

COASTAL CONSERVANCY

Staff Recommendation

January 27, 2005

CITY OF PACIFICA ACCESSWAY

File No. 04-072

Project Manager: Timothy Duff

RECOMMENDED ACTION: Authorization to disburse an amount not to exceed \$350,000 to the City of Pacifica to design and reconstruct an existing vertical beach and lateral blufftop accessway and to construct a new blufftop trail and park, San Mateo County.

LOCATION: West of Highway One, one mile north of the Pacifica Pier, San Mateo County (Exhibits 1 and 2)

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location Map

Exhibit 2: Site Photos

Exhibit 3: Site Plans

Exhibit 4: City of Pacifica Use and Site Development Permit for RV Park

Exhibit 5: CEQA Negative Declaration for the blufftop trail and park

Exhibit 6: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred fifty thousand dollars (\$350,000) to the City of Pacifica (“City”) to design and reconstruct a vertical beach and lateral blufftop accessway on City of Pacifica Assessor Parcel Nos. 009-074-010, -020, -030, and to construct a blufftop trail and park on City of Pacifica Assessor Parcel Nos. 009-161-030, -040, -050, -060, -070, -080, -090, -010, -110, -120, -130, as shown in Exhibit 3 attached to this staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds for construction, the City shall submit for the review and

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approval of the Executive Officer of the Conservancy:

- a. Evidence that the City has obtained all necessary permits and approvals necessary to complete the project.
 - b. Documentation that the owner of the private property on which the proposed vertical and lateral blufftop access improvements are to be constructed has granted in perpetuity and recorded a deed of easement for public access and passive recreation in favor of the City. The easement shall require that the property owner maintain in perpetuity all of the existing and the proposed new public access improvements constructed on the property.
 - c. A final work program, including final construction drawings, a final budget, schedule, and names of any contractors and subcontractors to be employed for these tasks. The work plan and final construction drawings for the proposed reconstruction of the vertical beach and lateral blufftop accessway improvements shall be consistent with the conditions imposed by the City of Pacifica Planning Division, commencing with Condition No. 11 as contained in Use Permit No. 453-83 and Site Development Permit No. 313-83 dated September 26, 1983, executed on December 6, 1983, and attached as Exhibit 4 to this staff recommendation.
 - d. A signing plan for the project acknowledging Conservancy participation.
2. The design of the accessway improvements shall be consistent with the Conservancy's Standards and Recommendations for Accessway Location and Development.
 3. The northern terminus of the proposed RV park blufftop trail and the southern terminus of the proposed new City park and trail shall be designed, constructed, and operated for continuous pedestrian access.

Staff further recommends that the Conservancy adopt the following findings:

1. The proposed project is consistent with the purposes and objectives of Sections 31400 *et. seq.* of Division 21 of the Public Resources Code regarding coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project serves greater than local needs.
4. The Conservancy has independently reviewed and considered the Negative Declaration adopted by the City of Pacifica on February 2, 2004, attached to the accompanying staff recommendation as Exhibit 5 and finds that the project avoids or reduces the possible significant environmental effects, and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.

5. There is no evidence before the Conservancy that the proposed will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.
 6. The Conservancy has on the basis of substantial evidence rebutted the presumption of adverse effect contained in California Code of Regulations 753.5(d) regarding potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.”
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PROJECT SUMMARY:

Providing funds to the City of Pacifica (the City) to design and reconstruct a storm-damaged vertical beach and lateral blufftop accessway would re-establish safe beach and blufftop access at a site that has historically been heavily used by the public for surf fishing, surfing, and wildlife viewing. The proposed funding would also facilitate the formalization and recordation of a public access and recreation easement from the private property owner to the City covering the area in which the damaged accessway is located, and thereby preserve in perpetuity the public’s right to access the beach and blufftop via the improved accessway. Funding would also be used to construct a new trail and blufftop park on City-owned property adjacent to the blufftop accessway to be repaired, thereby establishing nearly one-half mile of contiguous blufftop trail access. All of the proposed improvements would be designed, located, constructed and maintained to withstand at least twenty years of estimated erosion and bluff retreat.

The proposed grant would serve to facilitate resolution of the ongoing land use conflicts between the City and the RV park landowner regarding repair and maintenance of the accessway. Terms of the grant agreement would secure formal and recorded permanent public access rights to the restored accessway, while providing the Conservancy with authority to ensure that the City takes whatever future enforcement actions are necessary in order that the proposed access improvements are permanently maintained by the landowner.

Site Description: The privately-owned commercial RV park site is located on a relatively flat coastal bluff covering approximately 12 acres in northern Pacifica (Exhibit 2). Approximately one hundred twenty RV parking spaces, several support structures, and asphalt or concrete pavement cover most of the site which is devoid of any significant wildlife habitat values or sensitive natural resources. The property is bordered by public streets to the east and north, by roughly 1,000 linear feet of bluff frontage to the west where near-vertical bluffs descend from 55 feet to 70 feet to the beach below, and by a vacant parcel to the south. Between 1983 and 1985 a riprap revetment was constructed at the base of the bluffs along the entire site frontage. A small gully at the site’s southern edge reflects the remnants of the former mouth of Milagra Valley Creek that was first filled in sometime prior to 1955 when Caltrans widened Highway One. At that time a large culvert was placed in the creek channel beneath the highway to direct upland flows downstream. When the RV park was constructed in 1987, as part of the drainage plan designed to reduce surface runoff and improve bluff stability, the remaining 300 feet of the creek’s lower reach was filled in and the highway culvert extended downstream across the property and onto the beach.

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While a 20-car parking lot constructed at this location in 1987 as part of the required public access improvements remains in use by the public today, the public access stairway that was located over the filled in drainage has since been destroyed by years of surface runoff and bluff erosion. Because much of the lateral blufftop path that was also constructed at this time has since been lost to bluff retreat, long segments of the trail have been closed to the public for several years (Exhibit 2). None of the other public access amenities that were first installed in 1987, including several picnic tables, benches, and landscaping, exist today as a result of bluff retreat and a lack of maintenance.

Immediately north of the RV park where the proposed new blufftop trail and park is to be constructed on City-owned blufftop property, the 36,000 square-foot site is bordered by Esplanade Avenue to the east, sandy bluffs, steep cliffs and ocean views to the west, and commercial and residential development to the east and north. With the exception of the degraded sandy blufftop area, most of this site is covered with pavement and structures, and is thus devoid of any significant habitat values or sensitive resources.

Project History: The Conservancy initially became involved in this project last summer when staff determined that an offer to dedicate a trail easement (“OTD”) for beach access located at the RV park property was set to expire by the end of 2004 and thus needed to be accepted. Staff successfully negotiated with a local land trust, the Pacifica Land Trust (PLT), to accept the OTD, and in December of 2004, a certificate of acceptance was recorded. However, under the terms of the original permits for construction of the RV park, the landowner was required to not only record the OTD, but to also construct and maintain the public beach and blufftop accessway. Unfortunately, since constructed in 1987, these public access improvements have been significantly damaged over time by major storm events and have not been maintained by subsequent owners as called for by the City’s permit conditions.

Recognizing that the accessway had been in a state of disrepair for many years before the current landowner acquired the property in 2002, the City has been negotiating with the landowner to restore public beach and blufftop access while addressing the landowner’s need to maintain the economic viability of the park’s commercial visitor-serving uses. Despite these efforts, it became evident last summer that ongoing landowner resistance to compliance with the original permit conditions meant that the accessway would not likely be repaired anytime in the near future.

In an effort to assist the City resolve the various land use conflicts with the RV park owner necessary to get the accessway repaired in a timely fashion, in the fall of 2004 staff suggested that the City pursue Conservancy funding which staff indicated it would support if certain terms could be met, including landowner dedication of a public access easement in favor of the City along with specific easement language requiring the property owner to maintain in perpetuity all of the proposed public access improvements constructed on the property. In January, the landowner and the City reached agreement on staff’s recommended grant terms (Exhibit 5).

The City completed designs for their proposed new blufftop trail and park located immediately north of the RV park in early 2003, and completed a CEQA Negative Declaration for the project in November of 2003 (Exhibit 5). In the fall of 2004, during discussions regarding possible Conservancy funding for the RV park accessway reconstruction project, the City requested consideration for additional grant funding needed to complete construction of this proposed

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blufftop access project. In light of the site's location immediately adjacent to the RV park, and the potential to link the two trails together and thereby create nearly one-half mile of continuous blufftop trail, in December of 2004 staff agreed to include funding for this project as part of the staff recommendation.

PROJECT FINANCING:

Coastal Conservancy	\$350,000
City of Pacifica	<u>30,000*</u>
Total Project Cost	\$380,000

The expected source of Conservancy funds for the proposed project is the FY 2002/03 budget appropriation from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Proposition 40). This funding source may be used for the deployment and development of land and water resources in accordance with the provisions of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. (Public Resources Code Section 5096.650(b)). The proposed project serves to assist in the development of land-based public access to and along the coast. In addition, as discussed in the section found immediately below, the project is consistent with Chapter 9 of Division 21. Proposition 40 also requires the Conservancy to give priority to grant projects with matching funds (Public Resources Code Section 5096.651), and this project is supported by matching funds.

*The City of Pacifica funding includes \$20,000 in City funds, plus another \$10,000 in in-kind staff services needed to design, permit and manage project construction.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be carried out pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409), regarding the implementation of public coastal accessways. Public Resources Code Section 31400 directs the Conservancy to have a principal role in the implementation of public accessways to and along the state's coastline. To this end, Public Resources Code Section 31400.3 authorizes the Conservancy to "provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways, and related functions necessary to meet the objectives of this division." Funding this accessway project is consistent with these provisions as well as with Section 31400.1 which authorizes the Conservancy to award grants to a public agency for purposes of developing lands suitable for public accessways to and along the coast, when the subject accessways serve greater than local needs. The project would serve the recreational needs of an estimated one million annual visitors to the project area.

The proposed project is consistent with the Local Coastal Program of the City, as described in the Consistency with Local Coastal Program Policies below.

CONSISTENCY WITH CONSERVANCY'S

STRATEGIC PLAN GOAL (S) & OBJECTIVE(S):

The project is consistent with the Conservancy’s Strategic Plan as follows:

Consistent with **Goal 1 Objective D**, the project would bridge a gap in the Coastal Trail due to river [creek] mouths and other obstructions, including relocation and reconstruction of a 1,000-ft. stretch of a lateral blufftop trail in response to storm-induced bluff retreat.

Consistent with **Goal 2 Objective D**, the project would increase coastal recreation opportunities for residents and visitors, and correct dangerous conditions by reconstructing a damaged vertical beach accessway and lateral blufftop accessway.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

- 1 **Promotion of the Conservancy’s statutory programs and purposes:** See the “Consistency with Conservancy’s Enabling Legislation” section above.
- 2 **Consistency with purposes of the funding source:** See the “Project Financing” section above.
- 3 **Support of the public:** This project has widespread support, including that of State Senator Jackie Speier and Assemblyman Gene Mullin. See Exhibit 6 for letters of support.
- 4 **Location:** The proposed project would be located within the coastal zone of the City of Pacifica.
- 5 **Need:** Without Conservancy funding, the existing accessway would likely remain in an unsafe and hazardous condition for the foreseeable future. Conservancy funding is needed to assist the City in completing the access improvements and to ensure that the accessway is maintained and operated in perpetuity by the landowner for public use and enjoyment.
- 6 **Greater-than-local interest:** The proposed project would serve residents from throughout San Mateo County as well as the many visitors to the San Francisco Bay Area who travel to and along the central coast along Highway One.

Additional Criteria

- 1 **Urgency:** The beach and blufftop accessway is currently unsafe and could be shut down if erosion and bluff retreat continues and no access and drainage improvements are made. If the blufftop path is not reestablished and maintained, and the landowner succeeds in having the City abandon it, public access to the path could be lost permanently. The proposed grant would secure permanent public access rights to the restored accessway, and ensure that the proposed access improvements are maintained in perpetuity by the landowner.

2 Resolution of more than one issue: The project would serve to resolve numerous land use conflicts. The current RV park landowner has sought (and to date has been denied) City approval to abandon the existing lateral blufftop trail. The landowner has also neglected to comply with the public access conditions contained in the original use and development permits for the park which require him to maintain and operate the accessway for public use and enjoyment. If Conservancy funds are approved, the landowner has agreed to grant in perpetuity and record a deed of easement for public access and passive recreation in favor of the City, and to maintain in perpetuity all of the existing and the proposed new public access improvements constructed on his property.

3 Leverage: See the “Project Financing” section above.

4 Conflict resolution: See “Resolution of more than one issue” section above.

5 Readiness: If Conservancy funds are authorized, the City would be ready to immediately initiate preparation of final designs for reconstruction of the vertical beach and lateral blufftop accessway improvements. The City would also be ready to construct the proposed multi-use trail at the time reconstruction of the existing accessway begins.

CONSISTENCY WITH CONSERVANCY’S ACCESS PROGRAM STANDARDS:

As a condition of approval, the project, as designed, will be consistent with Conservancy’s Standards and Recommendations for Accessway Location and Development, as follows:

Standard No. 2 Correct Hazards

The project will be designed and located to minimize unwarranted hazards to public safety, and will serve to reduce hazards associated with visitors using the existing storm-damaged accessway.

Standard No. 8 Trails

The accessway will include appropriate paving materials, adequate trail drainage system, trash receptacles, benches, barriers, and signs.

Standard No. 9 Scenic Overlooks

The blufftop segment of the accessway will include benches to provide the public with panoramic views of the coast and will be accessible to those with physical disabilities.

Standard No. 12 Support Facilities

The accessway will be served by an existing parking lot and other support facilities including directional and resource interpretation signs, and will be accessible by visitors to the adjacent RV park.

Standard No. 13 Barrier-Free Access

The blufftop pathway will be wheelchair-accessible.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The City of Pacifica Local Coastal Program Land Use Plan (LUP) contains several policies reflecting State Coastal Act policies on public access. Specific to the project site, LUP Access Recommendation No. 5 for the RV park states, “The developer of the visitor-serving commercial site on the bank of Milagra Creek should provide developed public beach access...The [access] area picked should provide adequate space for access and some public beach parking to replace that removed by developing the site...Maintenance of the access should be a part of the commercial development.”

COMPLIANCE WITH CEQA:

RV Park Beach and Blufftop Accessway Reconstruction

Reconstruction of an existing facility is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines (14 Cal. Code of Regulations, Sections 15000 *et seq.*). Section 15301(c) specifically exempts the repair of existing sidewalks, bicycle and pedestrian trails and similar facilities, except where the activity will involve the removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building. The proposed RV park beach accessway and blufftop accessway reconstruction project meets those criteria because the project involves the repair and/or reconstruction of existing pedestrian trails and similar facilities and does not involve the removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building. Conservancy staff will file a Notice of Exemption following Conservancy approval of this recommendation.

Construction of New Blufftop Park and Trail

The City’s Planning Department served as the lead agency for purposes of the California Environmental Quality Act (“CEQA”), completed a Negative Declaration (ND) on November 19, 2003, and on February 2, 2004 certified the ND (Exhibit 5). A Notice of Determination was filed with the San Mateo County Office of the County Clerk on January 7, 2005, and with the State Clearinghouse on January 10, 2005. Upon review of the ND, the Conservancy staff as concluded that the document is adequate for purposes of conducting an analysis of the project’s possible environmental effects as required under CEQA (14 Cal. Code Reg. § 15096), and concurs with the City’s conclusion that the project will not have a significant effect on the environment. Accordingly, staff recommends that the Conservancy find that the project could not have a significant effect on the environment. Staff also recommends the Conservancy find, consistent with 14 California Code of Regulations Section 753.5(d), that there is substantial evidence that the project will not have an adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2. Upon approval, staff will file a Notice of Determination.