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Th9a

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To: Commissioners and Interested Persons

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Subject: **STAFF REPORT ADDENDUM for Th9a**
City of Pacifica Local Coastal Program Amendment Number LCP-2-
PAC-23-0056-3 (City of Pacifica LUP Update)

In the time since the staff report for the above-referenced item was published (on April 23, 2025), staff has received a number of comments, both in support of and in opposition to, the proposed City of Pacifica Local Coastal Program (LCP) amendment referenced above, and the purpose of this addendum is to summarize and respond to these comments. Comments received primarily focus on the proposed updated LCP Land Use Plan (LUP) provisions related to coastal hazards, including as it relates to armoring and special shoreline resiliency areas (SSRAs), but there were also comments on the Pedro Point field (the Calson property), the former quarry site, transportation policies, and tribal resources, among others. These comments can be found in the second correspondence package for this item. Staff has reviewed the comments and does not believe that they include any significant new information that might require changes to the staff recommendation, which continues to be approval as submitted. At the same time, staff provides the following response to the comments, where such response is made part of staff's recommendation as a "Response to Comments" section (which will be added to the staff report as Section "N" on page 78 just prior to the CEQA section, which section will be renumbered as Section "O").

N. Response to Comments

The Commission received several comments on the staff report and recommendation after it was published (on April 23, 2025), both in support of and opposition to, the proposed LUP update. Most of these comments were directed to proposed LUP provisions related to coastal hazards, including as it relates to armoring and special shoreline resiliency areas (SSRAs), but there were also comments on the Pedro Point field (the Calson property), the former quarry site, transportation policies, and tribal resources, among others. This section responds to those comments.

1. Coastal Hazards

Comments related to coastal hazards generally fall into the following categories: opposition to the Special Shoreline Resiliency Areas (SSRAs); critical infrastructure and

conflict resolution processes; hazard risk disclosures in tsunami inundation zones; nature-based solutions; relocation/realignment/managed retreat policies; siting and design policies; emergency armoring permits; updated adaptation planning, and cost benefit analysis.

Special Shoreline Resiliency Areas (SSRAs)¹

Surfrider, several environmentally focused organizations,² and hundreds of individuals sent comments which, in summary, urge the Commission to reject the proposed SSRA provisions because it would allow new development and redevelopment to rely on existing seawalls; put beaches at risk from continued armoring; would continue beach erosion at Rockaway Beach and West Sharp Park; create inequities between neighborhoods; and is not permissible under the Coastal Act Sections 30235 and 30253. Additionally, comments call for requiring meaningful, site-based armoring mitigation that creates and restores beach and coastal habitat; removal of structures encroaching on public trust property; prioritizing nature-based solutions; and adaptive realignment of infrastructure.

Reliance on Armoring

The comments are correct that SSRAs would allow new development and redevelopment to rely on armoring (both as it exists now and as it may be modified) for safety from coastal hazards along Beach Boulevard and at Rockaway Beach. As is described on page 48 of this report, the existing armoring at these locations already protects a variety of development, including popular public access ways, vital public infrastructure, and the residential development that lies further inland. This scenario poses a unique analytical challenge when it comes to armoring and what that armoring protects absent the proposed SSRA provisions. For example, if a home on Beach Boulevard proposed to redevelop over 50%, it would trigger a Substantial Structural Modification (SSM) and be considered redevelopment/new development that would be subject to all applicable LCP provisions. The home would then be required to be set back adequately and otherwise designed to be structurally stable/safe without considering any armoring present, which might not be feasible and would likely make such development LCP-inconsistent, at a minimum, with hazard policies. It may be possible to design new structures such that they would not need to rely on the fronting armoring, but because the City relies on this armoring to protect vital public infrastructure, it is unclear whether or if it will be removed. While it may be possible to redesign armoring structures to only protect public infrastructure, it is unclear if a patchwork of armoring along this stretch would actually result in improved outcomes for coastal access or other coastal resources. In fact, it is possible that a patchwork of armoring would not lead to new open beach space and would instead interrupt

¹ Staff note that in the LUP both Special Shoreline 'Resilience' Areas and Special Shoreline 'Resiliency' Areas are used interchangeably by the City.

² Via combined comments in one letter from members of Salted Roots, the Sierra Club, Green Foothills, the California Coastal Protection Network, the Coalition of Pacificans for an Update Plan and Responsible Planning, Pacifica's Environmental Family, the Pacifica Shorebird Alliance, the Pacifica Climate Committee, the Environmental Center of San Diego, the Coastal Environmental Law Group, and the Environmental Action Committee of West Marin.

continuous lateral access that is currently protected by shared armoring, thus resulting in reduced access opportunities.

Additionally, proposed development directly inland of the public infrastructure would only rely on the shoreline armoring that exists at the time of the permit application to demonstrate that it satisfies LCP coastal hazard policies (e.g., setbacks). Any new or redeveloped development must still meet the other requirements of proposed LUP Policy CR-I-2, which states that development in proposed Coastal Vulnerability Zones (which are larger than, but encompass, the proposed SSRAs) may only be approved if the development, as measured over its full anticipated life, is sited, designed, and conditioned to avoid, and where unavoidable, minimize risks from hazards to the maximum extent feasible; minimize and mitigate impacts; avoid creating a nuisance; and avoid encroaching onto public lands. Additionally, all such development behind the SSRAs must comply with the hazard risk disclosure policy requirements, including, in part, waiving future rights to armoring if the development meets SSM thresholds, and acknowledging that the development's long-term safety may be based in part on shoreline armoring seaward of the structure which may or may not be effective, and/or maintained, and/or be present for the life of the structure. As such, while new development may be allowed to be built behind a seawall where it would otherwise not be allowed through the Coastal Act, the majority of hazard policies would still apply, including ensuring property owners accept and disclosure risk, and minimize risk from hazards to the maximum extent feasible.

Further, while the comments received are correct that allowing such reliance is potentially not permissible under Coastal Act Section 30235, depending on whether the structure is existing or not, and is plainly not allowed under Coastal Act 30253, the Commission finds that approval of the proposed LUP update, including the proposed SSRA provisions, is, on balance, the most protective of significant coastal resources because denial of these provisions would leave vital public infrastructure vulnerable to coastal hazards, with the potential for adverse beach, marine, and water quality impacts inconsistent with other Coastal Act provisions. The conflict resolution section on page 65 of this report explains this further.

Impacts of Armoring and Mitigation

As to the claim that the SSRAs would permanently lock in beach erosion at Rockaway Beach and West Sharp Park, beach erosion and loss have been occurring at both locations since they were originally armored (in 1984 for Beach Boulevard and between 1960 and 1962 for Rockaway Beach). This erosion, combined with sea level rise, has resulted in limited to no beach access in the areas fronting the armoring. Instead, access opportunities in these areas are characterized by lateral access along Beach Boulevard, to and along Pacifica Pier, and along portions of Coastal Trail protected by armoring at Rockaway Beach. This type of existing access would not be impacted by continued reliance on armoring but rather would be protected by it. However, the City recognizes that continued armoring within the SSRA areas would mean that no new beach area is formed, as may be the case if the armoring and development inland of that armoring were to be removed, therefore resulting in a continuation of a lack of beach space and the resultant impacts to public recreational access and other coastal resources over the SSRA time horizon (where the SSRA provisions would sunset in

2045). Therefore, the City is required to develop and implement a Coastal Access and Resilience Program for coordinated public access enhancement designed to not only offset the impacts of any future armoring projects, but to go beyond typical required mitigation to provide additional public benefits to address the ongoing impacts of current armoring (e.g., enhancement of public recreational access facilities, removal of existing armoring, nature-based adaptation strategies, beach nourishment, and acquisition/conservation of properties subject to coastal hazards). While the comments that allowing the SSRAs would continue the trend of beach loss are true, it is also true that without the SSRAs this trend will continue regardless, unless/until the armoring is removed, all of which requires further planning. Retreating or realigning the public infrastructure (including roads, public accessways, sewer, water, stormwater, and other utilities) and the many structures in the SSRAs, and removal of the existing armoring, would result in an outcome where the beach would be able to continue its natural processes and may have fewer impacts on beach resources. However, exploring this sort of alternative takes significant planning and analysis, and is often limited by feasibility constraints. Additionally, this sort of adaptation planning is complex, often controversial, and has not occurred in the City of Pacifica to date.

The proposed LUP does begin to address this complicated planning by including requirements to conduct a Shoreline Adaptation Program, which would evaluate phased adaptation approaches for these areas that reflect identified hazards projections and the City's overall vision; consider the extent to which shoreline armoring should remain the preferred adaptation approach in the SSRAs or whether alternatives may better achieve City goals and result in preferred coastal resource outcomes; analyzing the ability of the shoreline armoring to withstand coastal hazard conditions over time as sea levels rise, the feasibility and costs of anticipated maintenance of said armoring, any anticipated augmentations or replacements that may be necessary over time as sea levels rise, and any threshold hazard conditions beyond which shoreline armoring may not be able to function and the associated adaptation measures that would be necessitated for the development that relies on the shoreline armoring at such times.

As to the comments calling for requiring meaningful, site-based mitigation for any shoreline armoring proposal, and to the claims that the Coastal Access Resilience Program (per LUP Policy CR-I-44) does not go far enough to mitigate the impacts of new shoreline armoring, a combination of proposed policies are meant to address the impacts from both new armoring projects and ongoing impacts from current armoring, and to do so in a way that responds to changing conditions as sea levels rise. First, the City will develop a Shoreline Adaptation Program (Policy CR-I-5) that is designed to require continued, more detailed adaptation planning to develop appropriate long-term adaptation responses throughout the City's shoreline that will ensure the protection of both coastal resources and development. That policy specifically includes language recognizing that any approach that includes armoring would need to ensure coastal resources can be protected even as sea levels rise.

Second, beyond that bigger picture long-term adaptation planning, the City is required to develop and implement a Coastal Access Resilience Program (Policy CR-I-44). As described above, this program is meant to go beyond the typical project-by-project mitigation requirements for new armoring to address the continued impacts of the

current armoring. Development of this program will aid the City in thinking holistically about how to better protect and provide for new and enhanced access opportunities along the entire shoreline, even as sea levels rise, including by ensuring continued protection of critical beach areas as well as alternative access opportunities where beaches do not exist. Critically, the SSRA policies allowing for armoring would not come into effect until this program has been developed, and the policies would be suspended if the program is not implemented.

Lastly, proposed LUP Policy CR-I-34 lays out the mitigation requirements for new shoreline armoring, which include mitigating for impacts on sand supply, beach area, public access (vertical access to the shore and horizontal access along the shore and blufftop) and recreational use (surfing, fishing, hiking, etc.), public trust lands and values, ecological function, water quality, shoreline aesthetics, and cultural resources. Mitigation options will include consideration of providing equivalent new public access, recreation, habitat or other coastal resources in the vicinity of the project, or if such options are not feasible, proportional in-lieu fees that consider and reflect, to the maximum extent practicable, the full value of impacted and/or lost resources for the authorization period of the project. Additionally, it is nearly certain that all armoring in the SSRAs would be located within the Coastal Commission's retained CDP jurisdiction, including because armoring in these locations was subject to past Commission permitting and/or the likelihood that the armoring would be located seaward of the mean high tide line and/or in public trust areas. As a result, the proposed SSRA provisions would not be the standard of review for Commission actions in those cases although the Commission would clearly be informed by the SSRA provisions.

Modifying the LUP to Remove SSRAs

The theme of many comments asks the Commission to reject the proposed SSRA provisions, and to approve the rest of the proposed LUP update without them. The Commission does have the authority to modify the LUP to remove such provisions, disallow the proposed SSRA provisions, or even modify them in an attempt to make them Coastal Act consistent, which would potentially allow the rest of the LUP to achieve Coastal Act consistency, because those policies, in and of themselves, could be consistent with Chapter 3 Coastal Act policies.

However, and as further explained in the Conflict Resolution section on page 65, denial of the SSRA provisions would leave vital public infrastructure vulnerable to coastal hazards, with the potential for adverse beach, marine, and water quality impacts inconsistent with other Coastal Act provisions. If the SSRA provisions were removed from the proposed LUP, the current status quo would continue, which involves the continued existence of existing, but older, armoring that has continuing coastal resource impacts. While some have suggested that potential future armoring proposals would not meet Coastal Act override tests and would thus need to be denied, that is not clear from information currently available to the Commission. It is possible that a close analysis would conclude that some of the shoreline infrastructure is "existing" and some is not, thereby allowing armoring under Coastal Act Section 30235 (or its current LUP equivalent) in some locations but not others. It would not provide coastal resource benefits to allow a patchwork of armoring in these developed neighborhoods. Rather, such an outcome could represent the worst of both worlds: there could be insufficient

armoring to protect existing, vital public infrastructure, yet enough armoring to have impacts on beaches and other coastal resources. In addition, the armoring now present still serves a protective function and thus, absent some form of catastrophic loss, there is currently no clear path to requiring its removal that would not require significant redevelopment of structures inland of it that rely on it and are associated with it. Thus, it is unlikely that removal of the SSRA provisions would lead to near-term (i.e., over the 20-year life of the SSRA provisions) resource benefits.

In contrast, the marine resource and water quality ramifications of a lack of protection in the SSRAs would leave vital public infrastructure vulnerable to coastal hazards, with the potential for adverse beach, marine, and water quality impacts inconsistent with other Coastal Act provisions. As described further in the Conflict Resolution section, it is not clear that these impacts would be avoided if the Commission denied the LUP amendment or if the SSRA provisions were removed, as the current LUP does not allow the same level of protection for vital infrastructure, and certainly does not provide the same requirements for City-wide adaptation planning and coastal access benefits.

It is also not clear that the City would accept any proposed modifications. The City has been working on this LUP update for almost 10 years, withdrew a prior submittal (in 2023) in order to reconsider its approach, and has been in active discussions with many interested parties (including Commission staff), some with quite diametrically opposed viewpoints, for many years. The SSRA provisions have been a controversial component of those discussions at the local level, where this proposed LUP amendment and those provisions were even a prominent issue in recent City Council elections in 2024. All of that is to say that there is a very real possibility that the City simply would not accept suggested modifications, especially to the SSRA provisions, which would mean that the LUP – including all of its beneficial and updated provisions unrelated to SSRAs – would not be amended and updated. The Commission has considered modified provisions that address the affirmative marine resource and water quality mandates in a way that was completely Coastal Act consistent (e.g., requiring nature-based solutions to protect public infrastructure from erosion, requiring public buy out and removal of some at-risk development, etc.), avoiding the immediate need for armoring, bringing the proposal into consistency with Section 30253 (and related coastal resource protective provisions), and avoiding some coastal resource impacts. However, those policies are not feasible at this time. They might become feasible at a later time with further study or once risks become great enough that armoring becomes too expensive or ineffective. But the time, cost, and uncertainties of being able to craft and obtain local approval of strategies such as these makes such other alternatives incapable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and other factors.

In addition, as described further in this report, the proposed SSRA provisions are more of a 'bridge' to advance continued planning than a final determination that armoring is appropriate for all times along Beach Boulevard and at Rockaway Beach. In fact, not only do the SSRA provisions only become effective if specific criteria are implemented (criteria that are specifically designed to ensure implementation of public access improvements), but they sunset in twenty years, ensuring that the City must complete additional adaptation planning and implementation. The policies can also be suspended

if certain criteria are not met. Such planning efforts required from this update go above and beyond typical requirements associated with armoring projects and would be expected to provide enhanced resource benefits in terms of coordinated and specific access enhancements at a neighborhood scale. Additionally, the increased planning efforts required through the Coastal Access and Resilience Program and Shoreline Adaptation Program (per LUP Policies CR-I-44 and CR-I-5) should have tangible outcomes that will assist the City with future planning and adaptation, including determining how to best adapt public infrastructure in relation to the impacts of coastal hazards, including sea level rise. In other words, the SSRA provisions are purposefully limited in area, scope, duration, and applicability, and dependent upon enhanced public recreational access amenities as well as more refined adaptation planning, intended to result in better long-term coastal resource outcomes.

In that context, it is becoming increasingly apparent that an inflexible approach that would prohibit most armoring regardless of the unique shoreline and community contexts is unlikely to result in good LCP planning outcomes. In the face of rising sea levels and increasing vulnerabilities, some extra allowances for shoreline armoring may need to be incorporated into some planning approaches, at least as a temporary 'bridge' towards longer term and more refined solutions that can ensure protection of beaches and other coastal resources now and into the future. Those outcomes are dependent not only on local governments and the Commission, but also on the State of California as a whole, coming together to develop creative solutions, as outcomes that prevent the disappearance of our beaches in these communities will take significant investment and political will.

Inequities Between Neighborhoods and Expanding SSRAs

Several commentors question why Rockaway Beach and Beach Boulevard are an SSRA, but other areas of the City (such as the Esplanade and Fairway neighborhoods) are not afforded reliance on armoring, and question why other areas experiencing hazards with vital infrastructure are not included in the SSRA.

The two areas chosen for the SSRAs both fit a specific type of development pattern. Namely, each area is developed right up to the shoreline, is currently armored, has vital public infrastructure protected by the armoring, is fronted by public access amenities (such as the Coastal Trail and public access parking areas/lots), and is an area of high visitation. Other areas, such as the Fairway and Esplanade neighborhoods, do not fit all these criteria. Fairway is buffered from the immediate shoreline by the Sharp Park Golf course, which itself is already armored with the berm/riprap at that location, and Esplanade and the northern portion of Pacifica in general has a shoreline which consists of a patch work of armoring, the majority of which is unpermitted. The breadth of public infrastructure threatened in these neighborhoods is not clear at this time, and any future proposals for armoring would need to meet the criteria as laid out in the coastal hazards chapter.

Critical Infrastructure and Conflict Resolution

The North Coast County Water District (NCCWD), with support from President of the Board of Supervisors for San Mateo County, David Canepa, sent a letter which says that they believe that the proposed LUP should expressly include references to the

Coastal Act's balancing test, which the Coastal Commission could apply when critical public infrastructure is at risk due to coastal erosion or sea level rise. Specifically, the District requests that the following sentence be included in the LUP: "Shoreline protection structures for critical public infrastructure may be allowed to the extent that they satisfy the applicable balancing tests set forth in the Coastal Act."

To the extent that this is a reference to Conflict resolution – Conflict resolution is a process allowed through the Coastal Act via Section 30007.5 and only applies when the Coastal Act is the standard of review, which is only applicable in cases where the Coastal Commission is the permitting authority. In other words, while Local Governments gain CDP permitting authority through their LCPs, they do not have the authority to conduct conflict resolution. As such, adding language about conflict resolution would not be appropriate to add to the LUP. It is worth noting, however, that in Pacifica, most, if not all, proposals for armoring would be located within the Coastal Commission's retained CDP jurisdiction because it was subject to past Commission permitting and/or because the armoring would be located seaward of the mean high tide line and/or in public trust areas. The Commission has the ability to use conflict resolution if the situation calls for it under the Coastal Act. Additionally, any infrastructure that NCCWD is concerned about within the SSRAs would be allowed to rely on armoring as laid out in the SSRA provisions and as further described on page 44 of this report.

Hazard Risk Disclosures in Tsunami Inundation Zones

Some commentors are concerned that requiring hazard risk disclosures as a condition of approval for development in Tsunami Zones would limit development, and that the disclosures themselves are overly broad. To be clear, the hazard risk disclosure policy (LUP Policy CR-I-21) would not by itself limit potential development, but instead would require a permittee to record a deed restriction to acknowledge that 1) development is located in an area subject to hazards currently or in the future; 2) the permittee assumes risk from hazards; 3) the permittee waives any claim of damage or liability; 4) permittee waives any rights that might exist under applicable law for shoreline protection structures; 5) sea level rise could render it difficult to provide public services in the future; 6) that public trust lands may shift and if development comes to be located on such lands it would need to be removed; 7) the structure may need to be removed or relocated if it becomes unsafe due to coastal hazards. Such requirements are not 'overly broad', but are actually quite specific, and speak to specific topic areas. At their core, risk disclosures are all about ensuring that all parties are noticed of risk, including to avoid claims that one party or another was not aware of such issues, including where that can foster allegations/actions that attempt to displace that risk onto others. Such disclosures are also about ensuring that parties that choose to develop in hazardous areas internalize that risk, and it is not shifted to others, including the public.

Nature Based Solutions

Surfrider calls for the Commission to modify the proposed LUP to reinstate policies about nature-based solutions. However, it is not clear what needs to be reinstated. In fact, nature based solutions (or "soft shoreline protections") are encouraged by proposed Policy CR-I-30. This policy encourages the use of soft or natural shoreline protection methods, such as dune restoration and sand nourishment, as alternatives to

shoreline protection devices. The policy also states that soft shoreline protection must be fully evaluated.

Relocation/Realignment/Managed Retreat

Surfrider calls for the Commission to modify the proposed LUP to include policies about adaptive realignment of infrastructure, and policies about relocation, buyouts, or removal. However, proposed Policies CR-I-8 and CR-I-9 state that the City should explore options for hazard prone infrastructure, such as relocating infrastructure. Additionally, proposed Policy CR-I-21 requires that all new development record a deed restriction which puts the permittee on notice that public trust lands may shift and if development comes to be located on such lands it would need to be removed; that the structure may need to be removed or relocated if it becomes unsafe due to coastal hazards; and that the permittee waives any rights to shoreline armoring in the future.

Additionally, while it's true that the LUP does not include any policies that explicitly encourage buyouts of property by the City, as part of the Shoreline Adaptation Program (Policy CR-I-5), the City will identify funding opportunities to implement specific adaptation programs, which includes purchase of deed restrictions, easements, structural buyouts, and other related opportunities for acquisition and removal of structures encouraging sandy beach areas. In addition, the Coastal Access and Resilience Program (Policy CR-I-44) identifies that projects to be considered include acquisition of properties subject to coastal hazards. Lastly, Policy CR-I-7 directs the City to explore the ways in which a Transfer of Development Rights Program could be applied within the LCP to relocate development rights from Coastal Vulnerability Zones to receiving sites outside of these hazardous areas.

Siting and Design

Surfrider encourages the Commission to include policies about adaptive relocation provisions through bluff setbacks and infrastructure siting restrictions, policies which restrict armoring in residential areas, and policies tying new development to hazard avoidance for the full lifespan of structures. They also call for not allowing siting of vital public facilities in the Coastal Vulnerability Zones. However, such policies are already included in the LUP.

For example, proposed Policy CR-I-19 requires that new development conduct technical analysis to demonstrate that the development will avoid (or if unavoidable, minimize) impacts from coastal hazards for the anticipated life of the proposed development without reliance on any existing or future shoreline protection devices. This policy also requires that blufftop/shoreline development be setback a sufficient distance (accounting for wave runoff, storm surge, and other relevant factors) to avoid coastal hazards risks to the maximum degree possible while ensuring stability and structural integrity in light of potential erosion and other coastal hazards, where such minimum required setback shall be the distance necessary for all structural development to stay inland of a line that identifies the future predicted location of the blufftop edge or highest predicted water line (and at least 25 feet on blufftops).

Additionally, proposed Policy CR-I-20 requires that development in Coastal Vulnerability Zones be sited, designed, and setback from the blufftop and/or shoreline to be safe

from erosion, bluff failure, wave run-up, flooding and other coastal hazards for the anticipated life of the development, without shoreline protection, considering projected sea level rise and other climate change effects to be determined from best available science and current guidance at the time of approval of the proposed development, as demonstrated by site-specific analyses and/or technical reports.

As to the Surfrider request for policies that prohibit shoreline armoring in residential areas of the Coastal Vulnerability Zones, shoreline armoring is indeed prohibited for structures that do not qualify for armoring per Coastal Act Section 30235, as seen in proposed Policies CR-I-19, CR-I-20, CR-I-21, and CR-I-32.

Surfrider also calls for the revision of proposed Policy NH-I-29, which they say allows critical infrastructure in Coastal Vulnerability Zones and has vague siting criteria. However, such policy does not allow critical infrastructure in this zone unless there is no feasible alternative, and has fairly specific siting criteria. The policy says:

Site critical public facilities outside of the tsunami evacuation zone, 100-year flood plains, and other portions of the Coastal Vulnerability Zone over the anticipated life of the development. If no feasible alternative location is available and a new or expanded critical facility must be located in a shoreline hazard area, require the new development to incorporate siting and design measures based on worst-case sea level rise projections and extreme weather event scenarios to promote continued functionality and public services, resist structural damage, facilitate evacuation on short notice, and minimize risk to life, property, and coastal resources.

Additionally, any new facility would need to meet the technical report and siting and design requirements discussed above in Policies CR-I-19 and CR-I-20.

Emergency Armoring Permits

Surfrider is concerned that the new emergency armoring provision (Policy CR-I-36) fails to define what constitutes an emergency, leaving this pathway open to abuse. This policy includes typical emergency permit procedures, such as that the armoring may only be allowed on a temporary basis, that the armoring must be removed unless appropriately authorized by a regular CDP, and such follow up CDP application must be submitted within 90 days of approval of the emergency permit. Additionally, any temporary emergency shoreline protective structure must be sited and designed to be the minimum necessary to abate the identified emergency, and to be as consistent as possible with all LCP shoreline protective structure standards, including avoiding coastal resource impacts to the maximum possible extent. Mitigation for impacts will be required through the regular CDP process, including mitigation commensurate with the duration of impacts caused by the emergency temporary structure.

As to the definition of emergency, while the LUP does not have a definition of emergency, the Implementation Plan (or IP) does in IP Section 9-4.4307, which states: “the provisions of this Section shall apply where the Director determines that an emergency coastal development permit is necessary as an urgency measure to protect life and property from imminent danger or to restore, repair, or maintain public works,

utilities, or services during and immediately following a natural disaster or serious accident.” In addition, the Commission’s implementing regulations also provide guidance on this point, where emergency is defined as “a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services” (see Title 14, California Code of Regulations (CCR) Section 13009).

Finally, as described above, most, if not all, armoring would be located in the Commission’s retained CDP jurisdiction area, meaning that the Coastal Act and its implementing regulations would be what govern any potential emergency armoring applications.

For all of these reasons, it is not anticipated that the proposed emergency armoring provisions would be open to abuse, as suggested.

Updated Adaptation Planning and Cost Benefit Analysis

Surfrider recommends that the LUP require a revised cost-benefit analysis that incorporates sand supply, beach use value, climate equity, and public access loss. The proposed LUP discusses the cost-benefit analysis that was conducted as part of the Adaptation Plan in 2018 (on page 6-9 of the Coastal Hazards chapter). As discussed there, that cost-benefit analysis was not adopted or approved by the City of Pacifica due to controversy around it. While cost-benefit data that quantifies benefits of sandy beaches (and related concepts) would indeed be useful, such information is not necessary for the Commission to find that the LUP adequately conforms with Chapter 3 of the Coastal Act. Additionally, individual armoring cases will absolutely be required to quantify those sorts of costs and benefits for consideration of any CDP applications. In addition, the proposed Policies CR-I-4 and CR-I-5 require the City to evaluate implementation of the LCP policies and update them every 5 years to include best available science, new sea level rise projections, and other requirements (as further laid out on page 6-13 of the Coastal Hazards chapter.) The Shoreline Adaptation Program (CR-I-4) requires the City to build upon past adaptation planning work, identify existing and future conditions, describe goals and visions for each area, and evaluate sand supply, beach use, and public access. All of which provides an opportunity for enhanced cost-benefit analysis.

2. Other

Other comments received relate to the Pedro Point field (Calson Property), the former quarry site, tribal consultation, hillside preservation, transportation, Rockaway Beach public access, and sediment relocation.

Pedro Point Field (Calson Property)

The Pedro Point Community Association (PPCA) and several other individuals raised concerns about the proposed LUP and its policies and use designations regarding the Pedro Point field site (also known as the Calson Property). These concerns include designating the site Coastal Residential Mixed Use; the potential for flooding impacts; the potential for adverse effects on Environmentally Sensitive Habitat Areas (ESHAs) and wetlands; the potential for adverse biological impacts on sensitive species; the potential for aesthetic impacts; and the potential for transportation/traffic impacts.

The proposed new land use designation of Coastal Residential Mixed Use (CRMU) would allow for residential mixed use development including housing and retail and/or small scale visitor oriented commercial uses such as vacation rentals. However, as noted on pages 17-18 of this report, this new land use designation is not drastically different from the current commercial land use designation, which itself would allow a variety of potential commercial uses including visitor serving, commercial, retail, office, and light industrial. Thus, the change in designation to CRMU is not expected to result in significantly different development intensities than would already be allowed under the current designation. It should also be noted that while commenters raise concerns that the change in land use designation would lead to development, such a change does not guarantee any development proposals will be made. Additionally, were the LUP to be denied, proposals for development could still be submitted under the existing commercial designation, but without the benefit of the enhanced natural resource policies contained in the updated LUP and discussed in further detail below and on pages 22-29 of this report.

Further, commenters raise concerns about the presence of ESHA, wetlands, and other sensitive species on site which could be affected by development. The earlier discussion regarding Pedro Point Field (on pages 17-18 of this report) notes that the site is known to contain wetlands and ESHA supporting California red-legged frog habitat, and notes that the presence of such ESHAs and species could constrain the development potential of this site per the required protections and buffers for ESHA and wetlands found in Chapter 4 of the LUP (Environmental and Scenic Resources). Additionally, it could be argued that the newly proposed buffer, biological surveying, and monitoring policies in the LUP would provide greater protections for any sensitive species or habitat on site than those contained in the existing LCP. Some commenters raised concerns regarding Figure 4-3 not showing the Pedro Point Field as potential ESHA or California red-legged frog habitat, however the figure includes a note that it is not exhaustive, is only preliminary, and site-specific biological evaluations and field observations shall be required.

To concerns regarding transportation, traffic, and limited parking, the proposed LUP incorporates numerous transportation focused policies which serve to improve transportation amenities throughout the coastal zone and maintain or enhance access along the coast through the provision of adequate parking, public transportation, or alternative means.

Finally, the LUP incorporates a policy specific to the Pedro Point field area, Policy LD-I-21, which states that development must include public coastal access, provide public open space, and consider all biological constraints. Further, a wetland survey must be conducted according to the requirements of CCR Section 13577 to delineate potential wetlands on the site as part of a potential development application and requisite environmental review process. Additionally, an assessment of potential geotechnical hazards must also be part of the development application and environmental review process, including assessment of the adjacent Ocean Shore railroad berm under hazard and vulnerability scenarios consistent with the natural and coastal hazards policies in the LUP.

In sum, the proposed land use designation is similar to the current zoning and any future proposal for development on this site would need a CDP which would be required to analyze any impacts to biological resources, traffic, hazards, and any other issues. As such, any potential future development proposal would have to account for all such constraints, including appropriate habitat buffers, which would likely result in a smaller development footprint that balances any development proposals with appropriate protections for habitat and other coastal resources.

Former Quarry Site

Several comments were received which state concerns about the former quarry site just upcoast of Rockaway Beach switching from an area of deferred certification (where the Coastal Commission has primary CDP jurisdiction) to the City's CDP authority. Concerns with potential development proposals for this site are the driving factor for these comments. However, whether handled by the Commission or the City (where the Commission would retain appellate authority over the site even if it's certified into the LUP), any future development proposals for the former quarry site would require a CDP that would need to analyze constraints to potential development, accommodate appropriate habitat buffers, mitigate any impacts to biological resources, provide for public access, and analyze coastal and natural hazards, at a minimum. As such, any future development proposal would have to account for all such constraints, and would need to address coastal resource protection.

Additionally, some commenters raise specific concerns about the risk development of the quarry could pose to ESHA, wetlands, and sensitive species on site. It is clear that the quarry area (including Calera Creek) are known to contain wetlands and ESHA supporting California red-legged frog habitat, and that the presence of such ESHAs and species could constrain the development potential of this site per the required protections and buffers for ESHA and wetlands found in Chapter 4 of the LUP (Environmental and Scenic Resources), as described in further detail in the Natural Resources section of the staff report.

Finally, one of the key objectives of the Coastal Act is to certify LCPs that can serve as the local embodiment of the Coastal Act, and to delegate direct CDP authority in those areas to the local government, here the City of Pacifica. The fact that an area of deferred certification is being certified should be applauded, especially when that means that all of the LUP's updated provisions requiring coastal resource protection then apply to that area as well.

Tribal Consultation

Surfrider and other commenters raised concerns that the proposed LUP omits sufficient language requiring tribal consultation and fails to adequately determine the location of culturally sensitive areas through comprehensive archeological study. As to tribal consultation, as part of the LUP process the City conducted a search of the Native American Heritage Commission's sacred lands file and reached out to the six listed tribes with historic ties to the planning area, none of which responded. As to the lack of an explicit tribal consultation policy, the City notes that tribal consultation is required under State law, and thus they did not see the need to identify it explicitly in the LUP. Even so, the LUP includes a series of provisions that require conservation of historic

and cultural sites, and requires coordination with local Native American tribes to protect recorded and unrecorded cultural and sacred sites. As a result, it appears that tribal consultation will occur, even if it is not an explicit requirement, as part of the City's CDP processes.

Hillside Preservation

Surfrider and other commenters raised concerns that the proposed LUP would weaken policies intended to preserve hillsides from development. However, the LUP includes numerous policies that work to expand and improve hillside preservation, including Policies NH-I-1, NH-I-4, NH-I-9, NH-I-10, and NH-I-19, among others. These policies ensure that the development of highly sensitive slopes does not harm the environmental or scenic values of the hillsides, and encourages high-quality site-specific planning and design that enhances the beauty of the landscape.

Transportation

One comment was received expressing concerns about the language in proposed Policy PR-G-26, which states that all new development should ensure there is adequate off-street parking. The commenter asserts that this policy imposes a requirement for all new development to provide off-street parking without allowing public transportation as a substitute for compliance. The commenter recommended addressing this concern by making a modification to Policy PR-G-26 to include language noting that public transportation can also be used to allow compliance with off-street parking requirements.

However, the determination of 'adequacy' of off-street parking is not limited solely to an examination of the number of off-street parking spaces, and in fact could include consideration of various forms of multimodal transportation, including public transit, walking, and cycling, among others, that might limit the need for parking. To the commentor's point, the amount of parking that is 'adequate' can be informed by the degree of transit opportunities available. Further, the proposed LUP incorporates numerous transportation focused policies designed to help improve and enhance transit and multimodal opportunities, including requiring transportation demand management measures; creating comprehensive multi-modal transportation systems; designing, building, and maintaining transportation improvements for safe streets; improving pedestrian amenities; and maintaining and enhancing access along the coast by providing adequate parking, public transportation, or alternative means.

Taken together, the policy does not preclude the consideration of public transportation when determining adequate parking supply, and the LUP overall promotes the creation and improvement of multimodal transportation, including public transit, and does not need to be modified.

Rockaway Headlands Coastal Access

Surfrider claims that policies in the Public Access and Recreation chapter weaken coastal access protections in areas like Rockaway Headlands. However, the LUP calls for increased trail networks to enhance the California Coastal Trail (Policy PR-G-11), to create new trail segments in the Rockaway Quarry headlands and Rockaway Headlands, and to improve public access overall in Pacifica.

Sediment Relocation

Surfrider says that erosion control policies now allow aggressive sediment relocation without environmental evaluation. However, any proposed sediment relocation projects would need to address all LCP requirements for environmental protection, analysis, and technical reports. For example, proposed Policy ER-I-8 states “allow suitable sediment removed from erosion and flood control facilities to be placed at appropriate points on the shoreline, where environmental effects will be minimal.” However, this does not allow any sediment removal and/or placement without going through the CDP analysis and application process. Additionally, proposed Policy ER-I-11 requires best management practices to ensure that any pollution from sediments is avoided and/or minimized as much as possible.

Protection of Public Trust Resources

A coalition of environmental organizations submitted a letter arguing that the LUP’s SSRA provisions violate the Commission’s duty to carry out the public trust doctrine by precluding beach access, fixing the shoreline, and damaging public trust resources, and also that the Commission failed to make public trust findings. The Commission acknowledges its responsibility to protect public trust resources, uses, and needs. Traditionally, the public trust doctrine was understood to protect in-water uses such as fishing, navigation, and commerce, but its reach has been expanded to protect the environment and associated resources that affect trust lands. There are many uses that may be consistent with the protection of public trust resources, uses, and needs, and case law does not prioritize any one public trust interest over another. However, in general, public trust lands are held in trust for the benefit of the general public and must be used to serve trust-related statewide and regional goals, as opposed to purposes only benefiting specific individuals or local entities.

As noted in the Coastal Commission’s Public Trust Guiding Principles and Action Plan, adopted in 2023, “hard shoreline armoring often adversely impacts public trust resources, uses, and needs and is often inconsistent with the Coastal Act.”³ Nevertheless, the Guidance notes that armoring may be permissible, consistent with the public trust doctrine, in certain circumstances like the one presented by Pacifica’s LUP update. As the Guidance document states:

[t]here may [] be situations where Coastal Act policies conflict, in which cases decisions must be made that are on balance most protective of significant coastal and public trust resources like public access and recreation. These situations are most likely to arise when temporary armoring is necessary to protect public coastal resources (e.g., public roads providing coastal access); the armoring would have limited impacts on coastal or public trust resources; there are no other feasible alternatives; and the project is paired with other coastal resource protection measures, such as managed retreat and nature-based adaptation strategies, and with identified longer-term adaptation solutions.

³ https://documents.coastal.ca.gov/assets/public-trust/Public%20Trust%20Guidance%20and%20Action%20Plan_Adopted.pdf.

Here, the City's comprehensive update to its LUP includes many policies that will help protect public trust resources, uses, and needs. As described throughout this staff report, these updated policies will help address sea level rise, promote adaptation planning, require coastal public access improvements, and more. A number of policies specifically require protection of public trust resources, uses and needs. For example, Policy CR-I-2 only permits development in Coastal Vulnerability Zones if it will not encroach onto public trust lands. Policy CR-I-21 requires acknowledgments from permittees that the boundary between public tidelands and private lands may shift with rising seas and that the development is not permitted to be on public trust lands. Policies CR-I-22, CR-I-26, CR-I-31, and CR-I-34 also explicitly protect public trust resources by requiring mean high tide line surveys for certain development, acknowledging that "takings override" approvals may not be warranted in cases where development would violate public trust doctrine principles, and ensuring that shoreline armoring avoids, and where unavoidable mitigates, impacts on public trust lands and values, and that any such impacts are monitored over time. Other LUP policies that protect public access to the coast, sensitive habitat, marine water quality, and other coastal resources also serve to protect public trust resources, uses and needs.

The SSRA provisions do allow some armoring in two locations to protect shorefront public infrastructure, despite the acknowledged impacts that such armoring may have. As described in the conflict resolution findings, the Commission finds that, due to the unique circumstances present in this case, such an allowance is most protective of significant coastal resources. For the same reasons described in those findings, which are incorporated by reference in full here, such an allowance is also most protective of public trust resources. For example, the limited-term allowance for armoring will help prevent erosion of shorefront infrastructure, with resulting pollution and marine debris, while also requiring both longer-term adaptation planning and specific public access benefits. It will also protect certain forms of public coastal access.

In the great majority of cases, coastal armoring limits public access by causing erosion of beaches and precluding the natural, inland migration of beaches and the shoreline. Although that is true in the SSRA areas, it is also true that these areas already contain armoring, much or all of which is lawfully in place. Current access opportunities in these areas are characterized by lateral access along Beach Boulevard, to and along Pacifica Pier, and along portions of the Coastal Trail. This existing access is currently protected by armoring and would be protected by continuation of this armoring under the SSRA policies. However, it would be at risk if armoring were taken out in the shorter term, such as the 20-year time horizon of the SSRA provisions, before other adaptation options were identified. This would lead to a loss of public trust-consistent coastal access opportunities.

Central to the Commission's finding that the SSRA provisions in this specific instance are consistent with public trust principles are a few facts. First, armoring already exists and is not currently required to be removed, so policies allowing at least temporary retention, reliance on, and enhancement of such armoring will not lead to additional or significantly different public trust impacts that don't exist today. Rather, they will protect some current public trust-consistent uses while the City develops a longer-term adaptation plan. Second, SSRA-permitted armoring is allowed only "when required to

protect public infrastructure (e.g., public roads, sidewalks, parking areas, accessways, water and sewer infrastructure)” (see Policy CR-I-40). This aligns with the principle that public trust uses are ones that facilitate public access, public enjoyment, or public use of trust land, rather than uses that are not trust related, do not serve a public purpose, and can be located on upland property, such as residential and non-maritime related commercial and office uses. The analysis would be different if the armoring here was permitted for the purpose of protecting private homes or other uses that are not public trust consistent.⁴

Third, protecting public trust resources in the era of sea level rise will take time, extensive planning, and some tradeoffs. Agencies with public trust duties are permitted to balance competing concerns, within the limits of their authority, and may prefer one trust use over another. Here, the need to do long-term and comprehensive sea level rise adaption planning, to protect public shorefront infrastructure in the near-term, and to plan for and execute improved public access along the City’s shorefront, strike an appropriate balance and are consistent with public trust doctrine principles as well as Coastal Act Section 30270 and its requirement to consider and help plan for sea level rise.

Finally, any future proposal for shoreline armoring will need to be analyzed and permitted. The LUP provisions – including the SSRA provisions – will not be the standard of review for armoring projects that are proposed on public trust lands, which are in the Commission’s retained permitting jurisdiction. Although the Commission would clearly be informed by the SSRA provisions, it would use the Chapter 3 Coastal Act policies as the standard of review. Thus, it would not be required to approve projects that comply with the SSRA provisions in those situations; rather, it could – and would need to – ensure that such projects comply with public trust doctrine principles, as embodied in Chapter 3 of the Coastal Act, based on the specific facts presented by the situation.

⁴ Although Policy CR-I-39 allows private development inland of public infrastructure in SSRAs to rely on armoring that exists at the time of a permit application, new armoring may not be justified based on the need to protect such private development (see Policy CR-I-40).