

**CALIFORNIA COASTAL COMMISSION**

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**Certification No. 7006 2760 0005 5883 7396**

March 11, 2013

Steve Castile  
San Francisco Recreation & Parks  
McClaren Lodge  
Golden Gate Park  
501 Stanyan Street  
San Francisco, CA 94117

RE: **Alleged Coastal Act Violation No. V-2-13-002** (Sharp Park Golf Course), consisting of unpermitted repairs to the existing seawall

Dear Mr. Castile:

Thank you for meeting with Stephanie Rexing and me on March 4, 2013 at the Sharp Park Golf Course seawall in Pacifica. As noted in the letter Ms. Rexing sent you dated March 5, 2013, Commission staff has determined that the repair work that has taken place on the seawall constitutes development under the definition in the Coastal Act and is therefore not exempt from Coastal Act requirements.

1. **Alleged Coastal Act Violation.**

As you know, the California Coastal Act (Coastal Act) was enacted by the California Legislature in 1976 to provide protection of California's 1,100-mile coastline. The Coastal Act protects this coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission (Commission) is the State agency created by and charged with administering the Coastal Act of 1976. The Commission carries out Coastal Act mandates by seeking to protect sensitive habitats, natural landforms, and scenic landscapes. Our goals include providing maximum public access to and along the coast, and to neither create nor contribute significantly to erosion, geological instability, or destruction of natural land forms along bluffs and cliffs.

The Coastal Act broadly defines development in Section 30106, in part as follows:

*“Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act...change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973... (Emphasis added)*

As such, the repair work at the subject property, which includes the placement of unpermitted rock riprap on the site (“placement or erection of any solid material or structure,” “reconstruction...of any structure”) and the grading of the material on top of the seawall (“grading, removing...or extraction of any materials”) constitutes development under the Coastal Act. Section 30600(a) of the Act requires that any person wishing to perform or undertake development in the coastal zone must first obtain a coastal development permit (CDP), in addition to any other permit required by law, before carrying out any development. Any development activity conducted in the State’s defined coastal zone without a valid coastal development permit constitutes a violation of the Coastal Act. Thus, the repair work, which includes the placement of rock riprap, is considered to be unpermitted development, constituting a Coastal Act violation.

## **2. Enforcement Remedies.**

The Commission enforcement staff prefers to work cooperatively with alleged violators to resolve Coastal Act violations administratively. We are confident that we can resolve this matter without resorting to formal action. However, it is my obligation to inform you that, should this alleged violation remain unresolved, the Coastal Act contains a number of enforcement remedies for violations, including, but not limited to, issuance of Cease and Desist Orders, issuance of Restoration Orders, and the ability to initiate court action to collect civil liability in an amount not less than \$500 and not more than \$30,000 for each instance of development, pursuant to Coastal Act Sections 30809, 30810, 30811, and 30820 (a). Additionally, section 30820 (b) provides that additional civil liability may be imposed for violations which were undertaken knowingly and intentionally in an amount not less than \$1,000 and not more than \$15,000 for each day in which the violation persists. Any development that occurs after being notified by Commission staff of the need for a CDP for such development may be considered to be undertaken with knowledge of CDP requirements and intentionally undertaken in spite of that knowledge. Finally, pursuant to Section 30812, the Executive Director, after giving notice and allowing for a public hearing if requested, may record a Notice of Violation on the property where an unresolved violation exists.

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**3. Resolution of Alleged Coastal Act Violation.**

To resolve the outstanding alleged Coastal Act violation on the subject site, please submit to Ms. Rexing of our North Central District planning staff a complete CDP application seeking after-the-fact authorization for the seawall repair work that has already taken place at the subject property. As you know, Ms. Rexing set a deadline of March 11, 2013 for this submittal. The CDP application should also include a request for any additional repair work you wish to do at the subject site. If you have any questions about completion of your CDP application, please contact Ms. Rexing at 415-597-5894. If you have any questions regarding enforcement, please contact me at 415-904-5269.

Thank you for your cooperation.

Sincerely,



JO GINSBERG  
Enforcement Analyst

cc: Nancy Cave, CCC, Northern California Enforcement Supervisor  
Madeline Cavalieri, CCC, North Central District Manager  
Stephanie Rexing, CCC, North Central District Planner  
Lisa Wayne, SFRPD