

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

February 6, 1984

TO: COMMISSION AND INTERESTED PERSONS
FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR
SUBJECT: PROPOSED FINDINGS FOR AMENDMENT TO PERMIT NO. 133-76 (SAN MATEO COUNTY HARBOR DISTRICT) For Meeting of January 25 - 27, 1984
DATE APPROVED: January 26, 1984
PREVAILING SIDE: Commissioners Franco, Grossman, King, MacElvaine, Malcolm, McInnis, McMurray, McNeil, Shipp, Wornum, Holmdahl and Chairman Nutter

I. Procedures

The Coastal Act of 1976 allows the Commission to amend permits granted by the predecessor Commission under Proposition 20, except for recorded dedications of land for public benefit. The Commission may approve an amendment if it finds that the revised development does not undo or lessen the intended effect of the originally conditioned permit, and that the revised development is consistent with the Coastal Act. To amend a permit granted under Proposition 20, the Commission must, after holding a public hearing, make the findings required by the Coastal Act of 1976. The staff recommends that the Commission hold a public hearing on the request, and after closing the public hearing, vote on the requested amendment.

II. Background

1. Project Description/Permit History. On July 6, 1976 the predecessor State Commission granted a permit, subject to conditions, to the applicant for the expansion of Pillar Point Harbor at El Granada, San Mateo County (Exhibit A). The approved permit was for the construction of rubble-mound breakwaters, installation of docks, comfort stations, gates, headwalks, 440 boat slips, a three-lane launching ramp, parking and related utilities and creation of four lease parcel areas.

Major coastal resource issues raised by the subject development were the environmental impacts of proposed dredging operations, loss of sandy beach areas, and impacts of proposed shoreline protection (rip-rap), the impacts of recreational traffic on Highway One and Highway 92, the growth inducing impacts on water and sewage systems in the area, and the appropriateness of the development of a small craft marina in an area primarily utilized by the commercial fishing industry.

The predecessor Commission approved the project subject to conditions which required the applicant to increase commercial fishing boats' share of proposed slips to be created, eliminate proposed dredging, reduced grading, reduced alteration of beach within the Marina, approved the creation of new beach, limited restaurant uses and added boat-related services, required traffic

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circulation improvements and provided public walkways around the created marina area. A copy of the permit granted by the predecessor Commission is attached as Exhibit A.

In 1978, the applicant requested approval of an amendment to add 105 parking spaces to the project area, and the State Commission granted the proposed amended development subject to a condition requiring submittal of landscaping plans. A copy of the amendment granted by the Commission is attached as Exhibit B.

The applicant submitted a revised development plan which was approved by the Executive Director. The applicant has commenced construction on the originally granted permit; the inner rubble-mound breakwaters, parking areas, fill and rock rip-rapping of one of the fill areas created in the original decision have all been completed. The actual boat slips, public walkways, public restrooms, and beach areas have not been installed by the applicant.

2. Amendment Request. The applicant proposes to amend the approved 1976 permit by: 1) dredging approximately 30,000 cubic yards of bottom material from the inner harbor area between the already built rubble-mound breakwaters; 2) disposing of dredge spoils on one or more upland sites; 3) decreasing the amount of sandy beach by approximately 400 linear feet; 4) increasing the amount of shoreline area to be rip-rapped for embankment protection by approximately 1,250 linear feet; 5) reversing the approved uses of two of the created lease parcels and moving the location of Lease Parcel A; 6) eliminating the requirement to have a U.S. Coast Guard marine-safety facility within the harbor; 7) maintaining the original location of the boat ramp as built in the 1960's; 8) moving the planned east restroom from its originally approved location; and 9) construction of a rock sediment dam/drainage culvert at the northeastern corner of the inner harbor area. A copy of the applicant's amendment request is attached as Exhibit C.

3. Need for Amendment. The applicant contends the above-mentioned components of the submitted amendment request are necessary so the remainder of the overall development approved in 1976 can be completed in Pillar Point Harbor. The applicant states the previously approved development plan has proven to be impractical. The applicant contends the original development plan would have required dredging to be implemented. Although the predecessor Commission required the placement of smaller craft berthing slips nearest to the shore in order to eliminate the need for dredging, the applicant now states that such a design would not eliminate the need for dredging. The applicant states the California Department of Boating and Waterways recommends that, for 26- to 45-foot boats, the minimum depth of water be 6 feet to allow maneuvering of boats in and out of slip areas. The applicant states that given an extreme low tide of -2.5 ft. MLLW, a recommended minimum water depth of 6 feet would require a bottom elevation of -8.5 feet below MLLW. The applicant contends dredging to -10 ft. MLLW would provide a prudent margin of safety and allow for any additional sedimentation of the inner harbor area. Thus, the applicant contends that approximately 30,000 cubic yards of dredging would be required for the installation of mooring slips under the approved plans.

The applicant indicates that previously proposed and approved areas of created sandy beach can not be accomplished because creation of sandy areas waterward of Lease Parcel B, and on the east side of the marina would create shallow water for at least 300 feet into the marina area, and would eliminate approximately

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150 of the approved 440 berthing slips. The applicant proposes to avoid the approved filling of the beach for Lease Parcel A, and to move Lease Parcel A to an upland site so that over 400 feet of existing beach would be preserved and public access provided and to create a new beach area in lieu of the previous condition requiring 800 linear feet of sandy beach.

According to the applicant, the original limitations on shoreline rip-rap imposed by the predecessor Commission are impractical. Additionally, the applicant indicates the approved development plan for Permit No. 133-76 includes the same amount of rip-rap currently being proposed by the applicant in this amendment. The applicant states the riprap is necessary along the entire shoreline of the marina to protect upland facilities from wave action during extreme high-tides and storm conditions. As currently proposed, approximately 2100 feet of riprap would be placed on the northern margin of the boat basin, compared to the original 850-ft. limitation on rip-rap development.

As originally approved, development use of Lease Parcel A was limited to a restaurant and chandlery, and development use of Lease Parcel B was limited to boat repair, dry stacked storage and appurtenances. The applicant proposes to reverse these limitations in use so that Lease Parcel A can accommodate a dry boat storage yard and so Lease Parcel B can be developed with the uses previously limited to Lease Parcel A. The applicant states Lease Parcel B is more desirable for locating a restaurant, and the installation of a boat storage yard on Lease Parcel A (after being moved to the upland area) would allow for less visual intrusion into the viewshed available from Highway One in that area.

III. Staff Recommendation

The staff recommends that the Commission adopt the following resolution:

A. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment for the proposed development on the grounds that; as conditioned, the amended development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is consistent with the certified Local Coastal Program for the County of San Mateo, is located between the sea and the first public road nearest the sea, and will be consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any adverse impacts on the environment within the meaning of the California Environmental Quality Act.

IV. Conditions

The amended project is subject to the following conditions:

1. Local Approvals. Prior to the transmittal of a permit, the applicant shall submit, for the review and approval of the Executive Director, written evidence of local approvals granted by the County of San Mateo for all aspects of the amendment proposed herein.
2. Approval for Changed Uses on Lease Parcels and Creation of New Lease Parcel A. A separate coastal development permit application for the construction of the restaurant/chandlery (or marine-oriented use compatible with the San Mateo County LCR) on Lease Parcel B, and for the construction of

the boat repair/dry stacked storage uses (or marine-oriented use compatible with the San Mateo County LCP) on to be created Lease Parcel A shall be required of the applicant and any successors in interest. The permit applications shall conform to the certified policies and zoning ordinances included in the San Mateo County Local Coastal Program, with the Commission's normal permit application requirements and with the following special requirement:

a. Construction of the uses proposed shall not interfere with view lines from Highway One across the subject leased parcel areas to the harbor.

3. Final Dredging Plans. Within ninety (90) days of approval of this amendment but in any event prior to any fill, the applicant shall submit, for the review and approval of the Executive Director, final revised plans for the 30,000 cubic yards of dredging proposed in this amendment. The submittal shall include information pertaining to the disposal of dredge spoils from the subject site, if within the jurisdiction of the Coastal Commission.

4. Dredge Disposal. Within ninety (90) days of approval of this amendment but in any event prior to any fill, the applicant shall indicate, for the review and approval of the Executive Director, the location of the disposal site for the 30,000 cubic yards of dredge spoils to be excavated from the bottom of Pillar Point Harbor if the disposal site is within the jurisdiction of the Coastal Commission. If the spoils are suitable for beach replenishment, the applicant shall use the spoils in creating the new sandy beach located to the west of newly created Lease Parcel A, as depicted in Exhibit D. If the spoils material is not suitable for beach replenishment, and if the spoils material is to be disposed of at a site within the coastal zone, the applicant shall file an amendment request to this permit. The applicant shall also file an amendment request if dredging is proposed in the future.

5. Creation of Perched Beach Area. Within ninety (90) days of approval of this amendment but in any event prior to any fill, the applicant shall submit, for the review and approval of the Executive Director, final revised plans including cross sections for the creation of the perched beach area as proposed by the applicant (Exhibit D and E). The revised plans shall specify construction plans for the proposed reef to be placed waterward of the sandy beach area, the newly created beach area and the revetment proposed at the toe of the bluff. The plans shall specify amount of sand to be used in fill, and the construction materials used for the offshore reef and onshore revetment.

6. Waiver of Responsibility. Prior to transmittal of a permit, the applicant and any successors in interest shall agree to indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability arising out of the design, construction, operation, maintenance, existence or failure of the development as approved in the amended permit.

7. Public Access/Recreational Amenities. Within ninety (90) days of approving this amendment but in any event prior to any fill, the applicant shall submit a proposed access plan for the development of the upland area adjacent to the newly created perched beach, as depicted in Exhibit D. The access plan shall include plans for a lateral blufftop pathway, public benches, picnic tables, and landscaping and shall provide improved lateral access from the inner

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harbor area over the rubblemound breakwater into the outer harbor area. The access plan shall not conflict with the certified Access and Recreation Component of the San Mateo County Local Coastal Program. The plans shall include run-off plans which prohibit run-off from being directed into the marina or perched beach area. The plans shall also include landscaping for the public accessways and picnic area as well as for the sandy perched beach area.

8. Rock Sediment Dam/Storm Drainage. Within ninety (90) days of approving this amendment but in any event prior to any fill, the applicant shall submit, for the review and approval of the Executive Director, engineering plans for the construction of the rock sediment dam and/or completion of the drainage culvert adjacent to the northeastern border of the inner harbor (Exhibit D). The submittal shall include data describing how the dam/culvert functions to control run-off into the inner harbor.

9. Schedule of Construction. Within ninety (90) days of approving this amendment but in any event prior to any fill, the applicant shall submit, for the review and approval of the Executive Director, a schedule of construction of all aspects of the permit approved in 1976, and for all aspects changed in this amendment. The schedule shall include, but not be limited to, the construction of the berthing slips, the public walkways, the perched beach, the rock riprap, the new Lease Parcel A, public restrooms, viewing decks, parking areas, fuel pump and haul-out area, commencement of dredging operations, grading, fill and the lateral access along the bluff, east of the existing pier. The applicant shall enter into a binding written agreement with the Executive Director that provides funding and guarantees completion of all public amenities proposed in the amended project.

10. Final Working Drawings. Final working drawings shall be submitted to the Executive Director prior to the commencement of construction and the applicant shall agree that they are in substantial conformance to the plans approved by the Executive Director pursuant to the above conditions. All development shall be in strict conformance with those plans.

11. Remaining Conditions. All other conditions of the original permit not expressly altered by this amendment shall remain in effect.

IV. Findings and Declarations

The Commission finds and declares as follows:

1. Dredging. The amendment hereby approved would allow the dredging of approximately 30,000 cubic yards of bottom material from the inner harbor area of Pillar Point Harbor. The predecessor Commission's action taken in 1976 explicitly prohibited dredging. The predecessor Commission took this action due to a concern raised in the Environmental Impact Statement (EIS) prepared for the marina development. The EIS stated that dredging could cause seawater intrusion into a freshwater aquifer which extends beneath the approved marina location. The EIS concluded, however, that the aquifer would not be punctured by dredging to -8 ft. MLLW. The applicant now proposes to dredge to -10 ft. MLLW; the applicant has submitted the original soil boring logs to demonstrate that no freshwater aquifer exists within 23-33 feet of the bottom in the area to be dredged. Since the proposed dredging would only remove a maximum of four feet

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of bottom material, the Commission concurs with the applicant's contention that puncturing of the aquifer would not occur with the amount of dredging currently proposed.

The predecessor Commission believed dredging could be avoided by placing shallow draft boat slips near the shoreline within the approved marina. However, the applicant has demonstrated that even with placement of shallow boats next to shore, minimal dredging will be necessary to establish proper depths for boat passage in and out of mooring slips. In addition, the proposed dredging is necessary due to increased levels of sedimentation occurring in Pillar Point Harbor. The applicant has submitted an approved Army Corps of Engineers permit for the proposed dredging of approximately 30,000 cubic yards.

Section 30233 of the Act permits dredging operations where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Dredging in open coastal waters is permitted when construction of new or expansion of existing boating facilities is contemplated.

Permit No. 133-76 approved the expansion of Pillar Point Harbor from a small craft harbor primarily catering to the commercial fishing industry into a marina with 440 slips (220 for commercial fishing and 220 for recreational boating.) A final plan for development was reviewed and approved by the Executive Director of the Commission. After that plan had been approved and partially implemented, the applicant was informed of depth requirements for passage in and out of berthing slips recommended by the California Department of Boating and Waterways. In order to establish proper depths, the applicant now needs to perform minimal dredging operations next to the shore of the inner harbor.

Pillar Point Harbor has been subject to sedimentation from uncontrolled run-off from creeks emptying into the harbor area. The applicant has proposed the construction of a drainage culvert to protect the inner harbor from further sedimentation, but states removal of existing sediment must occur so that proper slip depths can be established.

The Commission notes that recommended depth levels for boat slips were not known at the time of the predecessor Commission's approval, and that the problem with sedimentation did not occur until after partial construction of the approved project. After the northeastern breakwater had been constructed, a need arose to control run-off so that sedimentation of the inner harbor would be prevented. Dennison Creek has an outlet which empties into the inner harbor at this location. The applicant proposes to divert the flow from the inner harbor to the outer harbor by installing a drainage culvert and directing flow through the breakwater. The applicant contends construction of the culvert will halt the ongoing sediment problem.

If suitable for beach replenishment, the dredge spoils will be utilized to replenish beach areas within the inner harbor area for harbor-related recreational activities. The proposed dredging will enable safe passage in and out of mooring areas, and will still permit 440 new slips to be constructed within the inner harbor by placing shallow draft boats close to shore. Because the proposed dredging will permit the expansion of an existing boating facility and will enhance both commercial fishing and recreational boating opportunities, the Commission finds the proposed amendment to allow the dredging of approximately 30,000 cubic yards to be consistent with Section 30233 of the Act.

The Commission notes there are no feasible less damaging alternatives to establishing proper slip depths, and removal of sedimentation will enable boating opportunities to expand in this section of the coast as previously approved in 1976. Approval of the proposed dredging and the drainage culvert will lessen the need for additional dredging operations. The conditions provide that the applicant will apply for an amendment if the need to dredge arises due to sedimentation in future years. Thus, the Commission finds this portion of the proposed amendment to be consistent with Section 30233 of the Act.

2. Alteration of landforms. As originally approved, the development of Pillar Point Harbor allowed for approximately 120,000 cubic yards of fill for construction of upland lease parcels for harbor support, 800 linear feet of rip-rap embankment, and approximately 1,090 linear feet of sandy beach. The approved fill would have created Lease Parcel A, which was originally proposed for immediate development of a new boat launch ramp, and for future development of a dinner restaurant and chandlery. Lease Parcel B would also be created with fill and limited in future use as a boat repair and dry stack storage facility.

Prior to submittal of the current amendment request, the applicant completed construction of the inner breakwaters, the fill for Lease Parcel B, rip-rap embankment along Lease Parcel B and a temporary rock sediment dam constructed near the Dennison Creek outlet. The applicant now has decided not to move the existing boat launch ramp from its current location adjacent to the pier, and to create an hydraulic launch lift in the location approved for the existing boat launch ramp. The applicant has also decided against the creation of sandy beach in the manner originally agreed to both the applicant and the predecessor Commission in 1976.

The applicant now believes creation of new beach areas would conflict with boating operational needs. If new sandy beach was created in front of Lease Parcel B and in front of the new location of Lease Parcel A, shallow water would extend at least 300 feet into the marina area which could eliminate approximately 150 of the approved 440 boat slips. The applicant also indicates the original plan, which contemplated rip-rap embankments with sandy beach placed in front of the rip-rap for recreational use, would ultimately cause severe sedimentation problems, and retention of the sandy areas would not be feasible when strong storm wave conditions are present.

The Commission has reviewed the approved development plan and agrees the creation of sandy beach areas in front of rip-rap embankments would not be viable on a longterm basis unless allowed fill is reduced, and without an ongoing requirement to replenish beach sand lost within the harbor. Any such requirement would increase maintenance dredging costs. However, the Commission notes the predecessor Commission's 1976 findings that the construction of the outer breakwaters eliminated several recreational beaches to the south of Pillar Point. The predecessor Commission concluded further development of Pillar Point should provide some recreational beach to compensate for the loss of downshore beach areas. Thus, the need to allow for some recreational beach use or superior access within the inner harbor must be accomplished as mitigation for the impacts caused in early construction phases, and for the reduction of beach proposed in the current amendment request.

As currently proposed, the harbor development plan proposes moving Lease Parcel A to an upland location adjacent to the Dennison Creek outlet (Exhibit D). The previously approved fill for old Lease Parcel A would not therefore be necessary

with the changed location, and approximately 1 acre of sandy beach could then be created near the old location of Lease Parcel A. The applicant has offered to create a perched beach in this area, by constructing an offshore reef to hold the imported sand in place along the shoreline (Exhibit E). The applicant is willing to create such a beach, to import sand and to landscape the beach for recreational use. In addition, the applicant will develop the adjacent upland bluff areas with a lateral blufftop access path, benches and picnic tables so that the visiting public can observe the day-to-day harbor operations. The lateral access path will allow the public total access along the eastern portion of the inner breakwater, and will provide continuous access from the marina into the outer harbor as well.

The Commission notes the problems with implementing the previously approved plan, and finds some reconsideration of the recreational amenities previously approved is necessary so that construction of 440 slips can occur. The Commission also notes the need for recreational beach space along the coast of California, and finds the applicant must create additional beach space as originally promised within the inner harbor to mitigate the adverse environmental impacts caused by proposed dredging, rip-rap, and breakwater construction. The applicant has offered to create approximately 1 acre of sandy beach within the inner marina area. The special conditions require the applicant to create the beach and complete all of the public access/recreational facilities in a timely fashion. Further, existing beach resources would not be altered until the applicant complies with the special condition. The Commission finds that as conditioned, the amended project will enable many competing coastal uses to co-exist without conflict as was originally contemplated by the predecessor Commission: recreational boating, commercial fishing, recreational fishing, picnicking and other forms of passive recreation. As conditioned to eliminate further fill, to create sandy beach and new public access facilities and to construct an additional boat launch facility, the Commission finds the amended project to be consistent with the public access and public recreation policies contained in Chapter 3 of the Coastal Act.

3. Lease Parcel Changes. As originally approved, the development of Pillar Point Harbor created two new lease parcels, A and B, for the development of coastal-related uses. Lease Parcel A was reserved for the development of a dinner restaurant with a maximum square footage of 6,000 sq. ft. and a chandlery with a maximum square footage of 3,000 sq. ft. Lease Parcel B was reserved for boat repair and dry stack storage of boats. The current amendment request proposes to eliminate the old location of Lease Parcel A so that the existing boat launch can remain in its current location, and so that 1 acre of sandy recreational beach can be created. The applicant proposes to relocate Lease Parcel A to an upland location (Exhibit D) more suited for use as dry boat storage since it would be located between the two boat launch facilities and adjacent to public parking. Thus, the applicant proposes to switch approved uses for old Lease Parcel A to Lease Parcel B, and to place approved uses for Lease Parcel B on the newly created Lease Parcel A.

The Commission notes there are no Coastal Act policy reasons for preventing such a change in reserved uses and further notes the protection of harbor-related uses implemented by the certification of the San Mateo County Local Coastal Program (LCP). The County has established a Coastside Commercial Recreation (CCR) District land use zoning designation for use in areas primarily oriented toward meeting the service and recreational needs of its coastside visitors.

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The CCR zoning permits a variety of uses: marinas, restaurants, hotels and motels, ship chandleries, marine supply stores, boat building and repair, harbor administration offices, public parking, fish processing and buying. The change in use for the lease parcels will not conflict with the list of approved CCR uses, and will enable the boating public to better use the launch facilities proposed. The special conditions approve the change in reserved uses, and require the applicant to submit separate coastal development permit applications for the actual development of these uses. Further, the conditions require the applicant to be consistent with resource policies implemented by the County in its LCP. For these reasons, the Commission finds the amended project as conditioned to be consistent with Chapter 3 of the Coastal Act.

4. Other Changes. The applicant proposes several minor changes to the originally approved project, some of which have already been discussed. The applicant proposes to eliminate an earlier requirement for a U.S. Coast Guard marine-safety facility in the harbor. The applicant states the Coast Guard does not have plans for such a facility in the future due to budgetary constraints, and states the Harbor District has a harbor patrol which is trained and equipped to provide rescue services. Thus, the applicant wish to eliminate this requirement on the basis that the Harbor District already provides equivalent service for safety within the harbor.

The applicant also proposes to leave the boat launch in its existing location, and to move one of the planned restrooms to the newly created Lease Parcel A so that the structure can be built within the boat storage facility. The applicant indicates the facility will still be available for the general public in its new location. The applicant also proposes to construct a boat lift in the originally approved location for the boat launch ramp.

The Commission finds the above-described changes to be consistent with Chapter 3 of the Coastal Act and notes they do not conflict with the intent of the Commission's original decision reached in 1976. However, the Commission is concerned with the timing of construction of the public access and recreational amenities contemplated in the predecessor Commission's decision. Permit No. 133-76 permitted the construction of a 440 slip marina, adequate circulation and parking facilities, retention and creation of sandy beach, leased parcels for coastal-related use, and public walkways and facilities along the new breakwaters and along the shoreline. However, the original terms of Permit No. 133-76 did not provide for a specified time for implementing all aspects of the proposed development.

The Commission notes, that several public aspects of the original project have not been constructed, and that the applicant cannot guarantee the availability of funding for completion of the amended public amenities proposed in the current amendment request. The special conditions provide that a schedule for completion of all aspects of the amended project be submitted within 90 days of approval of the amended project, but in any event prior to any fill operations taking place on the subject site. The applicant is actively seeking funding sources to complete the public amenities originally proposed and as changed in the proposed amendment. The applicant estimates that completion of the public amenities could occur no later than the leasing of any of the Phase III berthing slips. The Commission notes, that there is no guarantee that Phase III of berth construction will be completed in a timely fashion. As conditioned, the applicant must submit a schedule of construction that guarantees completion of the public amenities prior to any fill operations taking place with the subject

site. As conditioned, the existing sandy beach will not be altered prior to the guaranteed completion of a future sandy perched beach. Thus, the Commission finds there will be no loss of existing public recreational opportunities at the site until new and enhanced public recreational opportunities are guaranteed for actual installation.

The Commission notes the requested amendment will enable the applicant to construct one phase of slips so that revenue from the harbor can be used to pay loans derived from the construction of the two inner breakwaters. As more slips are created, more revenue will be available for the construction of all the public walkways, restrooms, benches, picnic facilities, bikeways and parking contemplated in both the original and the amended permit. The special conditions require the applicant to submit a schedule for constructing the remaining portions of the marina project, and require the applicant to complete construction of the perched beach prior to any alteration of natural beach existing on the site. The Commission notes the original commitment by the applicant to reserve 50% of the created slips for commercial fishing and 50% for recreational boating has not been changed in the current amendment. Because the amended project will still allow for the creation of a mixed use harbor, for public recreational and access amenities, and for coastal-related uses on upland areas, the Commission finds, as conditioned, the amended project is consistent with Chapter 3 of the Coastal Act.

Normally, the Commission's standard condition language requires the satisfaction of special conditions prior to the actual transmittal of an approved coastal development permit. In this particular project, the Commission finds that installation of improved mooring conditions will be beneficial to the commercial fishing industry that utilizes Pillar Point. Currently, mooring conditions are less than satisfactory, and moored boats are not adequately protected during storm conditions. The amended project will provide formal berthing slips for both commercial fishing and recreational boating interests, as well as improved fuel pump and sanitary pump-out facilities within the marina. The Commission finds that the existing users of the harbor could be impacted by this season's storm conditions if the amended project is delayed due to condition compliance. The special conditions therefore allow the applicant to submit a schedule for construction, and other condition compliance within 90 days of the Commission's approval of the current amendment, but in any event prior to any fill taking place within the subject project area. Existing beach resources would not be altered prior to completion of condition compliance, and the Commission finds the project's adverse impacts on coastal resources will be adequately mitigated through compliance with the special conditions. Therefore, the Commission finds the amended project as conditioned is consistent with Chapter 3 of the Coastal Act of 1976.

5. Local Coastal Program. Section 30604 requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a local coastal program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. After certification of the LCP, a coastal development permit shall be issued if the issuing agency or the Commission finds the proposed development is in conformity with the certified LCP.

The San Mateo County LCP was certified with suggested modifications by the Commission on November 5, 1980. The County Board of Supervisors accepted the

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suggested modifications on December 15, 1980. Complete certification and permit take-over occurred on April 1, 1981. Pillar Point Harbor is located within the jurisdiction of the San Mateo County LCP.

Since the LCP is certified for this area of the coast, the normal procedure for approving new development requests would be for the applicant to first seek approval of any landside development from the County and seek approval for water development from the Commission. However, the current development request is an amendment to an existing coastal development permit which has been partially constructed. Further, the certified LCP contains specific policy language for regulating development of Pillar Point Harbor pursuant to the terms of Permit No. 133-76:

12.5 Role of the San Mateo County Harbor District

- a. Encourage the Harbor District to investigate the needs of commercial fishing and recreational boating on an equal basis, and to accommodate those needs accordingly.
- b. Require the District to submit to the County annually a list of proposed development plans recommended for planning or construction during the ensuing fiscal year in accordance with Section 65401 of the Government Code and Policy 2.5 of the Public Works Component. Evaluate projects within County jurisdiction for consistency with the development plan approved as Coastal Permit 133-76. (emphasis added.)
- c. Encourage the Harbor Master to set minimum use requirements for buying stations leased from the Harbor District.

Section 12.5(b) stipulates that new projects within County jurisdiction will be evaluated for consistency with Permit No. 133-76, but is silent on possible amendments to Permit No. 133-76. The Commission legal staff has indicated that the current amendment request by the Harbor District will not require an amendment to the San Mateo County LCP due to the policy language; the County legal council has agreed with Commission legal staff opinion. Thus, an amendment to the existing LCP will not be necessary.

Further, the Commission has original jurisdiction on the current permit amendment request since the Commission issued the original permit in question. The original permit has been partially constructed and current proposed changes involve both land and water use changes. After consultation with both Commission and County legal council, the Commission concludes the appropriate permitting body to approve the subject permit amendment request is the current Coastal Commission. However, the Commission notes its ongoing commitment to work with local government in approving new coastal development, and the special conditions provide that local approvals must be granted by the County prior to the transmittal of a coastal development permit amendment. The County indicates local approvals will consist of a changed "use" permit, and has been informed of the Commission's special conditions for possible input in the Commission's process. For these reasons, the Commission finds the amended project as conditioned to be consistent with Section 30604 of the Act.

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