

SCENIC PRESERVATION AGREEMENT  
BETWEEN THE SAN MATEO COUNTY HARBOR DISTRICT AND  
THE CALIFORNIA COASTAL COMMISSION FOR PILLAR POINT HARBOR

This agreement is made this 10th day of October, 1990, by and between the California Coastal Commission, hereinafter called "Commission" and the San Mateo County Harbor District, hereinafter called "District."

Whereas on July 7, 1976, the Central Zone California Coastal Commission approved Permit 133-76 for the construction of breakwaters, installation of docks, 440 boat slips, boat launch ramp, comfort stations, as amended in January 1984 under Permit No. 133-76-A, to provide for 30,000 cubic yards of dredging, spoils disposal, rip-rap, an additional lease parcel, installation of rock sediment dam, and deletion of a permit condition.

Whereas condition A-3 of said approval required the following:

"A scenic easement shall be offered over all lands owned by the San Mateo Harbor District above mean lower water mark west of Dennison Creek to San Mateo County. Such offer shall remain in effect for at least ten (10) years, may reserve rights of access to the existing west breakwater for repair and maintenance to the Harbor District or its successors, and the offer may expire if not accepted within ten years of the effective date of this permit."

Whereas on September 11, 1990, the Commission at request of District granted amendment no. 133-76-A2, which amended said condition A-3 to the following:

A scenic preservation agreement, enforceable by the California Coastal Commission, and in a form and content acceptable to the Executive Director, shall be offered over all lands owned by the San Mateo County Harbor District above the mean lower low water mark west of Dennison Creek. Such agreement shall remain in effect for at least ten (10) years, and shall limit new development to:

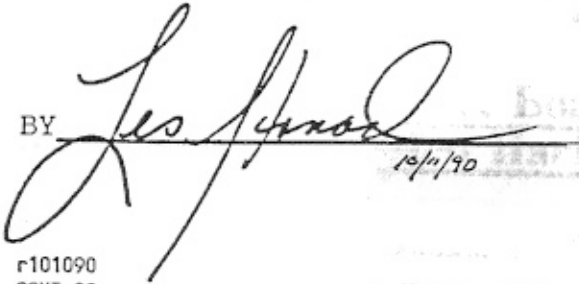
- a) That which is required for restoration of natural habitat; and
- b) Pursuant to Coastal Development Permit No. 3-90-56:
  - 1) Mitigation work to offset loss of intertidal beach areas;
  - 2) Improvement of pedestrian public access;

7. This Agreement shall inure to the benefit of and shall be binding upon the assigns and successors in interest of each of the Parties.

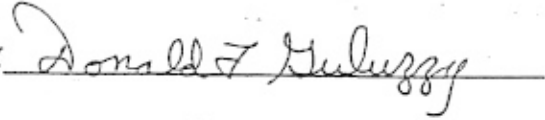
CALIFORNIA COASTAL COMMISSION

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