

October 31, 1984

TO: COMMISSION AND INTERESTED PERSONS

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

SUBJECT: PROPOSED FINDINGS FOR AMENDMENT TO PERMIT NO. 133-76-A(2) (SAN MATEO COUNTY HARBOR DISTRICT) For Meeting of November 14-16, 1984

DATE APPROVED: October 24, 1984 in Carmel

PREVAILING SIDE: Commissioners Franco, Bellerue, MacElevaine, Hisserich, Gotch, McInnis, McMurrery, Meck, Hillenbrand, Wornum, Wright 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. Permit History. On July 6, 1976 the predecessor State Commission granted a permit, subject to conditions, to the applicant for the expansion and improvement 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, related utilities and creation of four lease parcel areas adjacent to the harbor basins.

Major coastal resource issues raised by the subject development were the environmental impacts of proposed dredging operations, loss of natural, sandy beach, and impacts of proposed marina shoreline protection (rip-rap), the impacts of recreational traffic on Highways One and 92, the growth inducing impacts on water and sewage system availability in the area, and the appropriateness of the development of a small craft marina for recreational boating 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 eliminate all proposed dredging, to reduce grading, to reduce alteration of natural, sandy beach within the marina, to create new artificial

beach areas within the marina, to limit restaurant uses and to add boat-related services, to improve traffic circulation and to provide 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.

In January, 1984 the applicant again requested approval of an amendment to the originally issued permit. The second amendment considered by the Commission proposed dredging 30,000 cubic yards of bottom material from the marina, to eliminate 400 linear feet of artificial beach within the marina, to increase marina shoreline riprap protection by 1,250 linear feet, to install a smaller artificial beach within the marina, to reverse approved uses for two of the four lease parcels, to change locations of several minor marina support structures, and to restore a portion of the shoreline adjacent to the east basin by removing a rock sediment dam.

Because the San Mateo County Local Coastal Program has been certified, the Commission consulted closely with the County in approving the 1984 amendment request. The Commission approved the second amendment subject to conditions which required the applicant to obtain local approvals for the changes in the 1976 approved project, to file separate applications for permits when development is proposed for either of the lease parcels, to submit final dredging plans, to conduct suitability analysis of the spoils material and if suitable, to use the spoils on the to-be-created perched beach within the marina to identify other dredge spoil disposal sites, and, if within the coastal zone, to file an amendment request for approval of the other spoil sites, (Excess spoils were also to be used for beach replenishment if deemed suitable.) The applicant was also required to sign a waiver of responsibility, to provide an access plan for implementation during construction, to submit revised plans eliminating the existing rock sediment dam, to submit an mutually agreed upon schedule of construction (Commission and applicant) and to submit final working drawings. A copy of the approved second amendment is attached as Exhibit C.

In April, 1984 the applicant's representative submitted condition compliance material for all of the January 1984 amendment conditions of approval. The submittal identified four possible dredge spoil disposal sites: 1) the perched beach site which would hold approximately 20,000 cu. yds. of spoils; 2) a FEMA site on the east side of the outer eastern breakwater to the harbor which would hold approximately 2,000 cu. yds. of spoils; 3) an inland site within San Mateo County jurisdiction which would hold approximately 20,000 cu. yds. if necessary; and 4) a site on the west side of the outer eastern breakwater which would also hold approximately 20,000 cu. yds. The latter site is known as the R.V. site

due to its location adjacent to an area currently used for recreational vehicle parking. Prior to August 1984, the R.V. site also contained sandy beach, dune and wetland habitat. The applicant's submittal proposed using the spoils material at the R.V. site for an expanded parking area. The location of the four sites is depicted in Exhibit D.

Commission staff reminded the applicant that disposal within the coastal zone would necessitate the filing of a third amendment request to be considered by the Commission for approval. Staff also indicated that the inland site would need local approvals, that suitability analysis must be performed on the dredge spoils material, and that if suitable, the perched beach and FEMA sites would be satisfactory for disposal sites, and that other Coastal Act issues must be addressed regarding the use of the R.V. site. Staff indicated the existence of wetland habitat and sandy beach at the R.V. site, and asked for an assessment of habitat values by the applicant and for a plot plan of the habitat, indicated that local approvals for the current disposal request and any subsequent future use of the disposal site were necessary prior to Commission consideration of the third amendment proposal. The applicant's representative and Commission staff conducted a joint site visit to identify Commission concerns on all four proposed sites during Spring of 1984. The applicant's representative also submitted additional descriptive information regarding the R.V. site's habitat value in April, 1984.

From May through August, 1984 Commission staff continued discussions with the applicant's representative as well as staff from the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding the changed project and compliance with the Commission's 1984 approved amendment (Exhibit C). RWQCB had not been contacted by the applicant regarding the changes approved in 1984. The original permit issued by RWQCB had been materially altered by the Commission's action; specifically, the project now included the creation of a perched beach within the marina and called for dredging. RWQCB staff and the applicant revised original conditions of their approval to require a suitability analysis to address water quality concerns relative to the dredge spoils proposed for use on the perched beach. Commission staff monitored this interaction between RWQCB and the applicant so that spoils suitability concerns of the Commission would be consistent with RWQCB concerns about suitability.

2. Status of Project. During the last week of August, the Commission received telephone reports of dredging activity commencing at Pillar Point. The reports indicated that a coffer dam had been constructed at the R.V. site and that dredged spoils material was being disposed of at the site. Commission staff immediately contacted the applicant's representative and informed them that a third amendment for use of the coastal zone site was required. The Commission staff also indicated both orally and by letter that continued use of the R.V. site for spoils disposal must halt until the Commission could consider the amendment request filed by the applicant. The applicant's representative then filed an amendment request for use of the R.V. Site. A copy of this request is attached as Exhibit E. When the Commission staff indicated that use of the R.V. site would require a public hearing on the amendment proposal, the applicant's representative disputed the need for an amendment at all. The applicant contended that the condition compliance materials submitted on April 2, 1984 constituted the filing of an amendment request for use of the R.V. site. The Commission staff rejected this contention. A copy of the April condition

compliance letter submitted by the applicant's representative is included as Exhibit F.

After meeting with the applicant's representative, receiving telephone information from concerned members of the public, and after conducting a site visit of the R.V. site, staff determined that the San Mateo County Harbor District appeared to be in violation of the coastal permit granted in 1977, and the two subsequently approved amendments. Accordingly, Commission staff informed the applicant that dredge disposal at the R.V. site would have to be halted. The staff did indicate that the perched beach site and the FEMA site could be used immediately for temporary disposal of dredged spoils if the applicant obtained RWQCB approval and could demonstrate the spoils were suitable for beach replenishment. However, if the spoils material was determined to be unsuitable for beach replenishment, subsequent final amendment approval would be needed for use of any site within the zone still proposed for permanent spoils disposal (including the FEMA site).

The applicant asked for special consideration from Commission staff because the dredging equipment and crew were already on location and stand-by costs would be considerable. At the applicant's request and in an effort to find a mutually agreeable solution, Commission legal staff drafted a proposed Settlement Agreement to be signed by Commission staff and the Harbor District, so that dredging could continue and the violation resulting from the use of the R.V. site would be cured through restoration of the site's sandy beach, dune and wetland habitat. The Settlement Agreement has been revised and the applicant received the latest draft on October 24, 1984. While discussions are continuing, the applicant has recently indicated a reluctance to sign the proposed Settlement Agreement as currently drafted. Because of the scheduled public hearing on the proposed amendment to dispose of material at the R.V. and FEMA sites, (if spoils are deemed unsuitable), the Commission staff delayed any formal action against the applicant relative to the violation of the terms and conditions of the second amendment action.

Due to the applicant's pressing need for action, Commission staff scheduled a public hearing on the proposed amendment for the October 10-12, 1984 Commission meeting in Los Angeles. On October 9th, the applicant requested a postponement, and Commission staff rescheduled the public hearing for the October 24-25, 1984 Commission meeting in Carmel. After the postponement request, Commission staff continued to discuss possible settlement measures with the applicant. However, on October 15, 1984 concerned members of the public telephoned Commission staff and stated the applicant had again disposed of dredged spoil materials at the R.V. Site from October 8th until October 12th.

In three different telephone conversations with the applicant or its representatives, Commission staff informed the applicant of the reported activities, and the applicant and/or its representatives have admitted the unpermitted development activity. The applicant contends the continued unpermitted activity resulted due to a communication "mix-up" between the applicant's engineer and the contracting firm doing the dredging. On October 15, 1984 Commission staff conducted a site visit and confirmed the reports of continued disposal activities at the R.V. Site.

Although the San Mateo County Harbor District has filed a formal amendment request, the violation of the amended permit will not be automatically resolved

by the submittal of the current amendment proposal. However, restoration of the site altered by the applicant's development activities will be of primary concern in reviewing the current amendment request for consistency with Chapter 3 policies contained in the Coastal Act.

3. Amendment Request. The applicant now proposes to increase proposed dredging activities from the approved 30,000 cubic yards to approximately 45,000 cubic yards. The applicant also proposes to dispose of dredge spoils material in three locations within the coastal zone and the Commission's original jurisdiction in San Mateo County: the perched beach site, the FEMA site and the Upland Harbor site. The applicant has completed a suitability analysis of the dredge spoils material and submitted the information for Commission, Regional Water Quality Control Board and U.S. Army Corps of Engineers review and approval. The three agencies all indicate that approximately half (22,250 cu. yds.) of the spoils material is suitable for beach replenishment and that the other half is not suitable. The Commission staff has approved immediate disposal of suitable materials on the perched beach site and the FEMA site after consulting with RWQCB. In summary, the proposed amendment would increase the bottom area to be dredged and would allow for disposal of unsuitable spoils material at the Upland Harbor site and at the FEMA site. (See Exhibit D).

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. Beach Replenishment. Prior to transmittal of an amended permit, the applicant shall submit, for the review and approval of the Executive Director of the Commission, the results of a suitability analysis performed on the dredged spoils material. The applicant agrees to analyze the particle size of three core samples of bottom material to be dredged. If the material is 80% sand by volume (determined by a particle size between 0.06mm and 2.0mm) the spoils material shall be utilized for beach replenishment. If the material is 70 to 80% sand by volume, the applicant shall agree to a further determination of suitability to be agreed to by the Commission's engineering geologist, Regional Water Quality Control Board and Corps of Engineers' representatives prior to use as beach replenishment material. If the material is less than 70% sand in volume, the applicant agrees the material is deemed not suitable for use as beach replenishment.

The applicant agrees to place all material deemed suitable on the perched beach to be created west of Lease Parcel A as required in the amended 1984 permit, either as the material is dredged (under supervision subject to the review and approval of the Executive Director) or after the spoils material has been stored and dewatered at the Upland Harbor site or at the FEMA site.

Nonsuitable spoils material may be disposed of either landward outside of the zone, or seaward within an EPA approved disposal site.

2. Water Quality. Prior to transmittal of an amended permit, the applicant shall submit, for the review and approval of the Executive Director, written evidence of approval from the San Francisco Regional Water Quality Control Board for use of the Uplands Harbor Site, as depicted in Exhibit D, for permanent dredged spoils material disposal.

3. Restoration of R.V. Site. Prior to transmittal of an amended permit and within thirty (30) days of approval of this amendment, the applicant shall notify the Executive Director in writing of its intent to restore the R.V. site. The onsite restoration is subject to the review and approval of the Executive Director of the Commission. The applicant shall agree as follows:

Within one hundred and twenty (120) days of approval of this amendment, the applicant shall restore the R.V. site to its condition prior to alteration by the applicant in grading, constructing a coffer dam, placement of dredging equipment and prior to disposal of spoils material. The actual restoration must be completed within one hundred and twenty days and shall include:

- 1) removal of all dredged spoils material.
- 2) placement of material suitable for beach replenishment on the perched beach as required in Condition No. 4 of the granted second amendment to the approved permit.
- 3) removal of all cofferdam material.
- 4) regrading of the R.V. site to its pre-existing contours as shown on the preliminary engineering plans submitted by Winzler & Kelly on April 2, 1984.
- 5) Revegetation of the R.V. site with wetland vegetation and revegetation of dune vegetation on the low dunes. The proposed restoration plan for the entire R.V. Site shall be subject to the review and approval of the Executive Director. Any dispute arising from compliance with this condition shall be resolved by the Commission in public hearing.

4. Performance Guarantee. Within seven (7) days of approval of this amendment, the applicant shall provide a guarantee of performance for the actions required in 3 above. The form and content of the guarantee of performance instrument shall be subject to the review and approval of the Executive Director of the Commission. The form of the guarantee instrument may be a bond, a certificate of deposit or other security acceptable to the Executive Director. The amount of bond, certificate of deposit or security

shall be \$100,000. Release of the guarantee of performance shall be subject to the Executive Director's approval of the final restoration of the R.V. site.

5. Remaining Conditions. All other conditions of the original permit and of the two previously granted amendments to that 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 increase the previously permitted amount of dredged bottom material to a total of approximately 45,000 cubic yards, and would allow the placement of spoils material within the coastal zone, if chosen by the applicant. If deemed suitable for beach replenishment, the spoils material would be placed upon the perched beach site and on the FEMA site as identified in Exhibit D.

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. Section 30233 also permits dredging to maintain existing or to restore previously dredged depths in existing navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. The subject project area is an existing boating facility accommodating primarily the commercial fishing industry. The project area is also an existing vessel berthing and mooring area and contains a boat launching ramp.

The Commission has previously considered a proposal to dredge approximately 30,000 cubic yards of bottom material and approved the subject request, finding it consistent with Section 30233 of the Act in January, 1984. Because the increase in bottom materials to be dredged is not a major change in amount to be removed, because removal is for the same reasons considered and approved by the Commission in the previous amendment request granted in January, 1984 and because the increase in dredged amounts has been reviewed and approved by other interested public entities (Corps of Engineers and Regional Water Quality Control Board), the Commission finds the proposed amendment request to increase the amount of dredging to a total of 45,000 cubic yards of bottom material to be consistent with Section 30233 of the Coastal Act.

As in its action in approving Permit No. 133-76-A, 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 original permit conditions provide that the applicant will apply for an amendment if the need for additional dredging arises due to sedimentation in future years. Thus, the Commission finds this portion of the currently proposed amendment to be consistent with Section 30233 of the Act.

2. Placement of Dredged Spoils Material. The amendment hereby approved would allow for the placement of suitable dredged spoils material on the perched beach site and the FEMA site as identified in Exhibit D. The approved amendment

would also allow the placement of non-suitable spoils material on the Upland Harbor site and on the FEMA site. Prior to October 24, 1984 the applicant proposed to use the R.V. Site for dredge disposal (Exhibit D). The R.V. site had been previously cited by Commission staff as containing some wetland and dune habitat value. The site also contains sandy beach and thus, recreational beach value for the public. This concern was relayed to the applicant in April, 1984; nevertheless, the applicant utilized the R.V. site as a dredged spoils material disposal area during late August, September and October of 1984.

The R.V. site does contain some wetland habitat of value pursuant to definitions provided in the Coastal Act of 1976, and as further provided in the adopted Statewide Interpretative Guidelines on Wetlands. The site has been degraded previously when the outer breakwater was constructed. The construction of the outer breakwater which created the Pillar Point Harbor occurred prior to the enactment of Proposition 20 and the subsequent Coastal Act of 1976. The actual wetland values contained on the R.V. site were most likely created after construction of the outer breakwater with the occurrence of vernal ponding due to run-off and/or due to wave run-up during high tides. Because of run-off and/or wave run-up, some ponding has occurred in and among the low sand dunes in existence on the subject site. Thus, wetland habitat established itself within the site used for dredged spoils disposal.

Commission staff conducted a site visit of the R.V. site after the subject site had been graded, and after the construction of the proposed coffer dam. However, based upon examination of similar adjacent shoreline areas, and based upon close examination of aerial photography of the area prior to the grading and construction activities, Commission staff has estimated that the R.V. site did contain at least one-half acre of wetland area which supported species which may have been wetland habitat. At least some of the site contained "salicornia" which is a wetlands indicator species. In addition, at the request of Commission staff back in April of 1984, the applicant submitted information regarding habitat values contained within the R.V. site. The applicant's letter stated in relevant part:

...Typical vegetation at the site consists of salt grass, pickle weed, small patches of ice plant and other common grasses. The majority of the parking lot will be placed on a sandy strip adjacent to the breakwater that has no vegetation coverage. On the west side of the site, fill will encroach about 25 feet onto a 3-acre pickle weed and salt grass patch. The amount of vegetation covered would be about .10 of an acre. About 100 square feet of ice plant would be filled over. The total filled area would be about 0.9 acres...

As identified by the applicant's own letter, the R.V. site contained pickle weed and salt grasses, both of which are wetland indicator species. Thus, the R.V. site did have a portion of wetland habitat, as identified by the presence of two wetland indicator species: salicornia, (pickleweed) and salt grasses. Normally, in accordance with Section 30233 of the Act, the Commission would not permit the filling of wetlands as proposed by the applicant unless it was for one of the identified purposes contained in the provisions of Section 30233 of the Act. However, the applicant has initiated alteration of the R.V. Site without benefit of receiving a Commission approved amendment to Permit No. 133-76-A. The R.V.



site was graded, a coffer dam was constructed and dredging activities had commenced until halted at Commission staff request. Commission staff estimates that at least 1½ acres of wetlands and beach have been destroyed by the unpermitted construction activities. At least one-half acre of this total acreage appears to have been a wetland and the remaining one acre was beach area. Because of the existing violation, the Commission is unable to obtain a thorough biological assessment of the subject site to be able to definitely conclude what portions the R.V. site were wetlands.

The applicant now proposes to abandon use of the R.V. site for temporary or permanent dredged spoils disposal, and to utilize instead a new site called the Upland Harbor site, as well as the FEMA site. Suitable dredged material will be placed upon the perched beach site within the marina, and unsuitable dredged material will be placed upon the FEMA and Upland Harbor sites (Exhibit D).

Although the current amendment request no longer involves either temporary or permanent use of the R.V. site for dredged spoils disposal, the applicant has already caused alteration of the R.V. site and destruction of wetland and beach habitat value in unpermitted dredge disposal activities conducted at the marina and R.V. site during August, September and October, 1984. The unpermitted activity altered or destroyed approximately one-half (.50) acre of wetland habitat, and one and one-half (1.50) acres of beach dune habitat. Section 30233 of the Act only permits the filling of wetland habitat if the filling would result in restoration of wetland habitat values, and if the proposed dredging and fill activity is one of the permitted activities enumerated in Section 30233 of the Act. In addition, Section 30233 allows wetland fill where there is no feasible less environmentally damaging alternative to the filling activity, and where feasible mitigation measures have been provided to minimize adverse effects on the environment. Use of the R.V. site would not result in restoration of wetland values, and is not one of the permitted filling activities listed in Section 30233. The applicant's use of the Upland Harbor and FEMA sites for permanent spoils disposal is feasible and is less environmentally damaging than use of the R.V. site for disposal and fill. The Commission therefore finds use of the R.V. site for spoils disposal is inconsistent with Section 30233 of the Act. The special conditions of approval require the applicant to restore the altered and destroyed wetland and beach dune habitat areas contained within the R.V. site boundaries. Further, the conditions require the posting of a performance bond to assure that complete restoration of the R.V. site occurs, subject restoration plan reviewed and approved by the Commission's Executive Director. Because the amended project would restore the lost wetland and dune habitat at the R.V. site, and because spoils disposal at the FEMA and Upland Harbor sites is consistent with Section 30233 of the Act, the Commission finds the amended project, as conditioned to be consistent with Section 30233 of the Coastal Act.

3. Alteration of Sandy Beach and Natural Landforms. The amendment hereby approved would allow the temporary placement of dredged spoils material onto sandy beach and other land utilized for recreational pursuits by the public. As stated in the above section, the placement of spoils material, and thus, alteration of the R.V. site has already occurred until the operations were halted by Commission staff. As stated in the above section, the Commission staff has estimated that one acre of beach and recreational area has been altered by the applicant's activities prior to the implementation of the subject amendment request.

Section 30251 of the Act requires permitted development to minimize the alteration of natural land forms including sandy beach. Other Coastal Act policies contained in Chapter 3 of the Act provide that upland areas immediately adjacent to the shoreline shall be reserved for public access uses and other recreational high priority uses defined in the Act. The Commission normally prohibits alteration of sandy beach for construction of dredged spoils containers such as the existing cofferdam constructed by the applicant. As stated in the section pertaining to lost wetland values, due to the existing violation that has taken place, the Commission is unable to determine exactly what beach and recreational value has been altered.

The applicant now proposes to abandon permanent use of the R.V. site for dredged spoils material disposal, and to utilize instead the Upland Harbor and FEMA sites for disposal sites. The Upland Harbor and FEMA sites do not involve alteration of sandy beach areas, and use of the two sites would be permissible under Section 30251 of the Coastal Act.

Because of the alteration of the subject site that has already occurred, the Commission's inability to properly assess exactly what amount of land has been altered by the applicant's unpermitted construction activity and due to pressing economic needs of the applicant, the Commission can only permit the placement of dredged spoils material on the subject site temporarily if the applicant is willing to restore the site previously altered to its pre-construction dimensions and contours. The special conditions of approval require the applicant to restore the R.V. site to its pre-construction condition (which means removal of the coffer dam, the spoils material and restoration of wetland and sandy beach value), subject to the review and approval of the Executive Director. Because conditions of approval would provide adequate mitigation for the alteration of landforms and would restore the altered R.V. Site, the Commission therefore finds this portion of the amendment request to be consistent with Section 30251 of the Act as well as the other public access and recreation policies contained in Chapter 3 of the Act.

4. 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 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 then to seek approval for water development within the area of retained jurisdiction from the Commission. However, the current development request is an amendment to an existing coastal development permit which has been partially constructed.

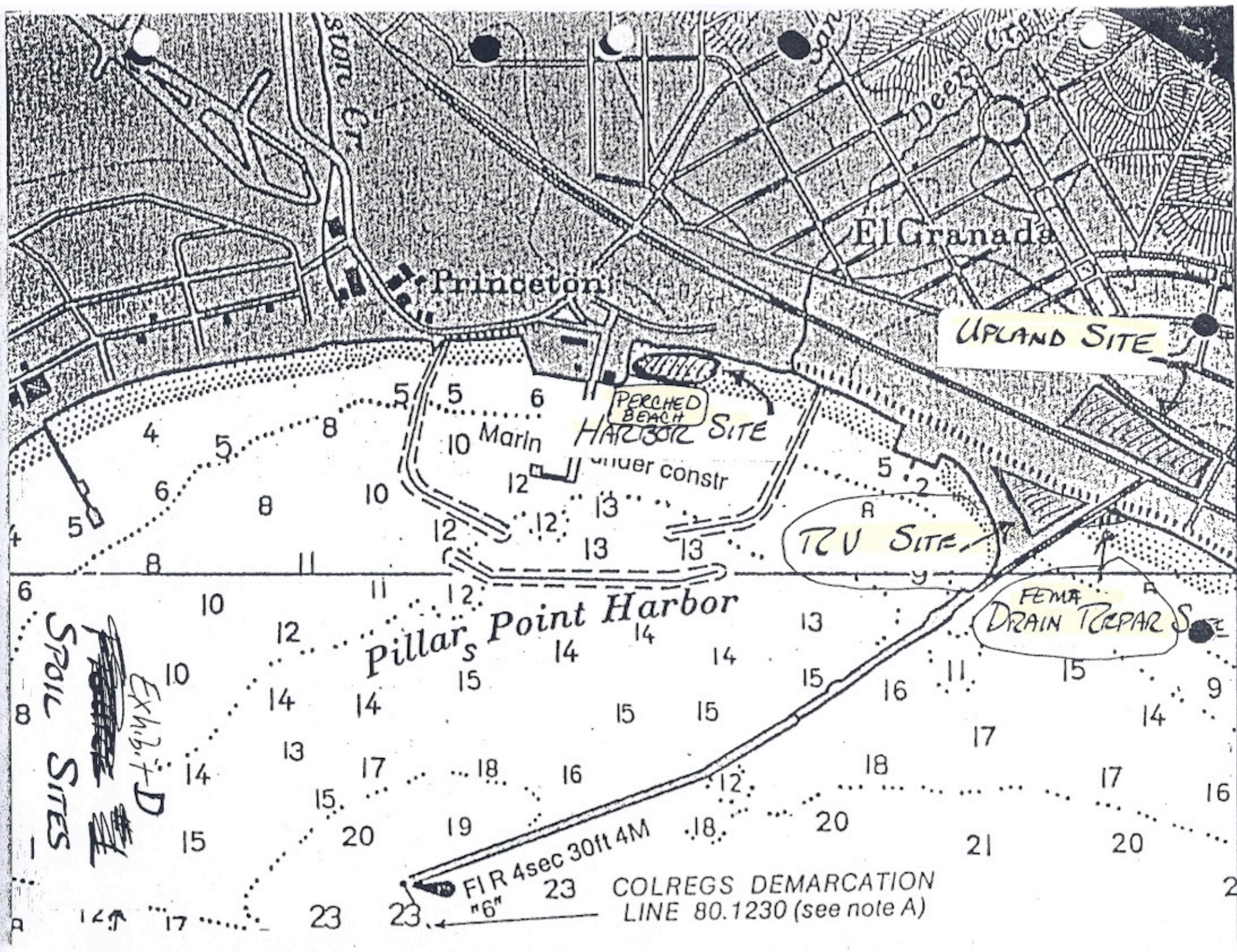
Further, the certified LCP contains specific policy language for regulating development of Pillar Point Harbor pursuant to the terms of Permit No. 133-76:

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 over the current permit amendment request since the Commission issued the original permit in question. The development approved by the original permit has been partially constructed and current proposed changes involve both land and water use changes. Further, Condition No. 4 of the January, 1984 amendment stipulates that the applicant must file an amendment request with the Commission if dredged spoils material not suitable for beach replenishment is proposed for disposal within the coastal zone. After consultation with both its and County legal council, the Commission concludes the appropriate permitting body to approve the subject permit amendment request is the current Coastal Commission. Commission staff has consulted with the County of San Mateo during consideration of all aspects of the proposed project as amended. For these reasons, the Commission finds the amended project as conditioned to be consistent with Section 30604 of the Act.



# WINZLER & KELLY

609 Mission Street, Suite 400 / San Francisco, CA 94105-3586 / 415-362-0151

April 2, 1984

83-705-C01

California Coastal Commission  
631 Howard Street  
San Francisco, CA 94105

Attention: Michael L. Fischer

Dear Mr. Fischer:

The following information and the enclosed plans are submitted to you to fulfill the Special Conditions 1 thru 11 imposed by the Commission on the amendment to Permit A-133-76A, conditionally granted on January 25, 1984. It is my understanding that once these conditions are fulfilled the permit will be issued with no further requirements.

Enclosed for your information and for fulfillment of Special Condition 10 are a Master Plan for Pillar Point Marina and a complete set of plans and specifications for Contract I for construction of Phase I of the marina. Also included is a Waiver of Responsibility.

The fulfillment of each of the Special Conditions is discussed in the following:

1. Local Approvals - In view of the fact that the proposed marina development is part of the approved Local Coastal Program of San Mateo County, it is the opinion of the San Mateo County Harbor District (SMCHD) that further written evidence of local approvals is unnecessary. Plans have been submitted to the San Mateo County Planning Department and the Regional Water Quality Control Board for review.
2. Approval for Changed Uses on Lease Parcels and Creation of New Lease Parcel A - No construction is planned at this time on Lease Parcel A or B. (See Master Plan). A separate coastal development permit application will be filed for these sites when construction is planned.



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Exhibit F

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April 4, 1984  
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3. Final Dredging Plans - Dredging Plans are included as Sheets 4 and 5 of the enclosed Plans for Contract I. This includes all anticipated dredging.
4. Dredge Disposal - Plans for Dredge Disposal at the proposed Perched Beach are included as Sheet 6 of Contract I Plans. Plans for Dredge Disposal at two nearby uplands sites are included as Sheet 7 of Contract I Plans. No dredging is currently proposed after completion of Contract I.
5. Creation of Perched Beach Area - Plans for the Perched Beach are included as Sheet 6 of Contract I Plans. Estimated volume of sand fill for the beach is 16,821 C.Y.. Materials for the offshore reef and onshore revetment are indicated in the enclosed Specifications for Construction of Pillar Point Marina, Contract I, Section 02320, Perched Beach.
6. Waiver of Responsibility - The Waiver of Responsibility is enclosed.
7. Public Access/Recreational Amenities - The Master Plan enclosed shows the proposed Public Access and Recreational Amenities improvements. The blufftop pathway along the west basin will be constructed in Phase I, currently out to bid. The perched beach will also be constructed in this contract. The blufftop pathway extending over the breakwater to the outer harbor will be part of Phase II, to be bid in September of this year. Picnic tables, public benches and landscaping along this pathway will also be part of Contract II. Also as a part of Phase II construction, improvements will be provided along the inner breakwaters to provide public fishing access. Final landscaping will also be done in this phase. Contract II is expected to be out to bid in September 1984 and completed by December 1985.
8. Rock Sediment Dam/Storm Drainage - The existing "rock sediment dam" was constructed in 1983 as an emergency measure by the SMCHD. The "dam" was intended to act as a settling basin to minimize the siltation of the inner harbor due to sediment transport during unusually heavy run-off. The "rock sediment dam" will be removed and the materials used for the construction of the perched beach in Contract I. Completion of the drainage culvert in Contract II will result in all run-off being directed out of the inner harbor area. Drainage from the west side of the inner harbor is presently directed via a similar culvert to the outer harbor.

Michael Fischer

April 2, 1984

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9. Schedule of Construction - Phase I construction is scheduled to begin by June 1984, and be completed by December 1984. The extent of Phase I indicated on the Site Plan, Sheet 3 of the enclosed Plans for Contract I and includes construction of 141 berths in the West Basin, restrooms in the West Basin, parking and grading improvements in the West Basin, dredging of the entire inner harbor area to -10 MLLW, and construction of a perched beach in the East Basin.

Funding for Phase II is expected to be secured in September of 1984 and Contract II should be out to bid by the end of that month. Construction is anticipated to start by December of 1984 and to be completed by December 1985. Phase II of construction entails most of the remaining development indicated on the Master Plan. Detailed plans will be submitted for for Coastal Commission review before Contract II is bid. Briefly Contract II includes construction of 299 berths, a new fuel dock and pump out facility, grading improvements in the East Basin, rock riprap, parking improvement in the East Basin, landscaping, public amenities (i.e. benches, picnic tables), blufftop trail in East Basin, and a view platform in the East Basin.

10. Final Working Drawings - Enclosed are the Master Plan and Plans for Contract I. Preliminary stamps are used only to indicate to bidders that we reserve the right to make minor changes. These drawings are intended to be the final working drawings.
11. Remaining Conditions - San Mateo County Harbor District understands that the conditions of the original permit shall remain in effect and believes that these conditions have already been satisfied.

I sincerely hope that this information satisfies your requirements and that we can look forward to receiving the amendment permit in the near future. Please feel free to call if you have any questions or require additional information.

Sincerely,

WINZLER AND KELLY

*James P. Winzler*  
James P. Winzler *JPR*



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Exhibit F