

CALIFORNIA COASTAL COMMISSION

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Appeal Filed: August 7, 2000
49th Day: September 25, 2000
Staff: VAE – SF
Staff Report: August 31, 2000
Hearing Date: September 13, 2000

**STAFF REPORT – APPEAL
SUBSTANTIAL ISSUE**

APPEAL NO.: A-2-DYC-00-027

APPLICANT: Korean Central Presbyterian Church

AGENT: Ted Kim

LOCAL GOVERNMENT: City of Daly City

LOCAL ACTION: Approval with Conditions

LOCAL PERMIT NO.: UP99-08 and DR99-30

PROJECT LOCATION: 50 Northridge Drive, Daly City, San Mateo County
APN 008-191-630

PROJECT DESCRIPTION: Construction of a 25,245 square-foot church and 131-space parking lot

APPELLANT: Anthony Gangloff

SUBSTANTIVE FILE: See Appendix A

1.0 EXECUTIVE SUMMARY

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed, because the appellant has identified potentially significant issues with the local government's action and its consistency with the certified Local Coastal Program (LCP).

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On July 24, 2000, the City of Daly City approved a coastal development permit (CDP) to construct a 25,245 square-foot church and a 131-space parking lot at 50 Northridge Drive in Daly City. The City's Notice of Final Local Action includes Resolution 00-223, affirming the CEQA Mitigated Negative Declaration; adopting the findings of fact, and imposing conditions of approval on the permit (Exhibit 5).

The appellant's contentions are summarized as follows:

1. the approved development will detract or restrict access at the three designated access points;
2. the approved development is located on a potentially dangerous site; and
3. the approved development does not protect the scenic and visual qualities of the coastal area as resources of public importance.

The Commission staff analysis indicates that the appeal of the project as approved by the City raises a substantial issue as to whether the approved project is consistent with the policies of the certified LCP relating to the prevention of hazards and shoreline erosion. The Commission staff analysis also indicates that the appeal of the project as approved by the City raises a substantial issue of conformance with the LCP policies pertaining to the protection of visual resources. The Commission staff analysis further indicates that the appeal of the project as approved by the City raises a substantial issue as to whether the approved project is consistent with the policies of the certified LCP relating to the provision of public access.

2.0 STAFF RECOMMENDATION

Substantial Issue

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

Motion

I move that the Commission determine that Appeal No. A-2-DYC-00-27 raises NO substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff Recommendation

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue, and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution to Find Substantial Issue

The Commission hereby finds that Appeal No. A-2-DYC-00-27 presents a substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act regarding consistency of the local action with the Certified Local Coastal Program and/or the public access policies of the Coastal Act.

3.0 PROJECT SETTING AND DESCRIPTION

3.1 Site Location

The project is located at the top of a coastal bluff in the City of Daly City, in San Mateo County (Exhibits 1 and 2). The parcel (Assessor Parcel Number 008-191-630) is 110,074 square feet in area (Exhibit 3). As part of an agreement with the Korean Central Presbyterian Church, the City agreed to deed approximately 2,000 square feet of adjacent City property on the northeastern portion of the site. Parcel 008-191-630 does not include the City's deeded property. As a condition of the permit, the City requires the developer to apply for a lot line adjustment to reflect the addition of the City's deeded property prior to the issuance of the building permit for the church development.

The property is surrounded by single-family residential development directly to the east and across Northridge Drive to the south, Northridge Park on the adjacent property to the southwest, and approximately 400-foot tall coastal bluffs, beach, and the Pacific Ocean to the west. Avalon Canyon is immediately north of the project site. Avalon Canyon, called Daisaku Ikeda Canyon in the certified LCP, is a steeply-sloped canyon bounded by Northridge Drive, Avalon Drive, and Westmoor Avenue. Avalon Canyon has also been known as Wood's Gulch and Deadman's Gulch. The City owns the portion of the Canyon above the 150-foot elevation MSL, and the State of California Department of Transportation (Caltrans) owns the land below this elevation. The Ocean Shore Railroad, running up and down the California coast, crossed Avalon Canyon about 150 feet above the beach. The railroad was constructed in 1906 and was abandoned in 1920. In 1936, State Highway 1 was completed on the old railroad grade. The highway was abandoned in 1957 after an earthquake damaged the highway, and erosion and landslides made it unsafe for public use and infeasible to maintain.

The project site is designated as Open Space in the LCP's Land Use Plan (LUP). The southern portion of the property site is located in the Single-family Residential District (R-1) as determined by the Zoning Code and Map. The remainder of the site is within the Open Space District (OS). The entire parcel is also within the Resource Protection Combining District (-RP), which includes land designated as OS or land adjacent to OS. The intent of this designation is to regulate allowable development in these areas for open space compatibility. The -RP designation adds provisions to the underlying zone to ensure that development does not create or contribute to adverse impacts on sensitive resources or geotechnically hazardous areas. The provisions for the -RP District (Section 17.27.010 of the Zoning Code) state:

These regulations are in addition and supplemental to the regulations of the underlying zone or zones, and where the regulations of the -RP zone and the underlying zone are inconsistent, the regulations of the -RP zone shall prevail. Furthermore, all development shall be in accordance with the policies contained in the Daly City general plan and, if applicable, the Daly City coastal program.

A church is a principal permitted use in the R-1 and OS Districts (pursuant to Zoning Code Sections 17.08.010, 17.23.020(B), and 17.23.030(B)) and a conditional use in the -RP District (pursuant to Zoning Code Section 17.27.030).

3.2 Background

The original church structure that previously existed on the project site was built in 1958. It was located on the northwestern portion of the property, at the site of the currently approved west parking lot. At the time of the certification of the LCP in 1984, the Nichiren Shoshu Academy owned the property. Therefore, the Academy site referenced in the LCP is the same site as that of the Korean Central Presbyterian Church. The Korean Central Presbyterian Church purchased the property from the Nichiren Shoshu Academy around 1990 and has occupied the building since then. In 1992, the Church applied for a development permit to construct three new single-family residences on the subject parcel. The residences were to be located on the church site that is the subject of this appeal. According to the local record, the City did not approve the proposed residences due to concerns regarding potential damage to adjoining property; impacts to neighborhood parking that would be caused by removing existing parking spaces; and erosion and aesthetic concerns.

The coastline of Daly City extends from Thornton State Beach on the northern end of the City to Mussel Rock at the southern boundary. The coastline is generally inaccessible due to the 300 to 600 foot-tall, almost vertical coastal bluffs. This 2.6-mile stretch of coastline has historically been subject to landslides and erosion, with the potential for earthquakes to accelerate cliff retreat and contribute to the instability of the bluffs. According to the LCP, disturbance of the bluffs and cliffs by residential development has increased the frequency of landslides over the years, causing the ruin of homes on Lynvale Court above Thornton State Beach and Westline Drive above Mussel Rock. In 1973, large quantities of sediment from erosion, siltation, and landslides were removed for the repair of storm drain pipes in Avalon Canyon.

In 1998, El Niño winter storms produced severe wave action, surface erosion and ground saturation from runoff, and caused the rupture of a major storm drainage discharge pipe in Avalon Canyon. The rupture of the pipe, designed to carry 80 cubic feet of water per second, caused slope undercut in the Canyon. Approximately 150,000 cubic yards of soil eroded from the Canyon, forcing the evacuation of nine residences on Avalon Drive and causing a landslide that threatened properties adjacent to the Canyon on Westmoor Avenue and Northridge Drive, including the Korean Central Presbyterian Church. Wave action also caused a landslide west of the Church property. The Governor and President declared Avalon Canyon a federal emergency. To deal with the emergency in Avalon Canyon, the City entered into an agreement with the Korean Central Presbyterian Church to demolish the building and use the soil on the property to repair the Canyon. The Avalon Canyon Repair Project consisted of the removal of the church, slope stabilization, construction of a temporary access road, installation of underdrain pipes, construction of a manhole, installation of new storm drains, replacement of sediment control basins, and installation of new surface drainage. The Avalon Canyon Repair Project was exempt from the requirement to apply for a CDP because such work was necessary to protect life or property and to repair a public service facility as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor, pursuant to Coastal Act Section 30600(e)(1). In 1998, the City demolished the church and removed approximately 100,000 cubic yards of soil from the site to construct an earthen buttress north of the project site and regrade slopes to the north and west of the project site. As a result, the site was lowered to an elevation of 465 feet Mean Sea Level (MSL), approximately 15 feet below the elevation of Northridge Drive (480 feet MSL). The Avalon Canyon Repair Project included grading of the site in preparation for the future development of the church.

3.3 Project Description

The project as approved consists of a church building and parking area (Exhibit 4). The City approved a 25,245 square-foot church building, made up of a main sanctuary, small sanctuary, meeting hall, classrooms, office space, and corridors, restrooms, and storage. The church is two stories high, with a building height of 35.5 feet as measured from the existing grade. As measured from Northridge Drive, the church is 20.5 feet tall. This is 2.5 feet shorter than the one-story original church, which stood 23 feet tall as measured from the original grade (level with Northridge Drive). Prior to the City's approval of the project and as reflected in the local record, the applicants revised the building plan to remove the 1,100 square-foot small sanctuary and reduce the main sanctuary by 1,565 square feet (from 5,495 to 3,930 square feet). The reduced church building is 22,580 square feet. According to City staff, these changes were not included in the approved project description because the reduction in the building's area did not create a greater impact than the 25,245 square-foot building. The original church structure had an area of 12,000 square feet,

The 131-space parking lot consists of 20 spaces located to the east of the church building, and 111 spaces west of the building at different elevations. The western parking lot includes 29 parking spaces to be shared with the City for public parking by City staff, officials, invitees, or visitors. Both parking lots have separate entries on Northridge Drive. The entrance into the eastern parking lot is at street level and makes a straight descent to the ground level of the church. The entrance to the western parking lot is also at street level. The parking lot winds downhill at a slope ranging from 2% to 10%, flattening out at the lowest level at an elevation of 452 feet MSL. The eastern parking lot covers 39,960 square feet, and the western parking lot is 6,000 square feet, for a total of 46,460 square feet. The easternmost edge of the east parking lot is approximately five feet from the neighboring residence at 34 Northridge Drive.

The project as approved would direct stormwater runoff from the parking lot to the City's existing storm drainage system. Runoff from the eastern parking lot and the highest level of the western parking lot would be conveyed via underground pipe from Northridge Drive to Avalon Drive and continue through the existing storm drainage system. According to City staff, the remainder of the runoff from the western parking lot and areas north and south of the church building would enter asphalt concrete swales and floor drain inlets. The swales and inlets would connect with catch basins which would direct the runoff to underground pipes leading to a sediment basin at the City's stormwater treatment facility at the base of Avalon Canyon and the coastal bluff.

The City's findings state that the project shall conform with the recommendations of the foundation investigation. The investigation recommends methods to collect runoff from the church building and discharge the runoff in a manner which does not contribute to erosion. The investigation recommends the use of gutters, downspouts, vegetation, paved surfaces, closed pipes, and sloped ground surfaces to prevent soil erosion and the accumulation of water near the church building.

The applicants estimate that the proposed project will have a useful economic life of 50 years.

4.0 APPEAL PROCESS

4.1 Appeals Under the Coastal Act

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Coastal Act Section 30603 provides, in applicable part, that an action taken by a local government on a coastal development permit application may be appealed to the Coastal Commission for certain kinds of developments, including the approval of developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff; or in a sensitive coastal resource area or located within 100 feet of any wetland, estuary, or stream. Furthermore, developments approved by counties may be appealed if they are not designated as the "principal permitted use" under the certified LCP. Finally, developments that constitute a major public works or a major energy facility may be appealed, whether they are approved or denied by the local government.

The proposed Korean Central Presbyterian Church is located between the sea and the first public road paralleling the sea (Northridge Drive) and within 300 feet of the top of the seaward face of a coastal bluff, and thus meets the Commission's appeal criteria in Section 30603 of the Coastal Act. Pursuant to Section 30603 of the Coastal Act, an appeal for development in this location is limited to the allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth in the Coastal Act.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons eligible to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding the substantial issue question must be submitted to the Commission or the Executive Director in writing.

It takes a majority of the Commissioners present to find that no substantial issue is raised. Unless it is determined that the project raises no substantial issue, the Commission will conduct a full de novo public hearing on the merits of the project at the same or subsequent hearing. If the Commission conducts a de novo hearing on the appeal, the applicable test under Coastal Act Section 30604 would be whether the development is in conformance with the certified Local Coastal Program and the public access and recreation policies of the Coastal Act.

4.2 Filing of Appeal

On July 24, 2000, the Daly City City Council approved a CDP to authorize the construction of the Korean Central Presbyterian Church. Forty-three conditions of approval were imposed. Because only the City Council has the authority to take action on permit applications (the Daly City Planning Commission has an advisory role and can only recommend actions to the City Council), the City's action cannot be appealed at the local level. Pursuant to Section 30603 of the Coastal Act as discussed in Section 2.1 above, the City Council's action is appealable to the Coastal Commission.

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The Commission received the Notice of Final Local Action from the City on August 3, 2000, and the Commission's appeal period began on August 4, 2000, the following working day. On August 7, 2000, within ten working days of receipt by the Commission of a complete notice of final local action, the appellant filed an appeal to the Commission. On August 7, 2000, the Commission sent notice of the appeal to the City of Daly City. Pursuant to Section 30261 of the Coastal Act, the appeal hearing must be set within 49 days from the date an appeal of a locally-issued coastal development permit is filed. The 49th day from the appeal filing date is September 25, 2000.

In accordance with Section 13112 of the Commission's regulations, the City must provide to the Executive Director of the Commission a copy of the file containing all relevant documents and materials regarding the subject permit. On August 7, 2000, Commission staff requested this information from the City. On August 14, 2000, the Commission received information to supplement documents previously sent by the City in May and early August.

4.3 Standard of Review

Public Resources Code Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term *substantial issue* is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Commission Regulations, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

If the Commission chooses not to hear an appeal, appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

For the reasons discussed further below, the Commission exercises its discretion and determines that the appeal raises a substantial issue with regard to the project's conformance with the certified LCP policies for geologic hazards, visual resources, and public access to the shoreline and along the coast.

5.0 SUBSTANTIAL ISSUE ANALYSIS

5.1 Appellant's Contentions

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

The Commission received an appeal from Anthony Gangloff on August 7, 2000. The appellant's contentions are summarized below, with the full text of the contentions in Exhibit 6. The appellant asserts that the project as approved by the City is inconsistent with the policies of the City's certified LCP concerning geologic hazards, visual resources, and public access.

5.2 Allegations That Raise a Substantial Issue

As discussed below, the contentions regarding geologic hazards, visual resources, and public access raise a substantial issue regarding the project's conformance with the City's certified LCP or with the public access policies of the Coastal Act.

5.2.1 Geologic Hazards

Contention

The appellant contends that the project as approved by the City is located on a potentially dangerous site, and that City memos, resolutions and other evidence substantiate this contention. In particular, the appellant asserts that information and findings related to the City's 1993 denial of a use permit to construct three single-family residences on the approved church building site support his assertion that the development is located on a potentially dangerous site.

LCP Policies

The City's LUP states:

The Coastal Act policies [contained in the LUP] ...are copied verbatim to be adopted as part of the Daly City Coastal Plan.

The City incorporates a number of Coastal Act policies into its LCP, and quotes specific Chapter 3 policies within the relevant LUP policy subsections. The LCP incorporates Section 30253, which requires that new developments shall: (1) minimize risks to life and property in areas of high geologic hazard; and (2) assure stability and neither create nor contribute to erosion or geologic instability on the project site or its vicinity, or in any way require protective devices that would alter natural landforms along bluffs and cliffs.¹

LUP New Development Policy 4 prohibits the development of the remaining vacant parcels along the bluffs, unless the development can mitigate geologic and seismic constraints and public safety requirements.

¹ The staff report henceforth will refer to a Coastal Act policy incorporated into the City of Daly City LCP as an LCP/Coastal Act Policy. For example, Section 30253 of the Coastal Act will be known as LCP/Coastal Act Policy 30253.

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Zoning Code Section 17.27.040 requires that use permit applications for development in –RP Districts include additional information to allow the City to evaluate the project site for specific criteria. This information consists of (in relevant part): proposed changes due to grading or filling operations; existing and proposed drainage patterns on the site and surrounding area; and a geotechnical report. The geotechnical report must include: past and possible future landslide and/or erosion conditions, both natural and artificially induced; mitigation measures or potential alternatives necessary to insure structural integrity of the site and structures for the economic life of the project; and certification that development will have no adverse effect on the site or adjacent areas, will not endanger life or property, and will not require protective structures at any time during the economic life of the project.

Zoning Code Section 17.27.050 (C) states that buildings or structures must not be closer than 50 feet from the edge of the bluff, and that no grading or filling is permitted for blufftop development except for drainage or erosion control.

These policies are listed in their entirety in Appendix B.

Analysis

The local record contains the January 3, 2000 report entitled *Foundation Investigation, Korean Central Presbyterian Church* by GEI Consultants Inc., which describes the geologic conditions of the site and recommends methods for the design and construction of the building foundation and earthwork. These recommendations are based on previous work by GEI Consultants, Inc. on the landslide repair of Avalon Canyon in 1998 and on the analysis of field and laboratory data. The City's findings state that the investigation "determined that the site is suitable for development of the church". As a condition of approval, the City required the applicant to comply with the recommendations of the project's January 2000 foundation investigation and the supplemental geotechnical information provided in a letter by GEI dated February 14, 2000.

According to the foundation investigation, the main geologic hazards of the site are the potential for earthquakes and the instability of the slopes surrounding the building and project site. Two traces of the Woods Gulch Fault are located 120 and 330 feet northeast of the proposed church building but the State of California considers the fault inactive. The investigation states that the San Andreas Fault is one half mile southwest of the project site, and that the site is likely to experience a large to severe earthquake during the building's lifetime. The investigation recognizes that earthquake shaking may cause liquefaction and densification of sand, but concluded that such effects are unlikely to occur, given that the sand at the site is already medium to very dense, and groundwater was not observed. The investigation recommends the building design to be in accordance with current seismic building code criteria.

The foundation investigation acknowledges that the bluff slopes "remain susceptible to erosion induced progressive failures" due to surface water runoff and unmaintained erosion damage. The investigation also observes that wave undercutting of the base of the bluff contributes to bluff erosion and retreat on the west side of the project area. The investigation estimates erosion of the bluff on the western portion of the project area at a rate of up to 1 to 2 feet per year. Since the geotechnical consultant assumes that the useful economic life of the project is 50 years, the investigation estimates a total of 50 to 100 feet of bluff erosion over the project life. The February 14, 2000 supplemental geotechnical report includes an attachment showing the estimated cliff retreat limits on a topographic map (Exhibit 7). The investigation states that no

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parking spaces will be lost if the bluff erodes 50 feet during the life of the project. Six spaces will be lost if the bluff erodes 100 feet. However, the investigation does not cite the basis for or include calculations or references to data to justify the estimated rate of cliff erosion. Further, it is not clear whether the estimated cliff retreat limits shown in the *Supplemental Geotechnical Report* by GEI Consultants, Inc. dated February 14, 2000 measure retreat from the blufftop line determined by the City Engineer (Exhibit 8). Moreover, the City's approval does not address potential remedial actions in response to future instability or loss of the proposed parking lot caused by bluff retreat. Without this information, it cannot be determined whether the project will require the construction of protective devices that would alter natural landforms along bluffs and cliffs as required by LCP/Coastal Act Policy 30253. Thus, the City's determination that the approved project is consistent with LCP/Coastal Act Policy 30253 is not supported by sufficient factual evidence.

The appellant also refers to the City's denial findings (Finding (a) of City Resolution 93-59) for a use permit for three single-family residences, previously proposed on the west parking lot of the project site now before the Commission on appeal. The finding states that the residences required the installation of piers to a depth of 28 feet on the bluff side of the property, and that the installation constitutes "a heroic and unnatural effort to preserve a canyon for residential development." The appellant contends that the proposed church foundation would require similar concrete piers.

The foundation investigation only recommends the installation of the piers if the building foundation is closer than 25 feet from the top of the Avalon Canyon slope. However, it is unclear how far the approved building or the parking lot are from the edge of the slope of Avalon Canyon. In addition, the foundation investigation does not discuss the erosion potential of Avalon Canyon or give an estimated erosion rate for the canyon slope over the useful economic life of the project. It is therefore unclear whether the project has fully mitigated the geologic and safety hazards at the site in accordance with LUP New Development Policy 4 and LCP/Coastal Access Policy 30253. The foundation investigation states that "timely repair of erosion damage is a very important part of ongoing project maintenance". The investigation recommends inspecting the slopes for erosion and the drainage system for blockage each fall and after major storm events. Section 17.27.040 of the Zoning Code requires geotechnical reports for permit applications for development in -RP Districts to include possible future natural and artificially-induced landslide and/or erosion conditions, and mitigation measures or potential alternatives to insure structural integrity of the site and structures for the economic life of the project. As discussed in Section 3.1 above, this additional information ensures that "the character and intensity of allowable development is compatible with, and does not create or contribute to adverse impacts on sensitive resources or geotechnically hazardous areas". Because the investigation does not discuss future erosion conditions, and because there is insufficient evidence to demonstrate that the approved project will avoid erosion damage, the project cannot insure the structural integrity of the site or the structures. Without information on future erosion conditions or an erosion control plan, it is unclear whether the approved project increases the potential for geologic instability at the site. For the same reasons, there is no indication that the approved project conforms with LUP New Development Policy 4, which requires the mitigation of geologic and seismic constraints and public safety requirements prior to any development of vacant parcels along blufftops. Therefore, the local record does not contain sufficient evidence

to demonstrate that the City's action is consistent with Section 17.27.040 of the Zoning Code or with LUP New Development Policy 4.

The foundation investigation states that the space between the building and an existing slope on the east side will be backfilled to create a 20-space parking area. Although the investigation states that "no significant cutting or filling except in the parking lot is planned," there is no further discussion as to how much fill is required for the parking area or whether other portions of the parking lot will need cut and fill. Section 17.27.040 of the Zoning Code requires that the geotechnical report include proposed changes [to the project site] caused by grading or filling operations. The City's action also does not acknowledge that the approved project will not require protective structures at any time during the economic life of the project as required by Section 17.27.040. Therefore, the local record contains insufficient factual evidence to demonstrate that the City had this information at the time of the local action.

The foundation investigation indicates that the northeast portion of the proposed building site contains 7 to 10 feet of stiff sandy clay fill. Under certain conditions, clay is considered an expansive soil. Expansive soils change in volume as the water content of the soil changes. Expansive soil shrinks when its water (or moisture) content is reduced and swells when the water content increases. The subsequent change in volume causes structures to move unevenly and crack. As the soil expands both horizontally and vertically as it swells, structures constructed on expansive soil may be subject to vertical and, depending on site and structure geometry, lateral movement. Such movement may result in damage to the structures. Construction on expansive soils requires that special foundation design elements assure structural integrity (Jungren & Duran, Inc. Consulting Engineers 2000). There is no discussion in the report that addresses whether the stiff sandy clay is an expansive soil, and whether the soil may affect the stability of the proposed structure. The City's findings do not assure the stability and structural integrity of the proposed development on the fill, and the project may pose a risk to life and property. Therefore, the approved project raises a substantial issue of conformance with LCP/Coastal Act Policy 30253 which requires that new developments minimize the risk to life and property in areas of high geologic hazard.

Conclusion

As discussed above, the City's action approving the project does not demonstrate that the project was designed to prevent further erosion and geologic instability; that the project was properly engineered to not create or contribute to geologic instability of the site and vicinity; that future shoreline protection devices or cliff retaining walls will not be required to protect the development; or that the approved development will minimize the risk to life and property. Therefore, the Commission finds that the appeal raises a substantial issue with respect to the approved project's conformance with LCP/Coastal Act Policy 30253, LUP New Development Policy 4, and Sections 17.27.040 and 17.27.050 of the Zoning Code.

5.2.2 Visual Resources

Contention

The appellant cites Coastal Act Policy 30251, incorporated in part by the City LCP, which states:

The scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration

of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The appellant contends that the project does not protect the scenic and visual qualities of the coastal area as a resource of public importance. The appellant notes that the site currently allows unrestricted views of the coastline to the north (to the Marin Headlands and to Point Reyes Lighthouse). He states that the approved church is “grossly larger than the existing single family homes” and will be more visible on the ocean bluff than single story structures. The appellant further asserts that “many residents and local people enjoy the unobstructed view, purposely slowing while driving by the site...and walk[ing] on that side of the street to enjoy the view.”

LCP Policies

LCP/Coastal Act Section 30251 addresses the need for development to protect the scenic and visual qualities of coastal areas. The policy requires development to be sited to protect public views to and along the ocean and to minimize landform alteration. The policy requires development to be visually compatible with surrounding areas and to restore the visual quality of visually-degraded areas as practicable.

LUP Public Access Policy 11 requires that development on blufftop properties be designed to enhance visual access of the coastline from the street.

LUP New Development Policy 6 requires the location of new development of blufftop properties in the least visually obtrusive configuration feasible. The policy requires land coverage and structural mass of a development to be compatible with the open space character of the area. The policy requires coverage on less than 10% of the site area, and structural heights of less than 20 feet or one-story above grade, whichever is less.

Section 17.27.050(C) of the Zoning Code regulates construction within an –RP district. Of relevance is provision 17.27.050(C)(3), which requires all blufftop structures to provide a permanent vista corridor extending 15% of the width of the lot.

The relevant LCP and Coastal Act policies are listed in their entirety in Appendix B.

Analysis

The LCP policies for visual resources protect *public* viewsheds and not views from private property. Therefore, public viewsheds both to and from the project site must be considered. These areas include Northridge Drive, the coast, blufftops, public trails, and public streets.

The City’s findings state that the project will improve the visual quality of the site. The site previously housed a 23-foot tall church building on the northwest portion of the site. The demolition of the original church and the removal of several dozen approximately 30-foot tall Monterey pine trees on the northern edge of the parcel allowed the excavation of onsite material needed for the Avalon Canyon repair project and opened northward and westward coastal views from Northridge Drive. In addition, the City notes that the subject parcel prior to the 1998 Avalon Canyon repair project was generally at the same elevation as Northridge Drive. The Avalon Canyon repair project removed approximately 100,000 cubic feet of material from the site and lowered the building pad approximately 15 feet (from an elevation of 480 feet MSL to

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about 465 feet MSL). The demolition of the original church, tree removal, and grading of the site has improved the ability to view the coast from Northridge Drive.

The approved project, however, is not an in-kind replacement of the previous development. The new church is approximately 22,580 square feet in area, 35.5 feet tall as measured from the existing grade 15 feet below street level, and sited on the eastern portion of the property. The original church was approximately 12,000 square feet in area, 23 feet tall measured from the level of the street, and situated in the northwest portion of the site. The approved development would include 131 parking spaces, whereas the original church had approximately 40 unpaved informal parking spaces. Therefore, the approved project is considered "new development" under the LCP and must conform with the policies of the certified LCP concerning visual resources.

Section 17.27.050(C)(3) of the Zoning Code requires all blufftop structures to provide a permanent vista corridor extending 5 feet or 15% of the width of the lot, whichever is greater. Of the property's 305 linear feet of road frontage, the approved project provides 170 linear feet for a permanent vista corridor along Northridge Drive. This is approximately 56% of the width of the lot. Thus, the project conforms with Section 17.27.050(C)(3) of the Zoning Code.

However, LUP/Coastal Act Policy 30251 also requires development to be visually compatible with surrounding areas. More specifically, LUP New Development Policy 6(c) requires land coverage on blufftops to be compatible with the open space character of the blufftops and cover less than 10% of the site area. Since this land coverage policy pertains to new development, and since the LUP defines development to include the placement or creation of any solid material or structure, then both the parking lots and the church building should be considered in the calculation of land coverage. Land coverage consists of all impervious surfaces on a property. The percent of land coverage is calculated by dividing the square footage of the impervious surface by the total area of the property. For buildings, the area of the impervious surface is the area of the building footprint. As approved, the church building footprint covers 14,774 square feet, or approximately 13% of the 110,074 square-foot site. The reduced church building footprint (noted in the July 17, 2000 Design Review Committee Report) is 12,109 square feet, or approximately 11% of the site. The approved parking lots cover 45,960 square feet, or 42% of the site. Together, the modified church building and parking lot cover 58,069 square feet, or 53% of the site area. Under New Development Policy 6(c), the allowable coverage of the 110,074 square-foot site is 10%, or 11,007 square feet. As approved, the project exceeds the City zoning code for coverage by 47,062 square feet. The large proportion of paved and covered surface is visually obtrusive and not compatible with the open space character of the Avalon Canyon area. Therefore, the approved project raises issues of conformity with LCP/Coastal Act Policy 30251 and New Development Policy 6(c) of the City's LCP.

In addition, as approved, the two-story wood and masonry church building has a height of 35.5 feet. Since the building pad is 15 feet lower than Northridge Drive, 20.5 feet of the building will project above the grade of Northridge Drive. According to the Table of Uses in Section 17.08.010 of the Zoning Code, churches in the R-1 Single-Family Residence District have a maximum allowable height of 50 feet. The approved church is consistent with this standard. (The OS and -RP Districts do not have a height standard for buildings.) However, LUP New Development Policy 6(d) requires the heights of structural masses of new developments on

blufftops to be "less than 20 feet or one-story above grade, whichever is less". Thus, although the approved project conforms with Section 17.08.010 of the Zoning Code, the project does not further conform with the stricter LUP New Development Policy 6(d). Although LUP New Development Policy 6(d) does not clearly define whether the grade at which a structural mass is measured is based from the existing grade of Northridge Drive or the finished grade of the lowered church property, the local record contains no evidence that the City, in its local action, considered the project's conformance with LUP New Development Policy 6(d), and if the City did consider the project's conformance with the height limit in the LUP, how the City interpreted from which grade to measure the height of the church building. Therefore, the approved project raises issues of conformance with LUP New Development 6(d).

LUP New Development Policy 6(b) requires new development of blufftop properties to be located in the least visually obtrusive configuration feasible. The City's findings do not indicate that the City's action considered the visibility of the project from public viewsheds such as the coast, public streets, or other vista points. Additionally, there is insufficient evidence in the local record to demonstrate what the project will look like from Northridge Drive. Because LUP Public Access Policy 11 requires development on blufftop properties to be designed to enhance visual access of the coastline from the street, it is necessary to consider the project's impact on views from Northridge Drive. Although Northridge City Park immediately south of the project provides scenic coastal views to the west and north, the existence of neighboring vista points does not negate the requirement of the project to conform with LCP/Coastal Act Policy 30251 by siting the development to protect public views to the ocean. The local record does not contain sufficient evidence to demonstrate that the City's action is consistent with LUP New Development Policy 6(b) or LUP Public Access Policy 11.

Conclusion

The approved building and parking lot exceed the LCP standards for land coverage. Additionally, the local record does not contain sufficient evidence to demonstrate that the City's action is consistent with LUP/Coastal Policy 30251, LUP New Development Policy 6, and LUP Public Access Policy 11. For these reasons, the Commission finds that the project as approved by the local government raises a substantial issue with respect to the project's conformance with the LCP provisions regarding the protection of visual resources.

5.2.3 Public Access

Contention

The appellant contends that "there is no provision for public access to the Bay Ridge Trail that goes through Avalon Canyon from the proposed development at 50 Northridge Drive" as required by the certified LCP. The appellant also contends that the development "will detract or restrict access at the three designated access points", inconsistent with the certified LCP.

LCP Policies

LCP/Coastal Act Policy 30211 requires that development must not interfere with public access to the sea where acquired through use or legislative authorization.

LCP/Coastal Act Policy 30212 requires new development to provide public access from the nearest public roadway to the shoreline, except where such access would be inconsistent with

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public safety or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

LUP Hazard Area Policy 1 states that vertical access points shall be limited to developed trails in Thornton State Beach, Avalon Canyon, and Mussel Rock Park.

LUP Public Access Policy 7 states that the Nichiren Shoshu Academy shall be encouraged to complete their trail development in Daisaku Ikeda Canyon before the July, 1984 deadline.²

The relevant LCP and Coastal Act policies are listed in their entirety in Appendix B.

Analysis

The appellant first states, "There is no provision for public access to the Bay Ridge Trail that goes through Avalon Canyon from the proposed development at 50 Northridge Drive".

The certified LCP does not specifically identify the Bay Area Ridge Trail in any portion of the LUP or Zoning Code. As a result, there is no specific policy in the LUP which requires the Korean Central Presbyterian Church to provide access from its property to the Bay Area Ridge Trail. While the LCP does not specifically address public access to the Bay Area Ridge Trail, the LCP does address access at the project site. The LUP states:

The Daisaku Ikeda Canyon development is the responsibility of the Nichiren Shoshu Academy (NSA) under an agreement with the City. They have until July, 1984 to complete their planned landscaping and development. Other than significant tree planting and cleaning operations, no planning or development has yet been achieved since the contract was signed. However, with the recent grant awarded to the City by the State Coastal Conservancy, money is now available for technical assistance and materials. The development of a safe beach access trail should be completed prior to the 1984 deadline.

In addition, LUP Public Access Policy 7 states that the Nichiren Shoshu Academy shall be encouraged to complete their trail development in Daisaku Ikeda Canyon before the July, 1984 deadline.

To address public access, the City's findings state:

While the church property could include provision for public access, regrading of the slope below the church property as a result of the Avalon Canyon Repair Project would make establishment of a new trail in this location undesirable. Exploration of a new trail leading to the coast would be more appropriate through publicly-owned property, such as the adjacent properties to the north and west of the subject site.

Thus, the City's approval does not include a provision for public access even though such access is specifically contemplated by the certified LCP. LCP/Coastal Act Policy 30212 requires the provision of public access from the nearest public roadway to the shoreline unless such access is inconsistent with public safety and the protection of fragile coastal resources. Without the geotechnical information specific to the project site discussed in 5.2.1, there is insufficient evidence to demonstrate access would be inconsistent with public safety and the protection of

² The Nichiren Shoshu Academy is the previous owner of the property that is the subject of this appeal.

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fragile resources. Therefore, the development approved by the City raises a substantial issue of consistency with the LCP policies requiring public access at the project site.

The appellant next contends that the development "will detract or restrict access at the three designated access points". He bases his contention on New Development Goal 3 of the LUP. The goal is to "assure that new development will not detract or restrict access at the three designated access points". The LCP explains how the goals relate to the LUP coastal policies:

The goals are the stated purpose for actions by the City and others within the Coastal Zone; are a response to the identified issues and the state mandated policies; and are the basis for the specific policies [in the policy group subsections].

The three access points, as discussed in the LUP, are the vertical access routes for Thornton State Beach, Mussel Rock Park, and Avalon Canyon. At the time of the certification of the LCP in 1984, Thornton State Beach provided the only safe accessway to the beach. The LUP states, "Mussel Rock and Daisaku Ikeda Canyon will provide two others when they are completed." The LUP describes an access trail from Northridge Drive into Avalon Canyon and to the beach that existed in 1984. The trail wound through dense vegetation and unconsolidated rock and loose dirt and dropped sharply down the Canyon, and was not considered safe. The trail has since eroded. Currently, only Mussel Rock Park provides access to the beach. El Niño storms caused bluff erosion that destroyed the access road to Thornton State Beach in 1998.

LUP Hazard Area Policy 1 limits vertical access to the shoreline to developed trails in Thornton State Beach, Avalon Canyon, and Mussel Rock Park. The approved project is not physically located within or adjacent to Mussel Rock Park or Thornton State Beach. Therefore, the project cannot detract or restrict public access to the shoreline at either of these two access points. However, although public access to the beach does not currently exist in Avalon Canyon, the Canyon's designation as an accessway to the shoreline in Daly City is significant. Avalon Canyon is one of only three accessways considered for development in the certified LUP. The LUP determines that other vertical access routes "should not be allowed due to the unstable nature of the bluffs". The City's approval did not include provisions for access, even though the project site includes one of the three areas designated for public access in the certified LCP. Therefore, the appeal raises a substantial question of whether the project as approved detracts or restricts access to Avalon Canyon, inconsistent with the certified LCP.

Conclusion

The project approved by the City does not include provisions for public access even though the project site includes one of three areas designated for public access in the certified LCP. Therefore, the Commission finds that the project, as approved by the City, raises a substantial issue with LCP/Coastal Act Policies 30211 and 30212, LUP Hazard Area Policy 1, and LUP Public Access Policy 7 .

6.0 INFORMATION NEEDED FOR DE NOVO REVIEW OF APPLICATION

As stated above, Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which an appeal has been filed. Section 30621 of the Coastal Act instructs the Commission to

provide for a *de novo* hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed.

If the Commission finds substantial issue as recommended above, staff also recommends that the Commission continue the *de novo* portion of the appeal because the Commission does not have sufficient information to determine what, if any, development can be approved, consistent with the certified LCP and the public access and public recreation policies set forth in the Coastal Act.

Given that the project the Commission will be considering *de novo* has come to the Commission after an appeal of a local government action, the Commission has not previously been in the position to request information from the applicant needed to determine if the project can be found to be consistent with the certified LCP and the public access and public recreation policies set forth in the Coastal Act. Following is a discussion of the information needed to evaluate the development.

6.1 Project Plans and Description

The following details must be provided:

1. One scaled plan showing the building, parking lots, current and adjusted parcel boundaries, coastal bluff edge, and the top of the slope of Avalon Canyon on both full scale and 8.5" x 11" sheets.
2. A cross-section of the bluff, showing the location of underground infrastructure relative to the blufftop and bluff face and drawn to scale, on both full scale and reduced 8.5" x 11" sheets.
3. Original engineered design plan with construction details and cross-sections, on full scale and on 8.5" x 11" sheets.
4. Grading plan showing the locations of cut and fill and a summary of the volumes of cut and fill required for the project.

6.2 Geologic Engineering Information

The following information is needed to assess the consistency of the proposed project with LCP/Coastal Act Policy 30253, LUP New Development Policy 4, and Zoning Code Sections 17.27.040 and 17.27.050:

1. Calculations and data justifying the estimated rate of cliff erosion contained in *Foundation Investigation, Korean Central Presbyterian Church* by GEI Consultants, Inc. (January 3, 2000).
2. Analysis of the estimated erosion rate for the Avalon Canyon slope over the useful economic life of the project.
3. Proposed measures to prevent instability or loss of the proposed parking lot caused by bluff retreat.
4. Analysis of whether the project will require protective devices (due to erosion and site instability) that would alter the natural landform along Avalon Canyon or the coastal bluff.
5. Analysis of how expansive soil may affect the stability of the proposed structure.

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6. Analysis demonstrating that the development is located in the least hazardous area of the project site.
7. Analysis of project's impact on erosion on adjacent bluffs and neighboring properties.
8. Findings, recommendations, or other assessments of the project site, including Avalon Canyon and the coastal bluffs, conducted by the Federal Emergency and Management Agency (FEMA) or other entities.

6.3 Erosion Control and Stormwater Runoff Information

The following erosion control and stormwater runoff information is needed to assess the consistency of the proposed project with LCP/Coastal Act Policy 30253, and Zoning Code Sections 17.27.040 and 17.27.050:

1. Evaluation of erosion potential on site, including the sources of erosion.
2. Maintenance measures recommended to prevent erosion damage.
3. Drainage modifications caused by the project and dewatering devices used during and after construction.

6.4 Visual Resources Information

In order to ensure the proposed project is consistent with LCP/Coastal Act Policy 30251, LUP Public Access Policy 11, LUP New Development Policy 6, and Section 17.27.050 of the Zoning Code, the assessment of visual resources should include but is not limited to:

1. Map showing sight lines from the beach to the project.
2. Map showing sight lines from other areas from which public views of the coast may be impacted by the development, including Northridge Drive.
3. Photographs of the project site taken from 1. and 2. above.
4. Photographs of story poles erected at the location of the church building.

6.5 Public Access Information

In order to ensure the proposed project is consistent with LCP/Coastal Act Policies 30211 and 30212, LUP Hazard Area Policy 1, and LUP Public Access Policy 7, the assessment of visual resources should include but is not limited to:

1. Analysis of the geophysical conditions of Avalon Canyon and whether these conditions restrict the provision of public access from the project site to the shoreline through Avalon Canyon; and
2. Analysis of feasible alternatives to the provision of access through Avalon Canyon from the project site. Such analysis shall include an evaluation of access alternatives from Avalon Drive.

Before the Commission can review the proposed project *de novo*, the applicant must submit all of the above-identified information. Without the above information, the Commission cannot reach a final determination concerning consistency of the project with the geologic hazard, visual resource, and public access policies of the LCP.

EXHIBITS

1. Regional Location Map
2. Vicinity Map
3. Assessor Parcel Map
4. Site Plan
5. Notice of Final Local Action
6. Appeal by Anthony Gangloff
7. Estimated cliff retreat limits from *Supplemental Geotechnical Report* by GEI Consulting, Inc., February 14, 2000
8. Bluffline determination by the City of Daly City Engineer

APPENDICES

- A. Substantive File Documents
- B. Relevant LCP and Coastal Act Policies

Korean Central Presbyterian Church, Daly City

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

- Aloisi and Gangloff 2000. Letter from Santo Aloisi Jr. and Anthony Gangloff to Daly City Planning Commission, May 2, 2000.
- Bowe 1999. *Korean Central Presbyterian Church, New Church Facility Development Plan*, Wenell Mattheis Bowe, November 11, 1999. Daly City. Bay Area Ridge Trail Alignment map, date unknown.
- Daly City a. Bluffline Determination by City Engineer for the City of Daly City, no date.
- Daly City b. *Draft waiver, indemnification, bonding, and insurance agreement*, no date.
- Daly City c. *Joint Parking License Agreement*, no date.
- Daly City d. Photocopies of photographs from project site, no date.
- Daly City 2000a. *Initial Study (Env. Impact Assessment)*, Korean Central Presbyterian Church, February, 2000.
- Daly City 2000b. Notice of Final Local Action, July 31, 2000.
- Daly City City Council 2000a. Speaker cards for City Council meeting, June 26, 2000.
- Daly City City Council 2000b. City Council agenda report re: Use Permit UP 99-8 and Design Review Permit DR 99-30, May 22, 2000.
- Daly City City Council 2000c. City Council minutes, May 22, 2000.
- Daly City Design Review Committee 2000. *Design Review Committee Report*, July 17, 2000.
- Daly City Planning Commission 2000. Meeting minutes, May 2, 2000.
- Daly City Planning Department 2000a. Planning Commission staff report, March 8, 2000.
- Daly City Planning Department 2000b. Planning Commission minutes, March 8, 2000.
- Douglas 1999. Letter from Peter Douglas to re , March 18, 1999.
- Flowerday 2000. Letter from Helen R. Flowerday to Jung H. Cho, July 31, 2000.
- GEI Consultants, Inc. 2000a. *Foundation Investigation*, Korean Central Presbyterian Church, GEI Consultants, Inc., January 3, 2000.
- GEI Consultants, Inc. 2000b. *Supplemental Geotechnical Report*, February 14, 2000.
- Jacobs Associates 1999. *Avalon Canyon Repairs*. May 1999.
- Kwong and Kwong 2000. Letter from Albert and Rita Kwong to Daly City Planning Commission, February 25, 2000.
- McKay 2000. Letter from Arthur McKay Jr. to Daly City Planning Commission, including petition of support for the Korean Central Presbyterian Church, April 30, 2000.
- Ouse 2000a. Inter-Office Memorandum from Andrea Ouse to Daly City City Council Committee, Adrienne Tissier, and Mike Guingona, July 11, 2000.
- Ouse 2000b. Letter from Andrea Ouse to Virginia Esperanza, August 8, 2000.
- Ouse 2000c. Letter from Andrea Ouse to Virginia Esperanza, August 11, 2000.
- Ouse 2000d. E-mail from Andrea Ouse to Virginia Esperanza of digital photos of project site and vicinity, before and after Avalon Canyon repair project, August 16, 2000.
- RKH Civil and Transportation Engineering 2000. *Traffic Impact Study*, Korean Central Presbyterian Church, April 6, 2000.

Personal Communications:

Anthony Gangloff.
Ryan Kim, Korean Central Presbyterian Church.
Andrea Ouse, City of Daly City Planning Department.
Terry Sedik, City of Daly City.

APPENDIX B: RELEVANT LCP AND COASTAL ACT POLICIES

Local Coastal Program Policies:

Land Use Plan Policies:

Hazard Area Policy 1

The use of the open space areas in the Coastal Zone shall be limited to the beach area, the accessible canyons, and the hiking trail on the old Highway 1 right-of-way when it is safely developed; vertical access points shall be limited to developed trails in Thornton State Beach, Daisaku Ikeda Canyon, and Mussel Rock Park. Signs shall be posted at key locations warning of hazards.

New Development Policy 4

Development of remaining vacant parcels along the bluffs shall be prohibited, unless geologic and seismic constraints and public safety requirements can be mitigated.

New Development Policy 6

New development of properties referred to in policies 3, 4, and 5 above, if permissible, shall include the following:

- a. Improved vehicular access and extension of public services to the site shall be allowed only as necessary to serve permitted development.
- b. Location of development within the site shall be in the least hazardous and least visually obtrusive configuration feasible.
- c. Land coverage shall be compatible with the open space character and shall be less than 10% of the site area.
- d. Structural mass shall be compatible with the open space character and shall be less than 20 feet in height or one-story above grade, whichever is less.

Public Access Policy 7

The Nichiren Shoshu Academy shall be encouraged to complete their trail development in Daisaku Ikeda Canyon before the July, 1984 deadline.

Public Access Policy 11

Any development or redevelopment of blufftop properties shall be designed to enhance visual access of the coastline from the street. Any significant viewpoint areas identified in the Public Access Component of this LCP shall be dedicated for public use in lieu of physical coastline access requirements.

LCP/Coastal Act Policies:

LCP/Coastal Act Policy 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

LCP/Coastal Act Policy 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

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- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) Adequate access exists nearby, or,
- (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

...

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

LCP/Coastal Act Policy 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

LCP/Coastal Act Policy 30253 in part

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Zoning Code Policies:

17.08.010 Table of Uses for R-1 Single Family Residence District.

Church: maximum height = 50 feet

Minimum lot area = 10,000 square feet

Minimum lot width = 100 feet

17.23.020 Lands to be included.

All lands designated as open space in the open space element of the Daly City general plan may be included in the OS district. Such lands may include but are not limited to the following:

- B. Private school grounds and church grounds of a predominantly open character;

17.23.030 Permitted principal uses.

Following are the principal uses permitted in the OS district:

- B. Educational and cultural uses, including any structures incidental to such uses existing at the time of inclusion in the OS district;

17.23.040 Permitted accessory uses.

Following are the accessory uses permitted in the OS district:

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- B. Parking lots and driveways necessary to service permitted principal uses. (Ord. 954 S2(part), 1981).

17.27.010 General provisions.

The -RP combining district is to provide development regulations for designated open space areas and for a buffer zone surrounding designated open space areas to ensure that the character and intensity of allowable development is compatible with, and does not create or contribute to adverse impacts on sensitive resources or geotechnically hazardous areas. These regulations are in addition and supplemental to the regulations of the underlying zone or zones, and where the regulations of the -RP zone and the underlying zone are inconsistent, the regulations of the -RP zone shall prevail. Furthermore, all development shall be in accordance with the policies contained in the Daly City general plan and, if applicable, the Daly City coastal Program. (Ord. 954 S4 (part), 1981).

17.27.020 Lands to be included.

All lands designated as open space or adjacent to lands designated as open space in the open space element of the Daly City general plan may be included in the -RP district.

17.27.030 Conditional uses.

Following are the conditional uses which may be permitted in an -RP district, subject to the approval of a use permit:

- A. New structures, including buildings, fences, walls and swimming pools, specified as a permitted principal use, a permitted accessory use, or a conditional use in the underlying zone.

...

17.27.40 Application requirements.

In addition to information for a use permit required by Chapter 17.44, each application shall include the following:

- A. Additional site plan details, including but not limited to the following:

1. Existing topography and any proposed changes due to grading or filling operations;
2. Existing trees and other major vegetation and the proposed landscaping and irrigation plans;
3. Location and dimension of all roads, driveways, parking and pedestrian and bicycle paths; and
4. Existing and proposed drainage pattern on the site and surrounding area;

- B. Geotechnical report, prepared and signed by a licensed geologist, including but not limited to the following:

1. Site topography;
2. Soils and geologic composition;
3. Past and possible future landslide and/or erosion conditions, both natural and artificially induced
4. Ground and surface water conditions;
5. Stability of the site, potential impact of the proposed project, and any mitigation measures or potential alternatives necessary to insure structural integrity of the site and structures for the economic life of the project; and
6. Certification that the development will have no adverse effect on the site or adjacent areas,

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will not endanger life or property, and will not require protective structures at any time during the economic life of the project;

- C. Environmental evaluation pursuant to CEQA. (Ord. 954 S4 (part), 1981).

17.27.050 Development regulations.

Following are regulations governing all construction within an –RP district:

- A. As specified for the underlying zone or zones:
- B. Conditions specified as part of the use permit approval;
- C. If the development is on a blufftop:
 - 1. No building or structure shall be placed closer than fifty feet from the edge of the bluff, the setback line to be determined by the city engineer;
 - 2. No grading or filling operations shall be permitted except for required drainage or erosion control and, if required, the same shall meet the standards and requirements of the state and city in connection with grading and filling operations.
 - 3. All structures hereafter constructed shall provide a permanent vista corridor with an unobstructed width of at least five feet or fifteen percent of the lot width of each lot, whichever is greater. If more than a single lot is included in a development, the vista corridors shall be combined into a single location;
- D. No development shall be allowed on a bluff or other surface with a slope of thirty degrees or greater and a vertical relief of ten feet or more, except an approved stairway, ramp, or developed trail.
- E. If the development is a shoreline accessway, the standards adopted by the city in its local coastal plan, or as amended, shall be applicable to an accessway.

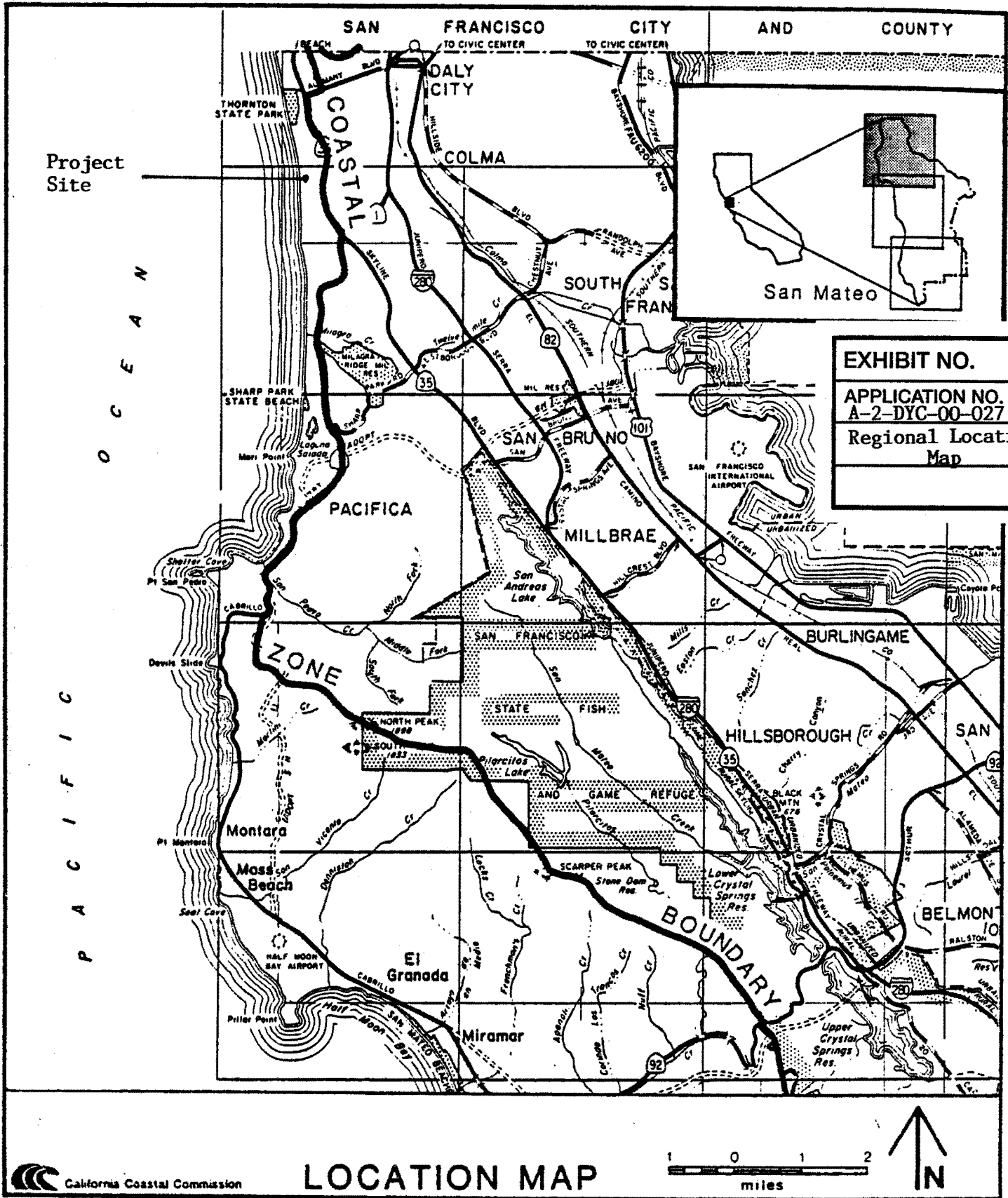
Coastal Act Policies:

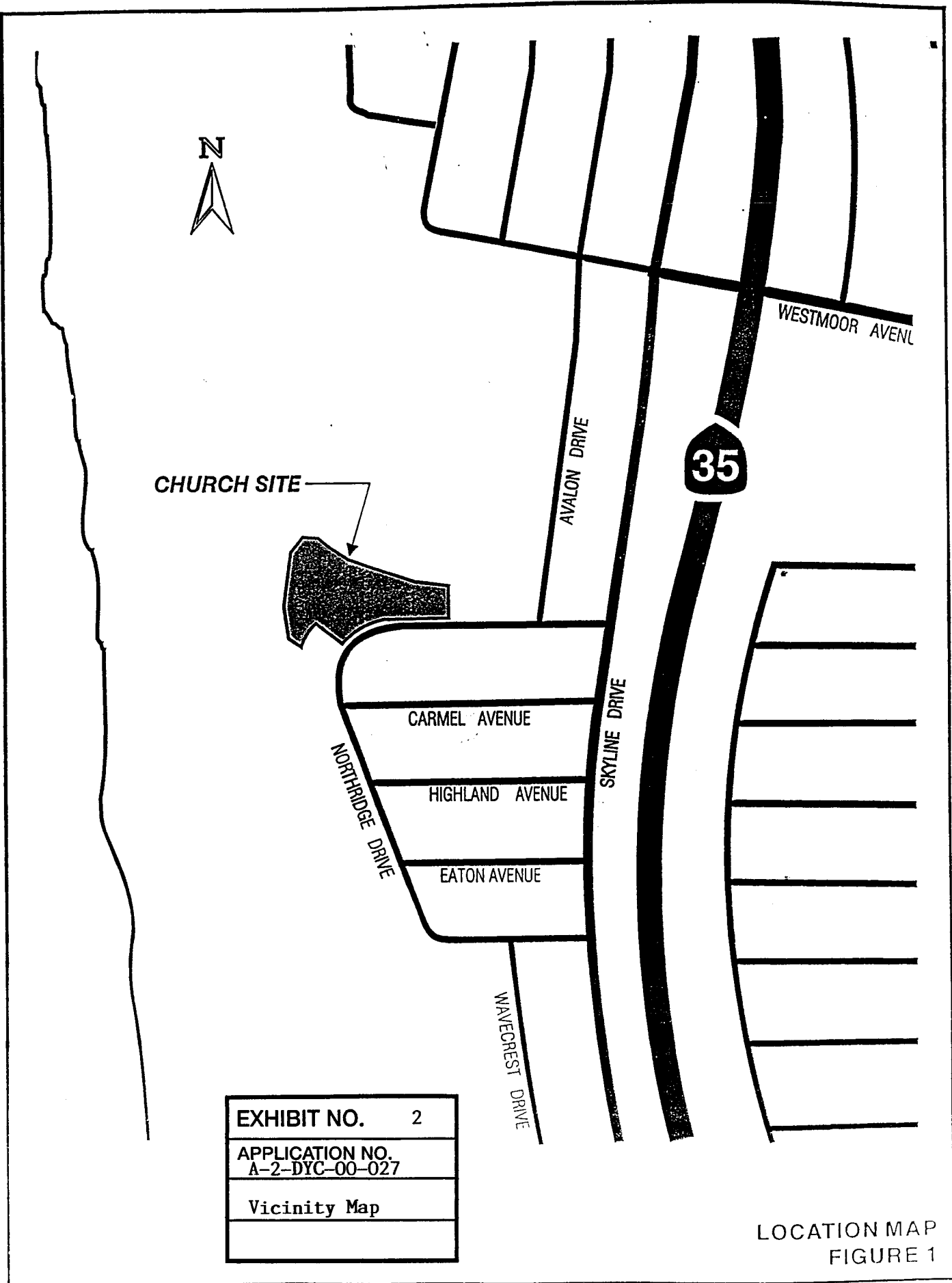
Policy 30603

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
 - (3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.
 - (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).
 - (5) Any development which constitutes a major public works project or a major energy facility.
- (b) (1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

- (2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.
- (c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.
- (d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.



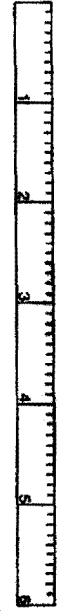


LOCATION MAP
FIGURE 1

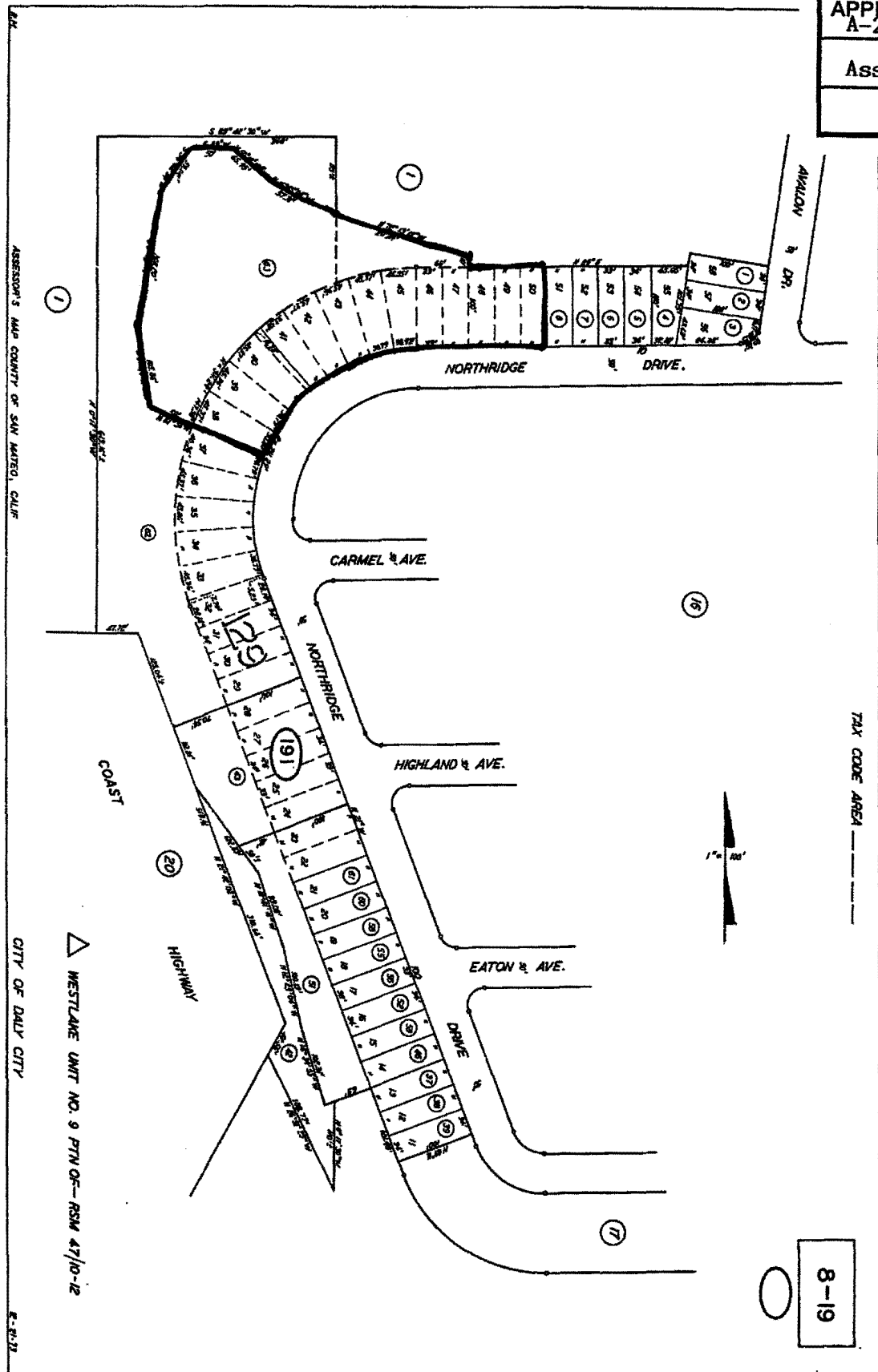
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EXHIBIT NO.	3
APPLICATION NO.	A-2-DYC-00-027
Assessor's Parcel Map	

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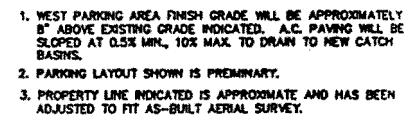
TAX CODE AREA

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ASSessor's MAP COUNTY OF SAN MATEO, CALIF.

CITY OF DAILY CITY

WESTLAKE UNIT NO. 9 PTN OF--RSM 47/10-12





RECEIVED
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CALIFORNIA
COASTAL COMMISSION

CITY OF DALY CITY

333-90TH STREET

DALY CITY, CA 94015-1895

PHONE: (415) 991-8000

2-DYC - 00 - 163

NOTICE OF FINAL ACTION **Coastal Development Permit**

EXHIBIT NO. 5

APPLICATION NO.
A-2-DYC-00-027

Notice of Final

Local Action

Date: July 31, 2000

This notice will serve to confirm that on July 24, 2000, the Daly City City Council approved Use Permit UP99-8 and Design Review Permit DR99-30 for the development of the following project:

ADDRESS: 50 Northridge Drive
Daly City, CA 94015

APPLICANT: Ted Kim
(Korean Central Presbyterian Church)
91 Monasterio Court
San Ramon, CA 94583

This notice is being distributed to the Coastal Commission and to those who requested notice. The following project is located within the appealable area of the Coastal Zone. The project was approved based on findings contained in the attached Resolution No. 00-223.

Project Description: Expansion of a church within the Resource Protection (-RP) District.

Respectfully submitted,

Andrea Ouse, AICP
Associate Planner

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AFFIRMING MITIGATED NEGATIVE DECLARATION (CEQA); ADOPTING
FINDINGS OF FACT AND IMPOSING CONDITIONS OF APPROVAL ON
USE PERMIT [Local Coastal Permit](UP99-8) AND DESIGN REVIEW PERMIT (DR 99-30)
RE: KOREAN CENTRAL PRESBYTERIAN CHURCH

(50 Northridge Drive, Daly City, California)

Preamble:

A. The applicant, the Korean Central Presbyterian Church, through its representative, Reverend Jung H. Cho, has applied and is seeking approval from the Daly City City Council of Use Permit (Local Coastal Permit) UP99-8, and Design Review Permit DR99-30 to construct a new 25,245 square foot Korean Central Presbyterian Church at 50 Northridge Drive, Daly City, California, the site of its previously existing church. The site is within the City's Resource Protection Combining District (Zoning Ordinance Chapter 17.27) which was created and adopted as part of the City's local coastal development and review process requiring the local issuance of a local coastal permit (designated as a use permit for the purpose of Zoning Ordinance procedural consistency).

B. As a result of the El Nino Storms of 1998, north-adjacent Avalon Canyon was declared an emergency. The City entered into an agreement with the Korean Central Presbyterian Church to allow for demolition of the existing church and use of the site's soil to assist in the repair of Avalon Canyon. As part of the agreement with the City, the church site was appropriately graded to allow a future building site for a church of the same general size and capacity with an off-street parking lot.

C. The repair project required the site to be regraded to provide approximately 100,000 cubic yards of soil for Avalon Canyon. As a result of the project, the finish grade building pad for a future church building was lowered approximately 15 feet from the Northridge Drive street level and engineered for safe reconstruction of the church facility.

D. On December 9, 1999, Daly City City staff conducted a neighborhood meeting and many of the residents in attendance raised concerns regarding the geotechnical hazards, traffic and parking impacts, preservation of view corridors and possible impacts generated by church construction such as noise and ground vibration. City staff has recommended to the Planning Commission and in turn to the City Council that, with implementation of conditions of approval and appropriate mitigation measures, impacts of the proposed project on adjacent properties will be reduced to a level of insignificance.

E. On March 8, 2000, the Daly City Planning Commission voted to recommend that the City Council approve Use Permit (Local Coastal Permit) UP99-8 and Design Review Permit DR99-30, subject to specifically imposed Conditions of Approval and Daly City General Conditions of Approval for Use Permits.

F. Pursuant to the Daly City Zoning Ordinance, the matter was carried forward to the Daly City City Council with the summary of hearing, findings and recommendations of the Daly City Planning Commission.

G. On May 22, 2000, the matter was duly noticed and publicly heard by the Daly City City Council with affirmation of the environmental determination proposed by the Planning Commission of a negative declaration (under Section 15070 of Title 14 of the California Code of Regulations).

H. Residents of adjacent Northridge Drive spoke against the expansion of the church and a localized petition was submitted. Questions regarding slope stability and prior history of the site were raised. In addition, the new plans of the church show a larger church and parking lot. Residents raised concerns of lack of parking in the church area and the neighborhood.

I. At the conclusion of the deliberations following the public hearing, the City Council sought clarification over traffic and geology specifics of the area and moved to continue the item to the June 26, 2000 City Council Meeting.

J. On June 26, 2000, the City Council received additional staff responses, re-opened the public hearing continued from May 22, 2000 and heard all interested persons who desired to be heard in connection with the development of the Korean Central Presbyterian Church; the hearing was thereafter closed, considered, and decided at the public session that immediately followed.

K. At the City Council review of the proposed project on June 26, 2000, the Mayor appointed a City Council subcommittee of Councilmembers Tissier and Guingona, to form a Design Review Committee to be made up of two members of the neighborhood, two members of the Korean Central Presbyterian Church and City Staff to review the projects design, specifically, the buildings area and massing.

Findings:

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Daly City that following review of the application, the appended staff reports and professional reports, the summary of hearing and report of the Daly City Planning Commission, the report of the Council Committee on this matter, relevant documents, writings, ordinances, regulations, the City's General Plan to and including the Coastal Element of the General Plan, as well as the materials submitted by the applicant, the neighbors and interested parties as well as the comments of the applicant the neighbors and interested parties, the City Council of the City of Daly City makes the following findings of fact:

1. That the above recitals, "A" through "K" within the Preamble are accurate, and constitute findings of the City Council of the City of Daly City.

2. That the application for a use permit (local coastal permit) and for a design review permit were lawfully filed, and properly before both the Daly City Planning Commission and the City Council of the City of Daly City; and that public notice, published noticed and/or posted notice were properly made; and it appeared to the City Council that all interests were fully represented.

3. That these findings address an application for a conditional use permit (local coastal permit) (UP99-8) and design review permit (DR99-30), as well as an environmental determination under the California Environmental Quality Act of 1970 ("CEQA").

4. The City Council has reviewed the proposal and initial study under the requirements of the California Environmental Quality Act (CEQA) and confirms the staff and Planning Commission recommendation that under the California Environmental Quality Act (CEQA) that the project, as conditioned, will not result in significant adverse environmental impacts.

5. The Daly City City Council finds that the approval of Use Permit UP99-8 and Design Review Permit DR99-30 is in accord with locally adopted objectives, policies and programs identified in the land use element and the coastal element of the *Daly City General Plan*. The *Daly City General Plan* designates the project site as Low-Density Residential and Open Space Preservation and the Coastal Element designates the site as Open Space. The southern portion of the property site as Single-Family Residential (R-1) and Resource Protection Combining (-RP) Districts. The northern and western portion of the site are within the Open Space (OS) District. In addition to the conditional use permit required for this project, conceptual approval and a design review component is required for the proposed use on this site.

6. The Daly City City Council finds that the purpose of the use permit is to identify potential adverse impacts, in particular those within a Resource Protection Combining District, that may be potentially caused by the proposed use and to impose reasonable conditions of approval to mitigate these impacts. The southern portion of the property is located within the Single-Family Residential (R-1) and Resource Protection Combining (-RP) Districts. The northern and western portions of the site are within the Open Space (OS) District. The Daly City General Plan designates the subject site as Low-Density Residential and Open Space Preservation and the Coastal Element designates the site as Open Space.

7. The Daly City City Council finds that in accordance with procedures set out in Title 17 of the Daly City Municipal Code, as well as applicable State zoning enabling legislation, the Planning Commission conducted a public hearing on March 8, 2000; notice of said hearing was by newspaper publication on February 26, 2000, posting and first class mailing to property owners within 300 feet of the site.

8. The City Council finds that the proposal constitutes a project under the requirements of the California Environmental Quality Act (CEQA) and has determined that a Mitigated Negative Declaration is appropriate, pursuant to Section 15070 of Title 14 of the California Code of Regulations.

9. The City Council finds that the improvements proposed on the subject property will improve the visual appearance of the area by replacing a visually unappealing former church building with a structure that incorporates attractive design elements and is sensitive to the surrounding natural environment and site while improving the scenic vista from Northridge Drive and adjacent residences through recessing the structure away from the western edge and closer to existing residential structures to the east.

10. The City Council affirmatively finds that the proposed project is in conformance with the Land Use Element of the City's General Plan. Specifically:

- a. Objective 9: In areas of significant natural hazard, establish land uses that minimize risk to public and private improvements.

1. The project was required to provide a certified geotechnical report to attest to the safety of the proposed development throughout the economic life of the structure. The report by GEI Consultants, Inc. indicated that, if the project was constructed according to the recommendations in the geotechnical report, the risk to the public would be reduced by increasing the stability of the slope and providing for controlled stormwater drainage off the site into City facilities.
- b. Objective 10: Maintain a City that is sensitive to the special physical or natural features in the community.
 1. Implementation of project conditions, mitigation measures and recommendations in the geotechnical report by GEI Consultants, Inc., will mitigate the project's potential impacts. The church has been designed to minimize visual impacts of the structure and the siting of the building and removal of mature trees would serve to enhance views of the coastline.

11. The Daly City City Council finds that the proposed project is in conformance with the Circulation Element of the City's General Plan. Specifically:

- a. Objective 9: Ensure adequate off-street parking opportunities for all new and existing development.
 1. The proposed development would contain 26 parking spaces in excess of the minimum required by the Zoning Code.
- b. Policy 9.2: Consider the use of in-lieu fees for parking areas, the creation of parking assessment districts and other innovative methods of providing off-street parking.
 1. The southernmost portion of the western parking lot is located on lands owned by the City of Daly City. This portion will be included in a joint parking agreement between the church property owner and the City. The joint parking area is intended for the public's use while utilizing Northridge Park. Thus, through the establishment of the joint parking agreement, the plan is in conformance with the General Plan Policy 9.2 as noted above.

12. The Daly City City Council finds that the proposed project is in conformance with the Coastal Element's New Development Goals which read as follows:

- a. Assure that all new development within the coastal zone is compatible with existing residential uses and existing and planned recreational uses.
 1. The proposed church would be compatible with the adjacent residential neighborhood. The siting of the new church and removal of mature trees at the site will facilitate views of the coastline. In addition, the architectural design of the new church is an improvement over the former building. The provision of site fencing,

landscaping and carefully placed lighting will enhance the appearance of the site and the surrounding neighborhood.

- b. Retain those vacant properties for public use which are valuable public resources.
 - 1. A public park is located adjacent to and southwest of the subject property. Construction of the church would not displace the park.
- c. Assure that new development will not detract or restrict access at the three designated access points.
 - 1. In 1991, the Resource Management Element of the General Plan was amended to adopt the Bay Ridge Trail. The amendment realigned the planned trails from the former Highway 1 right-of-way to a combination of private property and improved City rights-of-way. The Coastal Element and General Plan propose the creation of a public hiking trail through Avalon Canyon to provide coastal access.

While the church property could include provision for public access, regrading of the slope below the church property as a result of the Avalon Canyon repair project would make establishment of a new trail in this location undesirable. Exploration of a new trail leading to the coast would be more appropriate through publicly-owned property, such as the adjacent properties to the north and west of the subject site.
- d. Prevent any new development on potentially dangerous sites.
 - 1. The geotechnical investigation by GEI, Inc., (January 2000) has determined that the site is suitable for development of the church.
- e. Protect and preserve all possible archeological sites until an investigation can be completed to determine its potential.
 - 1. The site does not contain any known archeological resources.

13. The Daly City City Council finds that specifically, the project will minimize the risk to existing public improvements and adjacent private property by stabilizing the existing slope and providing controlled stormwater runoff from the site to City storm water facilities. In addition, the design of the church will not significantly disrupt the natural or urban environment, as the site had previously been graded to protect the surrounding property from further erosion.

14. The Daly City City Council finds that the proposed project is in conformance with the Coastal Element's New Development Goals. Specifically, the church would be compatible with the adjacent residential neighborhood. The siting of the new church and removal of mature trees will facilitate coastal views. In addition, the architectural design of the new church is an improvement over

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removed as pt
of Avalon Canyon project*

the former building. The provision of site fencing, landscaping and carefully placed lighting will enhance the appearance of the site and the surrounding neighborhood.

15. The Daly City City Council finds that the proposed project will benefit public access to the adjacent public park by providing 29 off-street parking spaces for joint use by the public as part of the church development and provision for parking for park use.

16. The Daly City City Council finds that the development of the church and parking lots is projected to have a beneficial impact on site stability, by directing stormwater off the site and by installing permanent erosion control facilities for this area.

17. The Daly City City Council finds that the applicant will provide a combination of trees, shrubs and groundcover that are well-suited to the functional and aesthetic enhancement of the site as part of a landscaping plan. With implementation of the landscaping plan, the proposal will conform with Section 17.41 (Landscaping) of the Daly City Zoning Code.

18. The Daly City City Council finds that the site is physically suitable for the type of proposed development. The subject site was formerly utilized as a church and has been appropriately graded within the past months to provide engineered/designed building pads and parking lot pads.

19. The Daly City City Council finds that the general site considerations, including lighting standards, landscaping and parking improvements shall provide a desirable environment for the public living in the vicinity and will allow additional off-street parking opportunities for the public within the joint parking area.

20. The Daly City City Council finds that the implementation of the Mitigation Monitoring Program will reduce potential impacts to a level of insignificance.

21. The Daly City City Council finds that according to the geotechnical report dated January 3, 2000 and supplemental information dated February 14, 2000 by GEI Consultants, Inc., (the "report"), the useful economic life of the church building is 50 years, for purposes of the geotechnical study. The report states that the project will not have any effect on site stability. Furthermore, the report states that the geotechnical consultant does not believe the planned project will have any impact on neighboring properties. Depending on the rate of cliff retreat below the southwestern section of the parking lot, approximately six parking spaces could be impacted if the cliff retreat rate occurs at two feet per year. Under the retreat rate of one foot per year, no parking spaces would be lost during the economic life of the church building.

22. The Daly City City Council finds that when the below adopted conditions of approval and recommendations of the geotechnical report are satisfactorily completed, the drainage and landscape improvements should have a beneficial impact on site stability by providing a controlled means of draining stormwater from the site and providing slope stability through landscaping.

23. The proposed church provides ample parking for members and will not impact the surrounding neighborhood by providing a surplus of 26 parking spaces above Zoning Ordinance requirements. Korean Central Presbyterian Church has approximately 650 total members, including 300 college-age students that are transported via high-occupancy vehicle to the church site for religious services. The City's parking ordinance requires churches to provide one parking space for every six

permanent seats in the main auditorium. The proposal includes permanent seating (fixed pews) for 627 people.

24. At the June 26, 2000 public hearing before the City Council on this matter, the following individuals appeared and made the following contentions in summary form:

(a) Reverend Jung Han Cho, representing the Korean Central Presbyterian Church stated that the church has a property right to rebuild the church and that the church relocated in good faith to support the City and neighborhood in the Avalon Canyon Repairs.

(b) Mr. George Frenkel, stated that although City staff had mentioned removal of trees as improving the view, the trees were the view. The trees protected the neighboring homes from wind. He also expressed concern that in the event of slope failure at the site, who would respond to the slope failure.

(c) Ms. JoAnn Babcock noted parking for the park had never been delineated and that spaces within the new church parking lot for the park are not necessary.

(d) Mr. Niel Talenfeld, a Daly City resident representing the church noted that the larger church would reduce the former need for outdoor activities and would reduce noise and litter. He further stated the church intends to install a clean up team on Sundays to ensure the site is maintained on a regular basis.

(e) Mr. Tony Gangloff expressed concern that the church intends to increase its membership. He also discussed loss of views.

(f) Mr. Yassin Abulhadi, explained that in San Francisco two neighboring churches that he is aware of share parking areas by staggering worship schedules. He suggested a similar arrangement between the Trinity Baptist Church to the west of the Korean Central Presbyterian Church on Northridge Drive.

(g) Mr. Santo Aloisi stated the new church would reduce views. He also stated that the church members did not approach the neighbors to discuss the project prior to the public hearing process. Mr. Aliosi objected to the overall size of the new church facility.

(h) Ms. Mary Phillips stated that the new church would impact the neighborhood by adding more traffic and on-street parking during church services. she expressed concern that the City Council was not taking into consideration the long-time local residents.

25. The City Council finds that the concerns of Mr. Frenkel as well as those submitted by other residents as to geology have been addressed, in specific, by the above mentioned geotechnical report of GEI, Inc. The Council has no basis in fact to deny any discretionary permit upon geotechnical concerns.

26. The City Council finds that the concerns raised by Mr. Aloisi and others as to landscaping, and/or Mr. Frenkel as to the erosional benefits of trees were considered, and mitigations as to landscaping are incorporated into the conditions of approval.

27. The City Council finds that the concerns raised over parking have been addressed through the inclusion of additional parking spaces, above the number required by the Zoning Ordinance, the imposition of vehicles for multiple passengers and the stated intent of the churches administrators.

BE IT FURTHER RESOLVED, that the City Council, after fully reviewing all information presented to it, and carefully balancing all relevant considerations, hereby adopts in full the above stated findings of fact and affirms the decision of the Daly City Planning Commission in granting the Use Permit UP99-8 and Design Review Permit DR99-30, subject to each and every of the below stated conditions of approval:

Conditions of Approval:

A. ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

General

1. The applicant shall file a declaration of acceptance of all conditions with the City Clerk within thirty (30) days of Council approval. Until said Declaration is filed, the use permit shall not be valid for any purpose.
2. The project shall be valid only in conjunction with detailed plans submitted with this renewal of Use Permit UP99-08 and Design Review Permit DR99-30. Any modifications required, due to the Conditions of Approval and minor changes to the plan, must be approved by the Planning Division. Major site or architectural modifications shall be treated as an amendment and shall be subject to review of the Design Review Committee.
3. The project shall conform substantially to the City of Daly City General Conditions of Approval.
4. The church shall maintain the following hours of operation:

Day/Activity	Time
Sunday	
English ministry worship service	9:00 AM
Korean ministry worship service	11:00 AM
Children's ministry (Sunday school)	11:00 AM
Adult bible study	1:00 PM
Afternoon worship service	3:00 PM
Wednesday	
Evening worship service	7:30 PM
Friday	
English ministry young adult fellowship	7:00 PM
Youth group Friday night fellowship	7:30 PM
Evening prayer meeting	8:00 PM

Changes in the schedule of services shall be reviewed by the City's Planning Division. If changes are determined by the Director of Economic and Community Development to be significant, the schedule shall be considered by a Council Committee appointed by the Mayor.

5. The church shall maintain a high level of ridesharing to the church services. This shall include, but not be limited to, the use of five, 15-passenger vans and one 45-passenger school-type bus, at a minimum. A reduction in the use of the high-occupancy vehicles shall be reviewed by the Director of Economic and Community Development. Significant changes shall be reviewed and considered by the City Council.
6. The applicant shall file a Waiver, Indemnification, Bonding and Insurance Agreement with the City of Daly City. Said document shall be binding upon the property owner as well as its successors in interest. Said document shall be recorded in the San Mateo County Recorder's Office and copies maintained in the Department of Economic and Community Development and City Attorney's Office prior to issuance of a Certificate of Occupancy for the building.
7. The project shall conform and comply with all mitigation measures set forth in the *Korean Central Presbyterian Church Mitigation Monitoring Program*, incorporated into UP99-8 and DR99-30 by this reference as if set out in full in each such permit (UP99-8 and DR 99-30).
8. The project shall conform to the recommendations stated in the certified geotechnical report titled "Foundation Investigation, Korean Central Presbyterian Church", dated January 3, 2000, prepared by GEI Consultants, Inc., and the supplemental geotechnical information and evaluation in the GEI Consultants, Inc., letter dated February 14, 2000.
9. Final building colors, design and signage shall be reviewed and approved by the Design Review Committee prior to issuance of any permits.
10. Both proposed parking lots shall be striped in accordance with the City's Zoning Ordinance. In addition, specific parking spaces shall be designated for use by the church's passenger bus and vanpool. Revisions to the site plan shall be reviewed and approved by the Design Review Committee prior to issuance of any permits.
11. The site, including all off-street parking areas, shall be cleaned of rubbish and litter immediately following Sunday church services.
12. The church shall designate a "Community Liaison" that will provide a communication link between the church and the neighborhood. Said liaison shall be on-call 24 hours a day and shall respond to church-related concerns stated by the neighborhood. The liaison shall be designated prior to issuance of a final Certificate of Occupancy, and shall exist through the life of the church.
13. The church shall designate a minimum of two parking monitors to direct traffic and parking on Sundays during peak arrival and departure times. The monitors shall ensure that the off-street parking lots are fully utilized and that drop-offs do not block traffic along Northridge Drive.
14. The applicant shall utilize anti-graffiti paint for all exterior building walls and any appurtenant structures such as light standards, gas meters and trash receptacles. Any graffiti shall be

removed immediately after it is placed on the building or appurtenant structures, including, but not limited to, walls, light standards, signs, concrete and asphalt areas and public sidewalks adjacent to the site. "Immediately" shall be defined as generally within 24 hours but not to exceed 72 hours.

15. The church shall, twice a year at a minimum, clean the motor oil and other fluid leakage on the off-street parking areas to prevent pollutants from entering the storm drain and dispose of the materials lawfully and properly.
16. The site plans shall include garbage and recycling areas, to be reviewed and approved by the Design Review Committee prior to issuance of any permits.

Landscaping

17. The applicant shall provide a complete landscaping and irrigation plan that utilizes native and drought tolerant plantings to the maximum extent possible and materials that maximize erosion control. The plan is subject to review and approval by the Design Review Committee prior to issuance of permits. Plan requirements include:
 - a. A water conserving irrigation system which includes automatic controllers and low volume irrigation system components, including, but not limited to, drip or bubble irrigation components, shall be provided for all required landscaping and shall be maintained at all times.
 - b. The landscaping and irrigation plans shall include planting and irrigation details and diagrams and shall meet the Standard Specifications and Drawings as approved by the City Engineer. The water conserving irrigation system for each shall be maintained at all times. The irrigation plan shall be prepared by a licensed landscape architect.
 - c. All trees shall be planted in accordance with Daly City Standard Specifications and shall be 15-gallon size. All shrubs shall be a minimum of 5-gallon in size. Shrubs shall be planted no greater than three feet on center.
 - d. All shrubs or any vegetation at points of ingress or egress shall be maintained at a height of no greater than 30 inches. Trees shall be trimmed in a manner to maintain a site clearance underneath the branches of seven feet from grade.
 - e. All irrigation improvements shall be located on the subject property.
18. The landscaping plans shall be revised to relocate four trees proposed along the Northridge Drive frontage adjacent to the western parking lot to reduce the obstruction of coastal views from the roadway. In this area, additional shrubs shall be planted.
19. Plans for the church shall include a minimum 5-foot wide planter area along the eastern property line bordering the adjacent residences.

Fencing

20. Fencing shall be installed around the perimeter of the property bordering the single-family residences to the east. Fencing shall also be installed along the western property line. Fencing in excess of six feet in height should be considered where necessary to screen the parking areas from neighboring residences. Said fencing shall be constructed using wood or masonry materials and shall be approved by the Design Review Committee prior to issuance of permits.
21. The proposed entry gate at the entrance to the western parking lot shall be relocated to provide unrestricted access to the 29 parking spaces included in the joint parking agreement with the City. Final design and location of the gate shall be approved by the Design Review Committee prior to issuance of permits.

Lighting

22. Exterior lighting shall be adjusted so as not to cause excessive glare and light spillover. Exterior lighting shall be reviewed and approved by the Design Review Committee prior to the issuance of any permits.

Bicycle Racks

23. The project plans shall be modified to include bicycle racks near the church facility. Said racks shall be easily accessible via Northridge Drive and shall provide parking for a minimum of 10 bicycles. Final location of bicycle racks shall be approved by the Planning Division prior to issuance of permits.

B. DEPARTMENT OF PUBLIC WORKS

24. The Developer shall vegetate the first 50 feet of the slopes below the proposed church and parking lots with landscaping acceptable to the City Engineer and the Director of Economic and Community Development.
25. The Developer shall apply for a lot line adjustment to accommodate the existing building pad on the subject site. Said lot line adjustment shall be recorded prior to issuance of a building permit.
26. Drainage from the development may be carried to any existing City street or storm drain only per plans approved by the City Engineer prior to issuance of a building permit. Preference shall be given to transporting the storm water runoff through underground conduits and structures.
27. Developer shall provide adequate on-site drainage facilities to prevent flow over slopes.
28. Drainage pipes located below the crown of the main sewer shall discharge into a watertight sump or receiving tank. An approved ejector pump system shall be installed to lift and discharge sewage and other waste from the receiving tank to the building drain. The pump system must be capable of pumping against the established design head with adequate velocity in the sewer lateral, and shall include a check valve or other approved device for backflow prevention.

Stormwater

29. All storm drains abutting the property shall be stenciled with the message – NO DUMPING, FLOWS TO THE OCEAN, if the storm drains have not already been labeled. Stenciling shall be completed in a manner approved by the City Department of Water and Wastewater Resources within 30 days of use permit approval.

C. FIRE DEPARTMENT

30. Final design of fire apparatus turn-around shall be subject to review and approval by the Fire Department prior to issuance of a building permit.
31. Each building must be fire-sprinklered per NFPA 13 standard.
32. A fire alarm system is required dependent of classification.
33. A hood and duct extinguishing system is required for the kitchen cooking operation.
34. The access road grade may not exceed 18%.

D. BUILDING DIVISION

35. The site plan or plot plan must show all property lines to determine area limitation, and fire-resistive construction of exterior wall.
36. Provide type of construction for the proposed project to determine area limitation.
37. The main sanctuary and fellowship room shall front directly on or discharge directly to a public street.
38. The main sanctuary and fellowship room requires three exits. One of the required exits on the south elevation is not discharging to an exit discharge. Exit discharge cannot discharge to enclosed patio.
39. The main exit of the first floor from the main and small sanctuary including fellowship room shall be sufficient width to accommodate one-half the total occupant load.
40. Classrooms at second floor (E occupancy – Street Level) shall front directly on a public street or an exit discharge.
41. Total number of plumbing fixtures required for each restroom at the “E” occupancy shall be in accordance with CBC appendix Chapter 29 – Minimum Plumbing Fixtures.
42. The distance of building to ascending slope and distance of footing to descending slope shall be established per “Footing on or Adjacent to Slope” regulations in accordance with CBC1806.5.

E. PARKS AND RECREATION DEPARTMENT

43. A slope retention plan shall be submitted for review prior to issuance of permits. In particular, the landscaped area adjacent to Northridge Drive and the western parking lot shall be included in the plan.

BE IT FURTHER RESOLVED THAT it is the intent of this City Council that the foregoing findings be considered as an integrated whole whether or not any subdivision of these findings fails to cross-reference or incorporate by reference any other subdivision of these findings; and that any finding required or permitted to be made by this City Council with respect to any particular subject matter shall be deemed made if it appears in any portion of these findings.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the 24th day of July, 2000, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: / Agrimonti, Guingona,

Klatt, Tissier

NOES, Councilmembers: Torres

ABSENT, Councilmembers: None

Helena R. Flomberg
CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

SAL TORRES
MAYOR OF THE CITY OF DALY CITY

EXHIBIT NO. 6

APPLICATION NO.
A-2-DYC-00-027

August 7, 2000

Appeal by
Anthony Gangloff

Anthony R. Gangloff
51 Northridge Dr
Daly City, CA 94015

Virginia Esperanza
California Coastal Commission
45 Fremont St Suite 2000
San Francisco, CA 94105-2219

RECEIVED
AUG 07 2000

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Esperanza,

Enclosed you will find an Appeal From Coastal Permit Decision of Local Government. The appeal is directed toward the decision of the City of Daly City to issue a permit to the Korean Central Presbyterian Church to construct an approximately 22,000 square foot church at 50 Northridge Drive, which lies along an oceanside bluff named Avalon Canyon in Daly City. I reside and own the property located directly across the street from the proposed development. My reasons for the appeal, which are detailed within the appeal, are based on the Local Coastal Plan of the City of Daly City. Specifically, I believe the proposed development does not conform with the Local Coastal Plan because: (a) the new development will detract or restrict access at the three designated access points; (b) the new development is located on a potentially dangerous site; and (c) the scenic and visual qualities of the coastal area are not protected as a resource of public importance.

Based on a telephone conversation I had with Stan Gustason, City Attorney for the City of Daly City on July 25, 2000, there is no further process for appealing the decision within Daly City itself. Therefore, I present the enclosed appeal to the California Coastal Commission. Thank you for your consideration of this appeal.

Sincerely,



Anthony R. Gangloff

CC Jung Cho, Pastor and Applicant, Korean Central Presbyterian Church
Sal Torres, Mayor, City of Daly City
Adrienne Tissier, Councilmember, City of Daly City
Michael Guingona, Councilmember, City of Daly City
Madolyn Agrimonti, Councilmember, City of Daly City
Carol Klatt, Councilmember, City of Daly City
Andrea Ouse, Planning Division, City of Daly City

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
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**APPEAL FROM COASTAL PERMIT
 DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Anthony R. Gangloff
51 Northridge Dr.
Daly City, CA 94015 (650) 994-6202
 Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Daly City, CA
2. Brief description of development being appealed: Construction of 22,000 square foot Korean Central Presbyterian Church along a bluff in Daly City
3. Development's location (street address, assessor's parcel no., cross street, etc.): 50 Northridge Dr.
Daly City, CA 94015, cross street Avalon Dr.
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: ✓
 - c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-DYC-00-027

DATE FILED: 8/7/00

DISTRICT: North Central Coast

H5: 4/88

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5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: July 24, 2000

7. Local government's file number (if any): UP 99-8, DR 99-30

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jung H. Cho
1352 Terra Nova Blvd
Pacific, CA 94044

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) See Attached Sheet.

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

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State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached Sheets

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Anthony J. Bauloff
Signature of Appellant(s) or
Authorized Agent

Date August 3, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

Section IIIb Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

1. Anthony Gangloff
51 Northridge Dr.
Daly City, CA 94015
2. Santo J. Aloisi, Jr.
51 Northridge Dr.
Daly City, CA 94015
3. Jung Cho
1322 Terra Nova Blvd
Pacifica, CA 94044
4. Donald G. Gray
2201 Broadway, Ste 321
Oakland, CA 94612
5. Lindy Babcock
47 Northridge Dr.
Daly City, CA 94015
6. Norm MacKenzie
37 Northridge Dr.
Daly City, CA 94015
7. Joel Auslen
Weslake Subdivision Improvement
Association
8. Ryan Kim
2701 40th Ave
San Francisco, CA 94116
9. Mary Phillips
41 Northridge Dr
Daly City, CA 94015
10. George Frenkel
39 Northridge Dr
Daly City, CA 94015
11. Allen Lee
20 Pancetta Dr #336
Daly City, CA 94015
12. Marlene Espinosa
66 Carmel Ave
Daly City, CA 94015
13. JoAnn Babcock
47 Northridge Dr
Daly City, CA 94015
14. Marlene Manzanares
66 Carmel Ave
Daly City, CA 94015
15. Robert Lucero
66 Carmel Ave
Daly City, CA 94015
16. Stephanie Chang
2515 Benvenue Ave
Berkeley, CA 94704
17. Charles Rachlis
168 Northridge Dr
Daly City, CA 94015
18. John So
346 Richmond Dr #7
Millbrae, CA 94030
19. Sarah Yi
2226 Parker St
Berkeley, CA 94704
20. Neil Talenfeld
145 Canterbury Ave
Daly City, CA 94015
21. Abdulhadi Yassin

Section IV. Reasons Supporting This Appeal

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

The following points are from the Daly City Coastal Element's New Development Goals, which read as follows:

1. Assure that new development will not detract or restrict access at the three designated access points.

There is no provision for public access to the Bay Ridge Trail that goes through Avalon Canyon from the proposed development at 50 Northridge Dr.

2. Prevent any new development on potentially dangerous sites.

The site, 50 Northridge Dr, is located on a potentially dangerous site along Avalon Canyon. Evidence exists in the public record for this statement. The evidence includes:

I. In a Daly City Inter-Office Memorandum dated November 13, 1991 to the Planning Commission from Maria Gracia Tan-Banico, Associate Planner regarding a use permit for three (3) single family residences on vacant lots adjacent to 50 Northridge Dr (and currently the site of the proposed church), the following findings were presented.

a. "Properties subject to environmental hazards are not suited for residential developments." This statement acknowledges environmental hazards at the site.

b. "The Commission finds that the proposal results in a risk to life and property" This statement speaks for itself.

c. "The proposal does not conform with Land Use Policy 9.3: Minimize development in areas with steep slopes, landslide potential, slope instability and general soil hazards." The proposed site has all four environmental hazards.

d. "The proposal may impact on the natural environment and does not conform with Land Use Policy 10.1: Development activities shall not be allowed to significantly disrupt the natural or urban environment and all reasonable measures shall be taken to identify and prevent or mitigate potential adverse effects." The proposed structure would significantly impact the natural environment, and the design is not compatible with the current neighborhood.

II. In Daly City Resolution No. 93-59, dated March 22, 1993, entitled "A Resolution of the City Council of the City of Daly City Adopting Findings Related to an Application for a Use Permit to Construct Three Single Family Dwellings – UP92-5" the following findings are presented:

a. "The City Council also finds that the installation of 41 concrete piers to approximately 28 feet in depth, along with installation of a retaining wall along the entire length of the property on the bluff side, would constitute a heroic and unnatural effort to preserve a natural canyon for residential development, and would be inconsistent with the goals and objectives of the California Coastal Act, as well as the Daly City Local Coastal Plan." The proposed church structure would also require concrete piers in certain parts of the foundation to protect the building from erosion.

b. "The City Council further finds and determines that the building of two-story residential structures would be wholly inconsistent with the single story buildings of this Daly City neighborhood as well as be markedly more visible on the ocean bluff than single story structures, and would be inconsistent with the goals and objectives of the California Coastal Act, as well as the Daly City Local Coastal Plan." Although the site is located 15 feet below street level, the size of the proposed church (two stories, 38 feet tall and approximately 22,000 square feet) is grossly larger than the existing single family homes and will have the same effect along the ocean bluff.

c. "The City Council further finds that the proposal may result in risk to life and property." Once again, the statement speaks for itself.

III. Additional supporting evidence supporting the assertion that 50 Northridge Drive is a potentially dangerous site can be found in:

a. "Geological Hazards Along the Coast South of San Francisco", Raymond Sullivan, Geology Department, San Francisco State University as published in *California Geology*, February 1975.

b. "Evaluation of Erosion Hazards" The Heinz Center for Science, Economics and the Environment, April 2000.

c. Other reports issued by the United States Geological Survey which were presented at the Daly City City Council Meeting on May 22, 2000.

3. The Daly City Local Coastal Plan states: "The scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be

visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.”

The siting of the proposed development does not protect views. Currently, there is a completely unrestricted view of the coastline, extending north into the Marin Headlands and to Point Reyes Lighthouse. Many residents and local people enjoy the unobstructed view, purposely slowing while driving by the site to enjoy the view, and many purposely walk on that side of the street to enjoy the view.

