions for SLR planning, coastal resource protection, and minimizing risks from coastal hazards – combined with the increasing scientific certainty that SLR is and will continue to increase coastal hazards along the shoreline – elevates the need for local governments to understand the projected sea level rise impacts within their jurisdictions and to implement sea level rise adaptation planning within LCPs. The City of Pacifica completed a sea level rise vulnerability assessment and draft adaptation plan in 2018, and based on the best available science at that time.²³ Projecting out to 2050, the plan assumed 2 feet of sea level rise under the medium-high risk scenario and 2.7 feet under the extreme risk scenario, and by 2100, projected 6 feet under the medium-high risk scenario and 10 feet under the extreme risk scenario. Using that best available science at the time, the assessment and plan found that Pacifica is likely to experience long-term shoreline erosion, storm-event coastal erosion of bluffs and beaches, coastal flooding associated with major wave events, rising groundwater levels in Linda Mar, and flooding from Laguna Salada and San Pedro Creek.

A variety of coastal hazard planning and management provisions can be integrated into an LCP update to set the stage for proactively addressing coastal hazards, including anticipated sea level rise impacts. Broadly speaking, the goal of updating an LCP to prepare for SLR is to ensure that adaptation occurs in a way that protects both coastal resources and public safety and allows for safe development and sustainable economic growth. This process includes identifying how and where to apply different adaptation strategies based on Coastal Act requirements, other relevant laws and policies, acceptable levels of risk, and community as well as statewide priorities. By planning ahead, coastal areas can reduce the risk of costly damage from coastal hazards, can ensure that the coastal economies continue to thrive, and can protect coastal habitats, public access and recreation, and other coastal resources for current and future generations. However, this is a complex and challenging process, and the Coastal Commission has recently been working with local government partners (most directly through the Local Government Sea Level Rise Working Group) to identify strategies for overcoming these challenges. Among these has been increasing early coordination in developing LCP updates; committing to phased LCP updates, which could include an initial set of SLR policies followed by additional, more frequent LCP updates; recognizing the need for flexible approaches that are reflective of local conditions; and considering opportunities for regional approaches. The proposed LCP amendment was initially intended to reflect many of these goals, but a variety of key issues remain that need to be addressed through suggested modifications, as discussed below.

As noted previously, the City's development pattern varies from the northern to the southern end, with a combination of high bluffs, lower bluff areas, and sandy beach

²³ Specifically, the sea level rise scenarios that were used for the adaptation plan are based on CalNRA and OPC 2018 numbers, which were based on "Rising Seas in California: An Update on Sea-Level Rise Science" by Griggs et al (2017).

areas fronting lower-lying areas. In general, development is built right up to the shoreline, including primarily residential but also commercial uses, and the City estimates that approximately one-third (or two miles) of its shoreline is currently armored (although it appears from satellite imagery that the shoreline is likely armored slightly more than this estimate). Despite the current quantity of armored shoreline, much of that armoring is unpermitted.²⁴ Given this pattern, there is a significant amount of development at risk of coastal bluff erosion, coastal flooding, wave run-up, and sea level rise impacts over the 2040 planning horizon, which is the focus of this LUP update, as well as beyond 2040.

The proposed LUP update includes some laudable hazards policies, including directly incorporating Coastal Act Sections 30235 and 30253; requiring planning and development reviews to use best available science regarding projected sea level rise and other climate-change related issues when addressing coastal hazards; requiring updates to its Coastal Vulnerability Zone maps as dictated by best available science, and requiring site-specific hazard mapping and assessment in some circumstances; specifying that some development in Coastal Vulnerability Zones must be sited and designed to avoid, and where unavoidable, to minimize coastal hazards and impacts to coastal resources and mitigate for any such unavoidable impacts; annual monitoring of shoreline and bluff edges in the City to guide necessary updates to the adaptation plan;²⁵ guidance to develop a shoreline mitigation program; policies to pursue grant funding for adaptation and to implement the City's transfer of development rights ordinance; direction to preserve or relocate hazard prone infrastructure; requiring hazards analyses, and requiring that some new development be sited and designed to be safe from erosion, bluff failure, wave run-up, flooding, and other coastal hazards for at least 100 years without shoreline protection; requiring property owners to record acknowledgement that some development does not qualify as an existing structure entitled to shoreline protection, to sign a waiver of rights, to record a deed restriction assuming liability, and requiring removal and restoration plans where necessary; requiring mean high tide line surveys where appropriate; addition of sea level rise buffer areas to habitat buffers to allow for migration of wetlands and other coastal habitats; prohibiting subdivision of property in hazardous areas; encouraging soft shoreline protection; and requiring monitoring for new shoreline protection structures. Despite these seemingly proactive policies, the proposed LUP update also includes provisions that are not consistent with the Coastal Act, including Sections 30235 and 30253, and these inconsistent provisions make the above-listed policies inapplicable in a vast

²⁴ According to a review of permitting records in the Commission's database, and other associated records available, it is apparent that much of the shoreline armoring is not authorized due to a combination of a multitude of emergency CDPs that have been authorized over time without authorization of requisite follow-up CDPs, a patchy history of permitting for the stretch of the City's shoreline, resulting in some portions that may not have received any sort of CDP to begin with and other armoring permit authorizations that have lapsed or expired and were not reauthorized.

²⁵ Regarding the shoreline monitoring program for evaluation of sea level rise impacts on beaches, the policy language indicates such monitoring shall be conducted at minimum once a year. However, to most effectively track storm damage and changing beach conditions, such monitoring needs to be conducted at least on a biannual basis following winter and summer seasons, and in the future a "high water program" to research feasible funding for recording high water marks could be incorporated directly into this shoreline monitoring program.

majority of the City due to the way the City has defined where and how the proposed coastal hazards provisions would be applied. In short, that proposed structure effectively neuters the applicability and potential effectiveness of the more proactive proposed provisions, and leaves what is best described as a coastal armoring program in its wake. Several specific and major issues of this type are discussed below.

Existing Structures and Redevelopment

As described above, the question of when a pre-Coastal Act structure has been replaced, repaired, maintained, or improved to the point that the structure has been 'redeveloped', and thus must be evaluated as a 'new' replacement development against all applicable policies, is a critical aspect of coastal hazard planning inasmuch as it defines, under the Coastal Act, whether a structure pre-dates the Coastal Act (i.e., was in existence prior to January 1, 1977) or post-dates the Coastal Act, where the latter is not entitled to armoring under Sections 30235 and 30253. In this case, the proposed LUP update defines an existing structure as a structure that was constructed prior to the certification date of the LUP, permitted for construction prior to certification of the LUP, or authorized to be constructed pursuant to an exclusion contained in the definition of "Substantial Exterior Structural Modification" which is a new term proposed in the LUP update.

"Substantial Exterior Structural Modification (SESM)" is the City's interpretation as to what should constitute redevelopment, and it is defined as any physical improvement which modifies an existing structure in the following ways: a seaward encroachment of the structure; removal or replacement of 50 percent or more of the linear length of the exterior walls whether or not the floor area or building footprint is expanded; an addition that includes new floor area at or below the first story equal to 50 percent or more of the structure's total existing floor area; or an increase of the existing building footprint equal to 50 percent or more, specifically excluding: removal, replacement, or maintenance of nonstructural components of exterior walls; development on any site that is protected from coastal erosion by an existing, permitted shoreline armoring structure; replacement of any structure pursuant to Coastal Act Section 30610; demolition and reconstruction of a single-family residence provided that the reconstructed residence shall not exceed the floor area, height or bulk of the former structure by more than 10 percent and sited in the same location as the former structure; and reconstruction, repair, or maintenance of any shoreline armoring structure, provided such new structure is not seaward of the location of the former structure and does not increase the height or length of the structure by more than 10 percent, specifically indicating that changes to structures shall be measured cumulatively from the date of LUP certification.

There are multiple problems with this proposed structure. First, the City proposes that an existing structure for Coastal Act armoring purposes is a structure that was extant at the time this LUP update is certified or a structure that is already protected by shoreline armoring. This is not Coastal Act consistent and would mean that just about any development would qualify for armoring. Second, the proposed SESM definition only further extends this concept to allow for new development to be constructed even if it depends on armoring and defines 'redevelopment' in a manner that wouldn't capture the cases the Coastal Act would. In other words, the City's proposal to allow for anything contained in the SESM exclusions to be categorized as an existing structure, which

would in turn be eligible for armoring, even more greatly broadens what would fit into this category and thus what would be allowed shoreline armoring. In effect, any proposed development that is already protected by a permitted shoreline armoring (whether or not that development is entitled to armoring pursuant to the Coastal Act) can continue to rely on that armoring. In addition, rebuilt/augmented shoreline armoring structures, including up to a 10 percent increase in size, would be allowed to protect anything inland of them, even if those structures were constructed right before the rebuilt shoreline armoring structure. All of this creates an overly broad allowance for armoring in the City inconsistent with the Coastal Act, and all of which would be expected to not only continue the City's reliance on armoring, but to facilitate it even further, to the detriment of the beach and shoreline resources that are already being diminished due to past development and armoring.

Relatedly, new development is proposed to be defined in the LUP update as development where there is none existing, not including remodeling or improvement of an existing structure as defined pursuant to Commission guidance, and not including any exceptions per the SESM definition. Thus, given the broad list of SESM exclusions and as discussed above regarding the counterpart to new development, existing structure, these definitions ensure that a bulk of development within the City's coastal zone would not meet the parameters of 'new development.' As much of the development in the coastal zone is already provided some protection given the history of armoring in the City, a majority of the City would be allowed armoring on an ongoing basis based on the proposed very narrow definition of new development. Further, while the SESM definition does specify under that exclusion that such armoring must be permitted, and while the Commission has its own CDP records, the City has not provided information regarding which shoreline protection structures it believes are 'permitted' and thus how much of the City's shoreline would be allowed new or retained shoreline protection structures as proposed through the update at this time remains unclear, despite requests from Commission staff.

Further, "shoreline" is defined in the update by the City as the intersection of the ocean or sea with land; the line delineating the shoreline on nautical charts and surveys. In the context of these proposed LUP policies, this definition ensures that many of the hazard policies would not apply to development located on low-lying shoreline or blufftop land inland of immediate shorefront parcels even if the development would be subject to coastal hazards over its anticipated life. This is because many policies regarding hazards requirements only apply at the "shoreline" as proposed by the City. Thus, the vast majority of applications for new development would not be required to provide analyses to demonstrate such development would avoid, minimize, and mitigate for such hazards and associated impacts over time; would not be required to be sited and designed to be safe from coastal hazards for at least 100 years without shoreline protection; would not require property owners to record acknowledgement that the development doesn't qualify as an existing structure entitled to armoring pursuant to the Coastal Act nor waive rights to such protection structures, require removal and restoration plans, nor require recordation of a deed restriction assuming risks. Further, the prohibition of subdivision in hazardous areas would only apply to immediate shorefront parcels rather than the broader area subject to coastal hazards.

Finally, **the City's proposal explicitly requires that managed retreat be prohibited from even being considered in any LCP/CDP analysis scenario.** When combined with the other provisions just described, the City's proposed LUP update is best described as a firm embrace of an armored Pacifica in terms of coastal hazards response and adaptation. When combined with the City's proposed new definitions (including existing structure, substantial exterior structural modification, new development, and shoreline) and related coastal hazard provisions that severely limit application of the proposed pro-active coastal hazard provisions to a very limited subset of potential development, the expected outcome would be to allow for armoring, along with all of its attendant coastal resource impacts, when the Coastal Act would direct the opposite. Not only is this inconsistent with the Act, but it is a disappointing outcome of the Commission's investment into the City's efforts to develop these coastal hazard provisions.

Allowing Armoring

As proposed by the City in the LUP update, and as discussed above, only new development on vacant, immediate shoreline-adjacent properties, would be required to be designed and sited safe from hazards, without shoreline protection devices, and subject to associated required approval conditions to account for hazards such as waiver of liability and assumption of risk as is required by the Coastal Act. This effectively limits the area where hazards would be adequately accounted for as required by the Coastal Act to an extremely small portion of the City, estimated to be less than a quarter of the City's coastal zone, when in fact, the areas likely to experience such hazards, as mapped by the City in their Coastal Vulnerability Zone Maps, extend far beyond the immediate shoreline, and in multiple stretches of the City include the full width of the coastal zone. In fact, the proposed definitions, when applied through the associated policies, would actually expand allowances for shoreline armoring throughout the City and ensure that the existing pattern of development in particularly hazardous areas of the City will be allowed to continue in perpetuity, and perhaps further expand development threatened by hazards by allowing for unlimited redevelopment on sites built or permitted prior to certification of this draft LUP update that are already protected by a permitted shoreline armoring. Further, shoreline armoring structures themselves would be allowed to be reconstructed as long as such structures are not expanded in height or length by more than 10 percent. Beyond these proposed allowances, as proposed the LUP update also contains policies specific to each sub-area, and under each of the sub-areas there are further specific allowances for shoreline protection structures to be maintained, expanded, or newly constructed to protect existing structures in each area that are in danger from erosion. Given the broad definition in the LUP update of existing structures, much of the City's shorefront parcels would be eligible for such armoring allowances, despite not qualifying to be eligible for protection from armoring under the Coastal Act. Additionally, such sub-area's policies are inconsistently worded, with some requiring consistency with Coastal Act provisions, mitigation, and other relevant LUP policies, while others neglect to include such caveats.

As discussed earlier, shoreline armoring has a variety of negative impacts on coastal resources including adverse effects on beaches and sand supply, which ultimately result in the loss of the beach with associated impacts to public recreational access.

Specifically, when the back of a beach is “fixed” (via a hard armoring structure such as a rock revetment along the seaward side of the beach), the bluff’s natural retreat and erosion processes are disrupted, inhibiting natural sand supply and littoral cell transport, and inhibit the erosion that would have normally taken place that would create new beach area. Furthermore, shoreline armoring devices, whether riprap or vertical seawalls, are all physical structures that occupy space. When a shoreline armoring device is placed on a beach area, the underlying beach area can no longer be accessed. Taken together, fixing the back beach, disrupting the bluff’s natural retreat and erosion processes, and placing a hard structure on the beach generally results in a loss of public access as well as a loss of sand and/or areas from which sand generating materials can be derived. Over time, including with sea level rise, such armoring results in “coastal squeeze”, meaning the available beach/recreation area will narrow, being squeezed between the moving shoreline and the fixed backshore, and this represents the loss of a beach and recreational shoreline as a direct result of the armor. The coastal squeeze phenomenon caused by armoring will only be exacerbated by climate change and sea-level rise. As climate change causes the seas to rise ever faster, beach and recreational shoreline areas will retreat inland at an increasingly rapid pace. If the inland area cannot also retreat, eventually there will be no available dry beach area and the shoreline will be fixed at the base of the armoring structure. In the case of an eroding shoreline, this represents the loss of a beach and shoreline recreational area as a direct result of the armoring. In other words, the expected result of the proposed LCP update, specifically around the armoring allowances, would be to facilitate such armoring impacts throughout the City, including as it relates to prime shoreline/beach areas, which would be contrary to both the Coastal Act’s and the currently certified LCP’s resource protection mandates. Much of the City’s beaches and shoreline areas are already adversely affected by armoring and the coastal squeeze, particularly in the areas north of the pier, and the proposed update not only does not provide any relief for these public resources, but it doubles down on impacts to them.

Finally, it is important to note that while the Coastal Act is structured to protect beaches and bluffs, to protect natural landforms and public views, to protect shoreline public access and recreation, and to protect marine and habitat resources outright, those Coastal Act protections are required by the Act itself to be tempered when shoreline armoring is allowed by Section 30235. In other words, Section 30235 defines the narrow circumstances in which development is entitled to shoreline armoring notwithstanding adverse impacts to coastal resources. Given the fundamental structure of the Coastal Act, the City’s proposal simply goes too far in allowing new development to rely on shoreline armoring along significant portions of the City of Pacifica coast.

Suggested Modifications

As such, the City’s LUP update does not adequately protect coastal resources with regard to coastal hazards and thus cannot be found consistent with the Coastal Act as proposed. However, and as opposed to a wholesale rewrite, the Commission has identified appropriate and feasible modifications, as suggested in **Exhibit 2** (see, in particular, modifications to provisions in Chapters 5 and 6 as well as in the glossary), to ensure consistency with the Coastal Act, including Sections 30235 and 30253. These suggested modifications would include changes to definitions in the glossary, including removing the proposed definitions of “existing structure” and “new development,” and

deferring any explicit LCP definition on these terms to a future IP update or other LCP amendment, and modifying the definitions of “shoreline” and “substantial exterior structural modification” to ensure that the policies that would require proposed development to adequately assess potential coastal hazards impacts and associated needs will apply to the full scope of the areas of the City that are likely to experience the effects of such hazards (see, in particular, changes to definitions in the glossary). The suggested changes, which mirror Commission guidance regarding development and redevelopment in hazardous areas, would better account for all such development, including clarifying impact eligibility for shoreline armoring consistent with the Coastal Act.

“Shoreline” is thus modified to refer to Appendix B of the LUP update, prepared by the City, which includes “Coastal Vulnerability Zone Maps” that depict areas identified in the City’s aforementioned Vulnerability Assessment as having the potential for erosion and/or coastal flooding under the medium-high sea level rise scenario through 2100 (see **Exhibit 2**, page 222). For consistency, references to “shoreline” are modified to “Coastal Vulnerability Zones” in the corresponding chapters, where relevant and appropriate. The “Substantial Exterior Structural Modification” is modified to “Substantial Structural Modification,” and refined to better align with the Commission’s understanding of what it means for a structure to be redeveloped, or a “replacement” structure under the Coastal Act and its implementing regulations. The bulk of the proposed exceptions that would limit the applicability of a redeveloped structure would also be removed (see **Exhibit 2**, pages 222-223). Lastly, proposed modifications to the glossary include defining new terms including “anticipated life” and “coastal hazards” and modifying the definitions of “beach”, “bluff”, and “development” for consistency with the Coastal Act (see **Exhibit 2**, pages 215-217). All of these changes to the definitions will assure the proposed policies in the Natural Hazards and Coastal Resilience chapters apply to development where hazards are a concern as is required by the Coastal Act, and will thus enable the proposed update to provide Coastal Act-consistent and sufficient analyses, mitigations, and controls regarding development proposed in areas subject to coastal hazards, whether now and/or in the future.

Beyond the glossary, and for consistency with the suggested changes to the glossary, the modifications also include conforming and complementary minor changes to proposed language in the Natural Hazards and Coastal Resilience chapters (see **Exhibit 2**). Such modifications would ensure consistency throughout the LUP; conformance with the modified definitions in the glossary and with Coastal Act Sections 30235 and 30253 specifically, including ensuring that armoring projects meet Coastal Act tests for allowing armoring; would broaden applicability of specific policies to the areas included in Appendix B of the LUP update, the “Coastal Zone Vulnerability Maps; and would ensure sufficient compliance with resource protections as they relate to coastal hazards.

More specifically, modifications to the Natural Hazards chapter include (see pages 132-154 of **Exhibit 2**):

- Acknowledging the policies are intended to mitigate impacts from natural hazards not only on public health and safety but also impacts on coastal resources and ensuring consistency with modifications to definitions in the glossary.
- Policy NH-G-1 is modified to require that coastal resources be protected, in addition to minimizing risk of property damage and personal injury, from not only geologic and seismic, but also coastal hazards, in order to assure consistency with Section 30253 of the Coastal Act.
- Policy NH-I-9 is deleted, as the proposed language that required erosion prevention of hillside areas was inconsistent with Coastal Act policies limiting shoreline armoring to only very limited circumstances.
- Policy NH-I-10 is modified to require geotechnical site investigation within 300 feet of a bluff edge in Coastal Vulnerability Zones, instead of 50 feet of a coastal bluff, and such studies would be required to analyze safety from geologic hazards for the anticipated, rather than expected, life of proposed development, in order to ensure consistency with the modifications to the glossary and Coastal Act Section 30253.
- Policy NH-I-17 is modified to delete language regarding the relationship between proposed development and shoreline armoring as well as exemptions to CDP requirements that are inconsistent with Coastal Act language.
- Language is added to the discussion regarding flood zones to clarify that FEMA FIRM maps do not account for climate change or sea level rise and thus should be reviewed in conjunction with Appendix B (“Coastal Zone Vulnerability Maps”).
- Policy NH-G-2 is modified to indicate development in 100-year floodplains and tsunami hazard zones are to be sited and designed to minimize hazard risk without the need for armoring, in order to be consistent with Coastal Act Section 30253.
- Policy NH-I-24 is deleted as it references an ordinance not certified as part of the LCP.
- Policy NH-I-26 is modified to delete reference to stream beds as a type of flood control structure, as such structures are typically manmade whereas stream beds are a natural feature.
- Policy NH-I-27 is modified to ensure requirements and allowances for flood control structures are consistent with Coastal Act Section 30236.
- Policy NH-I-31 is modified to ensure that coastal facilities are sited not only outside of the tsunami evacuation zone and 100-year floodplain, but also outside of other portions of the Coastal Vulnerability Zone over the anticipated life of the development, to ensure consistency with Coastal Act Section 30253.
- Policies NH-I-35 and NH-I-39 are modified to ensure consistency of the proposed fire resilience policies with the LCP’s natural resource policies.

Within the Coastal Resilience chapter, changes include (see pages 156-186 of **Exhibit 2**):

- Modifications are proposed to refer to anticipated, rather than economic, life of development consistent with the changes to the glossary.
- References to protection of property rights are removed from general introductory language where the language would imply that such protection supersede LCP coastal resource protection and other provisions.
- Modifications also include removal of language that indicates that managed retreat is prohibited from being utilized, that the cost-benefit analysis prepared as part of the Sea Level Rise Adaptation Plan is not, and will not, be used as an analytical tool moving forward, and that highlights the importance of maintaining protection for development currently in the City.
- Language is added to provide caveats regarding protection and armoring of the shoreline for only specific limited circumstances as consistent with the Coastal Act and only when beaches and the natural shoreline are simultaneously protected, including as modified in Policy CR-I-57.
- Policy CR-I-1 is modified to ensure site-specific hazard mapping and assessment on an as-needed basis for the City's coastal zone, rather than just within Coastal Vulnerability Zones.
- Policy CR-I-2 is modified to delete indication that adaptation alternatives evaluated in the Sea Level Rise Adaptation Plan that aren't called out in the proposed policies will not be implemented, so as to not preclude adaptation options, and language is modified and added to ensure consistency with Coastal Act Section 30253.
- Policy CR-I-3 is modified to ensure shoreline monitoring is conducted both following winter and summer beach profiles, instead of once a year.
- Policy CR-I-5 is modified to specify that the outlined Shoreline Mitigation Program shall be submitted to the Coastal Commission for certification as an LCP amendment.
- Policies CR-I-8 and CR-I-9 are modified to ensure that critical transportation infrastructure and hazard prone infrastructure avoid impacts to, and protect, coastal resources to the maximum extent feasible, and as consistent with prior permit conditions and/or legal obligations pursuant to the Coastal Act.
- References to triggers for when policies regarding shoreline armoring structures and beach nourishment should be implemented are removed, as these triggers are unclear, not fully fleshed out as proposed, and lacking sufficient differentiation, and modifications to remove neighborhood-specific shoreline protection and beach nourishment policies and instead add such language to the broader policy section, thus applicable across the City's coastal neighborhoods.

- Policies CR-I-43 and CR-I-44 are modified to require technical reports for development proposed not only along the immediate shoreline, but also in the broader Coastal Vulnerability Zones, and to ensure such reports are conducted consistent with best professional standards and best available science and information.
- Policy CR-I-45 is modified to ensure assumption of risk language consistent with Commission guidance for Coastal Act consistency.
- Policies CR-I-49, CR-I-56, and CR-I-58 are updated to ensure consistency of allowances for “Substantial Structural Modifications” consistent with the changes to the glossary definition.
- Policy CR-I-51 is modified to require additional sea level rise buffers for habitat areas, if necessary, based on the type of development and State guidance.
- Policy CR-I-55 is modified to ensure that any beach nourishment implemented is the least environmentally damaging feasible alternative.

Coastal Hazards Conclusion

Although the Commission provided funding towards preparation of the City’s “Sea Level Rise Vulnerability Assessment” and “Sea-Level Rise Adaptation Plan” (both completed in 2018), and towards developing the coastal hazards LUP provisions discussed above, the end result of the proposed LUP falls substantially short of the goal of providing a Coastal Act-consistent blueprint for how the City intends to identify, respond, and adapt to coastal hazards, including rising seas, moving forward. In fact, although the proposed LUP update acknowledges that Pacifica will experience significant impacts associated with coastal hazards, including as exacerbated by sea level rise along its coastline, the City’s proposed new and updated LUP provisions cannot be found consistent with the Coastal Act, including Sections 30235 and 30253, as submitted.

Specifically, the City’s proposal would limit application of the proposed coastal hazard provisions to a very limited subset of potential development. In effect, most of the coastal hazard policies would not apply to development located on low-lying shoreline or blufftop land on shoreline-fronting sites, even if that development is and/or would be subject to coastal hazards now or in the future. Thus, the vast majority of such development would not be required to provide adequate analyses to demonstrate it would avoid, minimize, and mitigate for such hazards and associated impacts over time, including that the development would not rely on armoring. In fact, as proposed only new development on vacant, immediate shoreline-adjacent properties, which are extremely limited in Pacifica, would be required to be designed and sited safe from hazards without shoreline armoring, and only these projects would be subject to associated required approval conditions (e.g., related to hazard disclosure, avoiding armoring, mitigation for impacts, etc.).

In addition, the proposed definitions, when applied to the associated proposed provisions, would actually expand allowances for shoreline armoring throughout the City, and the definitions are structured to ensure that the existing development pattern

in hazardous areas of the City would be allowed to continue in perpetuity. This includes allowing for unlimited redevelopment on sites developed prior to the current time and already protected by armoring and allowing for existing shoreline armoring to be redeveloped/replaced irrespective of what it is protecting if such armoring is not expanded in height or length by more than 10 percent. In short, the City's proposal does not actually take on the difficult coastal hazard questions facing this community and is most aptly described as a 'full-armoring' adaption plan that would essentially commit the City in the long run to the effects of continued armoring, including loss of its beach and shoreline recreational areas. This commitment to 'full armoring' is clear, as the City's proposal explicitly requires that managed retreat be prohibited from even being considered in any LCP/CDP analysis scenario. The City's proposed coastal hazard provisions cannot be found consistent with the Coastal Act as proposed.

Thus, modifications are suggested to ensure Coastal Act consistency. As noted previously, such modifications should not appear to be unfamiliar to the City as they are the same types of changes that Commission staff has been suggesting to the City for many years. In fact, they are even further refined and limited to the extent feasible to the core changes necessary to allow for a functioning LUP with respect to hazards. In other words, there are even more possible modifications that have been previously identified as appropriate changes for the City to consider that have been set aside in this effort. Not because those changes would not also be appropriate under the Coastal Act, because they would and could help to further improve the LUP, but more in the spirit of trying to provide the City an as-modified LUP that can be approved and that retains the City's proposed structure and many of its core provisions in a way that can ideally be accepted by the City and form the basis for future LCP planning, including the IP update that would need to follow. The Commission is optimistic that the City will understand the suggested modifications in that way, and choose to move City coastal management planning forward through their acceptance accordingly.

In conclusion, with the modifications proposed, the coastal hazard provisions can be found consistent with the Coastal Act.

I. Other Coastal Resource Issues

Applicable Coastal Act Provisions

The Coastal Act also addresses the protection of coastal resources such as public access, cultural resources, scenic and visual resources, and environmental justice considerations. Coastal Act Sections 30210 through 30224 specifically protect public access and recreation, and Section 30240 protects parks and recreational areas. In particular:

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

30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited*

to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30212. *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. ...*

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.*

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

30214. *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

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

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.

30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

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

30224. *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

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 ... areas.*

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, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

30253(e). *Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The Coastal Act also specifically protects public views “as a resource of public importance”, stating:

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and*

enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Coastal Act also addresses coastal resources and environmental justice:

30244. *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

30013. *The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing the provisions of this division. As required by Section 11135 of the Government Code, no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.*

30107.3. (a) *“Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (b) “Environmental justice” includes, but is not limited to, all of the following: (1) The availability of a healthy environment for all people. (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities. (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process. (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.*

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

The Coastal Act requires that public access and public recreational opportunities to and along the coast must be maximized, that development enhance and/or protect public access and recreation opportunities, and that access and recreational opportunities be

provided where appropriate. Public parking and other facilities should be distributed along the coast, and lower-cost, visitor-serving facilities are to be protected, encouraged, and provided. The Coastal Act further provides that development shall provide appropriate mitigation if it may adversely impact archeological resources, and that the scenic and visual qualities of coastal areas shall be protected as matters of great public importance. Importantly, the Coastal Act's 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: 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 LCP public recreational access planning. Policies in the proposed LUP update requires that public access to the coast is maintained, enhanced, and sustainable; ensures protection of cultural resources; enhances the protection of scenic and visual resources, and public views more broadly; and considers environmental justice implications of new development as follows:

Public Access and Recreation

The proposed LUP documents existing public open space and community facilities and infrastructure, provides policies for coastal access, and describes improvements that are proposed to be undertaken during the future planning period to enhance recreational use and opportunities of Pacifica's coastline. There are a variety of open space and access opportunities throughout the City, including about 450 acres of regional parks, as well as beaches, in the coastal zone. These include beach access points at Sharp Park Beach, Rockaway Beach, and Pacifica State Beach and shore access points at areas with limited beach area at the Oceanaire apartments on Esplanade, and to the south at the San Francisco RV Park. There are 28 total coastal access points throughout Pacifica, as detailed in Table 3-1 of the LUP (see **Exhibit 2**, page 56). Additionally, there are four regional parks, including Mori Point, the Northern Coastal Bluffs, and the Pedro Point Headlands all of which are managed by the National Parks Service's Golden Gate National Recreation Area (GGNRA), and Sharp Park which is managed by the City and County of San Francisco.

The LUP update includes overarching policies that are intended to provide maximum coastal access opportunities for all, to ensure proper management of public accessways and areas, to provide for proper distribution of public facilities (such as parking and/or facilities), and to adjust shoreline easements in response to changes in the shoreline due to natural hazards such as erosion of frequent flooding. In regard to the relationship between development and access, the LUP ensures that new development does not interfere with the public's right to access the coast, that new development provide public access, and prohibits private gates and roads that impede access. Additionally, the update limits structural development on the beach to only allow development necessary for public access or safety, such as lifeguard towers or wheelchair accessways. Proposed policies also discuss temporary events exempt from CDP requirements, however, staff recommends modifications to ensure that temporary event exemptions

are applied consistent with the Commission's Temporary Event Guidelines²⁶ (see Policy PR-I-8, see **Exhibit 2**, page 59).

The LUP's proposed Public Access and Recreation chapter also dives deeper into policies specific to the designated coastal access points, centering around potential improvements, such as promoting trail improvements at the Northern Coastal Bluffs, developing a small park or viewing area at the City owned blufftop along the Esplanade, improving access at the San Francisco RV Park, creating access at the Rockaway headlands, constructing a new section of the Coastal Trail along the former Ocean Shore berm in Pedro Point, extending trails on the Pedro Point headlands, creating new trails at the Quarry, pursuing any other viable new coastal access points when possible, and maintaining existing access at Beach Boulevard and Rockaway Beach.

The proposed LUP also identifies area for improvements to regional parks, beaches, and trails. This includes connecting the Pedro Point headlands with the Coastal Trail, developing new parks as possible, creating new segments of the Coastal Trail through the Quarry, extending the Coastal Trail between Pacifica and Devil's Slide to the south, making sidewalk improvements along the Coastal Trail segments on Palmetto and Esplanade Avenues, and several other improvements to existing trails. The City also proposes policies to improve the accessibility of natural assets by improving signage and developing a trail and parks guide, and policies to improve the pedestrian and bicycle network in Pacifica.

Overall, the chapter addresses many Coastal Act requirements around the protection of public access and visitor-serving amenities and encourages improvements and maintenance of public access in the City of Pacifica. However, a few modifications are necessary to bolster these policies to ensure maximization of public access consistent with the Coastal Act. These include adding language to maintain lateral access along Beach Boulevard to the Pier, conducting a prescriptive rights study for privately owned access points in Pedro Point, and adding vertical trail improvements as part of the proposed enhancements to the access point adjacent to the San Francisco RV Park, all of which will maximize access per Coastal Act requirements. Lastly, a number of modifications are proposed to include language to ensure that coastal hazards are considered when improving roadways in order to assure the public's access to beach and Coastal Trail areas is not impeded but maintained and maximized consistent with Coastal Act requirements.

With the suggested modifications, the public access and recreation provisions can be found consistent with the Coastal Act.

Visual and Scenic Resources

The City of Pacifica has many natural and visual resources which the LUP update seeks to preserve and enhance consistent with Coastal Act requirements for the protection of these coastal resources. Three main promontories dominate the coastal zone in Pacifica and represent the remaining, natural and undeveloped coastal character of the

²⁶ See memo titled "Regulation of Temporary Events in the Coastal Zone" dated January 23, 1998: https://www.coastal.ca.gov/la/docs/temp_events_guidelines.pdf.

City: the Pedro Point Headlands, Rockaway Headlands, and Mori Point. Blufftop or promontory access with views over the coastline exist at Mori Point and on the Northern Coastal Bluffs. Direct views to the ocean are provided at Esplanade Avenue; along Beach Boulevard; at Rockaway Beach; from the Ocean Shore Railroad berm; and the top of Kent Road in the Pedro Point neighborhood. The City also has many scenic views, particularly along Highway 1 and Sharp Park Road, and has several hillsides and prominent ridgelines which add to the scenic resource values of the City.

To preserve these visual resources, the update includes proposed policies which ensure that scenic and visual amenities and views from scenic routes are preserved and enhanced consistent with Coastal Act requirements. Policies in the proposed update include guidelines for minimizing visual impacts on hillside development and protection of ridgelines from residential and commercial development. Development that occurs on a hillside will be required to comply with requirements to submit siting and grading plans, as previously required by the 1980 LUP. Additionally, proposed LUP update policies prohibit development on slopes in excess of 35% and on visible promontory landforms and require development to minimize impacts, require that development be clustered and contoured into the existing slope, and require that development is scaled and designed to be subordinate to landforms in the coastal zone. Other relevant policies include guidelines on roadway enhancements to improve scenic routes, improving pedestrian scenic routes, and reducing vegetation disturbances from development.

Therefore, as proposed, the visual and scenic resources provisions can be found consistent with the Coastal Act.

Tribal and Cultural Resources

Pacifica has a rich history with regional and statewide significance as it was home to several Tribal villages, such as Pruristac in San Pedro Valley and Timiigtac, in Calera Valley, as well as the site of the discovery of the San Francisco Bay. The Sanchez Adobe Historical Site along San Pedro Creek features physical evidence of several periods in California history. Five archeological resource sites have been found and recorded in Pacifica, all classified as habitation sites. As part of the LUP update process the Native American Heritage Commission conducted a search of the sacred lands file and failed to indicate the presence of additional Native American cultural resources in the planning area, and the City sent letters of inquiry to six Tribes which may have had historic ties to the Planning area, but no responses were received.

The proposed update does include several policies to protect designated historic and cultural sites. These include ensuring that development analyzes and avoids impacts to historic, cultural, archeological, or paleontological resources and requires mitigation where unavoidable. The proposed policies also require that projects conduct tribal consultation, a records review, pre-construction surveys and monitoring, and implementation of appropriate measures, such as avoidance, preservation in place, and excavation, as a condition of approval. Additionally, proposed policies requires that the City work with local tribes to protect recorded and unrecorded cultural and sacred sites, and educate the community and developers about the connections between tribal history and environmental features that characterize the land.

Therefore, as proposed, the cultural resources provisions can be found consistent with the Coastal Act.

Environmental Justice

Lastly, the proposed update includes an environmental justice section in accordance with the Commission's Environmental Justice policies and guidance.²⁷ The City of Pacifica noted in its LUP update submittal that it recognizes the importance and benefit of inclusive and equitable practices and procedures that reduce impacts on disadvantaged communities. To that end, the update includes three policies to address environmental justice. The first is to implement processes and procedures that promote environmental justice in support of the Coastal Commission's Environmental Justice policy. Second, the update requires that the City expand notification efforts to underrepresented communities for projects in the coastal zone. Finally, the update includes a policy to remove barriers to public participation by implementing new efforts to provide a welcoming, understandable, and respectful atmosphere for meetings and to be considerate of timing, location, and accessibility of any meeting to accommodate underrepresented communities.

Finally, the Coastal Act also requires that environmental justice be considered in terms of all coastal resource areas, requires that coastal development does not unduly burden any particular segment of the population with adverse coastal resource impacts, especially those communities that historically have been overburdened by such impacts, and reflects a focus on explicitly requiring fair treatment to all people in the application of the Coastal Act and LCP. Environmental justice issues and considerations otherwise appear throughout the update, including in policies ensuring public beaches and parks in the coastal zone are free to access, maintaining lower-cost user fees, minimize parking lot and beach curfews, and creating a safe and attractive environment which is accessible for all, including persons with disabilities, seniors, and younger residents and visitors.

Therefore, as proposed, the environmental justice provisions can be found consistent with the Coastal Act.

J. California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City exempted the proposed amendment from environmental review (citing CEQA Section 21080.9 of the California Public Resources Code which exempts local government from the requirement of preparing an environmental impact

²⁷ See https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf.

report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein. Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. Thus, the proposed LCP amendment as modified will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

4. APPENDICES

A. Substantive File Documents²⁸

- Currently certified City of Pacifica LCP
- City of Pacifica Sea-Level Rise Adaptation Plan
- City of Pacifica Sea Level Rise Vulnerability Assessment
- City LCP Amendment Submittal Packages
- Prior Commission comment letters to City (dated August 29, 2018; August 31, 2018; October 19, 2018; November 22, 2019; and February 19, 2020)
- City 2019 Consultation Draft In-Line Edits from Commission staff
- Public Comments to City during City LUP Review Process

B. Staff Contact with Agencies and Groups

- City of Pacifica
- Surfrider Foundation
- Pedro Point Community Association (PPCA)
- Pacifica Land Trust
- San Francisco Public Golf Alliance
- Pacifica Climate Committee

²⁸ These documents are available for review from the Commission's North Central Coast District office.