

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260
www.coastal.ca.gov

Th 3



**NORTH CENTRAL COAST DISTRICT
DEPUTY DIRECTOR'S REPORT**

For the

August Meeting of the California Coastal Commission

MEMORANDUM

Date: August 10, 2006

TO: Commissioners and Interested Parties
FROM: Charles Lester, North Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

There is nothing to report for this meeting.

Th 6a

State of California

California Coastal Commission
North Central Coast District

MEMORANDUM

TO: Commissioners and Interested Parties Date: August 10, 2006
FROM: Charles Lester, Deputy Director
North Central Coast District

SUBJECT: **Addendum to Commission Meeting for Thursday, August 10, 2006**
North Central Coast District

AGENDA # APPLICANT

COASTAL PERMIT APPLICATION

Th 6a A-2-PAC-06-007 (LANDS END APARTMENTS, Pacifica)

Letter, David R. Owen, dated July 28, 2006
Letter, Suzanne Geer, dated August 4, 2006
Letter, Diane G. Tomassetti, August 5, 2006
Letter, Bart Willoughby, dated August 7, 2006
Letter, Lee T. White, dated August 7, 2006
Letter, Joan Culver, dated August 7, 2006

ROSSMANN AND MOORE, LLP

Attorneys at Law

380 HAYES STREET, SUITE ONE
SAN FRANCISCO, CALIFORNIA 94102 USA
TEL (01)(415) 861-1401 FAX (01)(415) 861-1822
www.landwater.com

ROGER B. MOORE
rbm@landwater.com

ANTONIO ROSSMANN
ar@landwater.com

DAVID R. OWEN
dro@landwater.com

RECEIVED

JUL 31 2006

CALIFORNIA
COASTAL COMMISSION

July 28, 2006

Ms. Yinlan Zhang
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Commission Appeal No. A-2-PAC-06-007 (Pacifica)

Dear Ms. Zhang:

In behalf of FPA/BAF Lands End Associates, LP ("Lands End Apartments"), I write in support of the staff recommendation for this appeal. For the reasons articulated in the staff report and in my July 18, 2006 letter, we believe the Commission should issue a "no substantial issue" determination.

Lands End does not intend to present testimony at the Coastal Commission's August 10 hearing, and does not presently intend to submit any further written materials. I do request that my July 18 letter be included in the materials to be presented to the Commission, and I have enclosed a copy.

Respectfully,



David R. Owen
Attorney for FPA/BAF Lands End Associates, LP

cc: Nancy Mauriello
Mr. Bart Willoughby

ROSSMANN AND MOORE, LLP

Attorneys at Law

380 HAYES STREET, SUITE ONE
SAN FRANCISCO, CALIFORNIA 94102 USA
TEL (01)(415) 861-1401 FAX (01)(415) 861-1822
www.landwater.com

ROGER B. MOORE
rbm@landwater.com

ANTONIO ROSSMANN
ar@landwater.com

DAVID R. OWEN
dro@landwater.com

July 18, 2006

Ms. Yinlan Zhang
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Commission Appeal No. A-2-PAC-06-007 (Pacifica)

Dear Ms. Zhang:

In behalf of FPA/BAF Lands End Associates, LP ("Lands End Apartments"), recipient of the permit at issue in this appeal, I write to explain why this appeal raises no "substantial issue" of compliance with Lands End Apartments' prior permits, Pacifica's Local Coastal Land Use Plan, or the Coastal Act. (*See* Pub. Res. Code § 30600.5(d).)

The property at issue is a long-established apartment complex in a developed area of the City of Pacifica. The apartments are situated on a bluff overlooking the Pacific Ocean, and are located within the Coastal Zone. The apartment complex provides market-rate housing. While a 1983 agreement requires dedication of some units to low-income housing if the properties are converted to condominiums and individually sold (*see* Attachment A, ¶ 10, and Attachment B), no such conversion and sale has occurred, and in its current use as apartments the property is not subject to any low- or moderate-income housing restrictions. (*See* Attachment A, ¶ 10.)¹ Mr. Willoughby's appeal challenges a permit Lands End Apartments to construct a swimming pool and clubhouse within the footprint of that apartment complex.

¹ After entering the 1983 agreement, a prior owner of the property did convert it to condominiums, but that owner never sold the properties as individual condominiums. Instead, in 1988 that property owner received a "reversion to acreage" converting the property back into an apartment complex, and it has remained an apartment complex ever since. (Attachment C.) Thus, in accordance with paragraph 1 of the 1983 agreement, the restrictions imposed by agreement never took effect, and will take effect only if Lands End Apartments converts the property to condominiums and sells individual units, something it has not proposed to do. As long as it remains an apartment complex, the property contains only market-rate housing.

The installation of a swimming pool and clubhouse creates no inconsistency with Lands End Apartments' coastal development permits. Those permits require Lands End Apartments to provide public access to lands above the cliffs that lie between the property and the ocean, and to maintain and allow access to a stairway descending from that easement to the beach, and Lands End Apartments and its predecessors have diligently complied with those conditions. The permits do not, however, limit the installation of swimming pools or clubhouses.

Installation of the pool and clubhouse also creates no inconsistency with Pacifica's Local Coastal Land Use Plan. That Plan, like Lands End Apartments' permits, does not limit the ability of local apartment owners to make improvements in their apartments, so long as those improvements do not interfere with the Plan's policies designed to maintain public access to coastal areas, and here no such interference exists. The Plan does define maintaining a mix of low- and moderate-income housing as an underlying policy goal, but it does not achieve that goal by limiting upgrades to apartments or by imposing rent controls on market-rate housing.

The permit likewise creates no inconsistency with the Coastal Act itself. Mr. Willoughby has alleged inconsistency only with Public Resources Code section 30614, which states that past permit conditions designed to maintain low- and moderate-income housing must be enforced. Here, such permit conditions apply only if the property is converted to condominium use and sold as individual condominiums—something Lands End Apartments has not done—and a violation of section 30614 therefore is not possible.

Finally, the permit creates no inconsistency with the federal Coastal Zone Management Act. Mr. Willoughby alleges inconsistency with "section 930.61 of the Coastal Zone Management Act," which Lands End Apartments interprets as a reference to CZMA-implementing regulations published at 15 C.F.R. § 930.61. Those regulations pertain to state determinations that *federally*-issued permits are consistent with state coastal zone management plans, and Lands End Apartments has not sought and does not need a federal permit to install its swimming pool and clubhouse. In any event, and as Mr. Willoughby's appeal acknowledges, the City of Pacifica did provide mail individual notices to apartment complex residents.

Mr. Willoughby's underlying concern appears to be that by installing a pool and clubhouse, as well as by making other internal improvements (like installing new countertops) not at issue in this permit proceeding, Lands End Apartments will make its apartments more desirable. However, neither the Coastal Commission Act nor Lands End Apartments' permits nor Pacifica's Local Coastal Land Use Plan precludes an apartment owner from attempting to improve the quality of the apartments it rents. Mr. Willoughby's appeal therefore raises no substantial issue and should not be heard.

Respectfully,



David R. Owen

Attorney for FPA/BAF Lands End Associates, LP

cc: Nancy Mauriello
Mr. Bart Willoughby

Suzanne Geer
110 ESPLANADE AVENUE #214
PACIFICA, CA 94044

(650) 738-2287

SuzanneGeer@comcast.net

August 4, 2006

Fax: (415) 904-5400

Ms. Yinland Zhang
Coastal Program Analyst
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RECEIVED
AUG 07 2006
CALIFORNIA
COASTAL COMMISSION

Re: Lands End Appeal A-2-PAC-06-077

Dear Ms. Zhang:

I have wanted to live at the Lands End Apartments since the 1970's. I finally retired in 2004 and made the move. I am old and disabled, hence moving was difficult — but it was intended to be my last in this lifetime.

Until recently I have loved living at Lands End. It was a friendly, comfortable and beautiful place to live. In recent months most of my friends and neighbors have been forced to move because of huge increases in the rent, in exchange for absolutely no improvements. Lands End used to be affordable, and many very nice people lived here. But it seems now that the average single person will no longer be able to live at Lands End unless with multiple others crowded into the same unit in order to share expenses. It just doesn't seem right that only the wealthy in our society are able to afford living near the ocean.

I understand now that this new management is interested in putting in a swimming pool. This seems absurd. This area of Pacifica rarely exceeds 68°, and even in the recent heat wave that affected the entire country, the temperature only reached 73° once. There is almost always wind coming in from the ocean; the wind is too fierce to call an ocean breeze. Rarely can one go out without at least a light jacket. There is an existing hot tub, and in my two years at Lands End I have hardly ever seen anyone utilizing it.

My biggest fear, however, is that a swimming pool to use as window dressing in the brochures and on the web site advertising Lands End will be an additional excuse for the new owners to raise rents even higher than they already are. After such a high percentage of established tenants were forced to move as a result of the unreasonable rent increases, all vacant apartments were cosmetically altered and they are being rented out at outrageously high amounts. Add a swimming pool, and when leases expire the rents will go up probably another few hundred dollars a month. The office is, of course, claiming that will not be the case; but none of the previously established tenants are finding their word worth much.

Recently the management seems to be on a crusade of harassment of the tenants who have lived at Lands End a number of years, those of us who live in not-yet-renovated apartments and who are paying a lower rent. They want us out ... badly. I don't have parties, I never play music, I have no barking dog, and I always pay my rent a week or so early. I am the ideal tenant and neighbor; yet hardly a day goes by now that I don't return home to find a "memo" on my door reminding me that I am subject to eviction if I own or do such and such, and it is recommended that I read my lease to make sure I am obeying every little rule. I find myself feeling spied upon. I feel that my privacy is being invaded. I feel uneasy in my own home, wondering what might come next. And I am not the only tenant who has been made to feel this way.

It is blatantly obvious that the only reason for the new owners of Lands End to put in a swimming pool is to jack up the rents; these are not considerate people who merely want to make the tenants happy. There are many vacant apartments that need to be rented out, and a swimming pool would look good in the brochure.

I also feel compelled to address the issue of tenants supposedly being notified of the meetings held with regard to the building of a swimming pool. First, we were never asked for an opinion as to whether we even wanted a pool. Most of us didn't know anything about a plan to build a swimming pool. Prior to the June 12th City Council meeting in Pacifica, notices were posted in many locations throughout the complex notifying us about the appeal. Just hours later, all those notices had been removed. By the time people began returning home from work and going to their mailboxes where notices should be posted for all to see, there was no indication anywhere (except inside the rental office ... where few have reason to go) of any upcoming meeting.

I was one of the few tenants fortunate to have seen the notice, and I attended the June 12th meeting. During the meeting there was discussion about tenants not receiving notification of the appeal. Someone stated that notices had been mailed to all tenants. I never received one, no one I know received one, and I find it hard to believe that there was a mix-up of the mail delivery to 260 residents on the same day of the same document.

I am a senior citizen, I am handicapped, I am on a fixed income, and I'm quite frankly terrified that I too may be forced out of my home as a result of the outrageous rent increases which will undoubtedly occur as a result of an unnecessary swimming pool at Lands End Apartments. This is Pacifica for heaven's sake.

Sincerely,

A handwritten signature in black ink, appearing to be 'Suzanne Geer', with a long, sweeping horizontal line extending to the right.

Suzanne Geer

Yinlan Zhang, Coastal Program Analyst
California Coastal Commission
North Central Coast District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5260
www.coastal.ca.gov

August 5, 2006

RECEIVED

AUG 07 2006

CALIFORNIA
COASTAL COMMISSION

RE: A-2-PAC-06-007

Dear Yinlan Zhang,

I am one of the unfortunate individuals that have been displaced from Land's End Apartments due to an inordinate increase in rent at the end of my lease period.

When Fowler Properties purchased the Land's End Complex and Trinity Management Company took over one year ago, they indicated that life at Land's End would continue with tenants rights of quiet enjoyment, remediation of existing construction issues such as badly leaking apartments and better exterior lighting. There was no mention that at the end of each lease period the rents would be raised anywhere from 1% to over 20% with no consistent standard.

We first began to hear about a 'pool' just prior to the escalating rent notices. I attended each hearing held by the Pacifica Planning Commission and heard the management of Land's End outright lie to the board about how the tenants had been canvassed and was in support of the pool as an upgrade to the complex. No questionnaire or canvassing of the residents was ever done.

I was aware of the initial hearing due to a notice that was attached to a post by the stairs to the beach. When I asked the Land's End Property Manager why this notice had not been posted in a public place for the residents I was told in no uncertain terms that they were not required to do so and would not be. After I indicated to her that it was a legal requirement of this corporation I found a couple of notices tacked up and as quickly removed. It appeared they did not want residents to attend nor present their views....again!

There is no question that Land's End Apartment complex is situated in a truly lovely area of the Pacifica coast, an area that apparently is becoming exclusive only to the wealthy.

Those tenants who have been literally forced out due to the 10%-20% increases were given three (3) days to make life changing decisions. I requested we be

given at least one week to make a decision about our lives before deciding to accept the horrific increase or to find another place to live and was very definitely told that no such extension would be granted. This was in the form of an e-mail from the head of Trinity Management, Dave Seiler. Take it or leave it!

I considered Land's End my home and had maintained my apartment as such, rent paid on the first of each month, utilities paid in time, flowers that other residents enjoyed, sweeping of the common stair way of my unit area, no loud noise to disturb the quiet enjoyment of others (even removed the chimes that were loud in the wind)....what did I do to deserve being forced out by over a 10% increase?

Fowler Properties was not going to cosmetically upgrade my unit, the wind and cool ocean air was not conducive to utilization of a pool, what were the increases for? The amenities they currently describe to prospective unknowing tenants appear purely for artificially increasing the market rates of this complex, then they will sell this complex and move on. Scattering residents and tearing asunder their lives with nary a backward glance.

They have displaced an incredible number of individuals apparently for their gain only. No one questions that a corporation has the right to make money though the manner this company has chosen to go about this is irresponsible, vindictive and downright nasty.

Their attempt to cut down protected trees to open up an area for the pool and for giving more apartments ocean views speaks again to the focus of increasing the base rent structure for corporate gain. The property manager stated that more units would have ocean views....at what cost of the individuals who chose to make their lives at Land's End?

It all boils down to the fact that only the wealthy will be able to reside at Land's End or those who wish to have many roommates in order to defray the exorbitant rents. I chose Land's End because of the ocean and yes, even the fog that blankets this area for the majority of the year. If I had wanted a resort I would have chosen a place where the temperature is greater than 55 - 68 degrees most of the time. I am not wealthy. I am a human being who is considerate of my rented space and a good neighbor. I did not deserve to be treated in such a callous manner.

Sincerely,



Diane G. Tomassetti
269 Gateway Drive #224
Pacifica, CA 94044
(415) 424-2081

BART WILLOUGHBY
735 HICKEY BLVD. #545
PACIFICA, CA 94044-1214
(415) 238-8837 Voice
(650) 355-4443 Facsimile
INTERNET ADDRESS: Wavetool@earthlink.net

FACSIMILE COVER SHEET

Date: 8/7/06

TO: Ms. Yinland Zhang, Coastal Program Analyst

FROM: Bart Willoughby

FAX NUMBER: (415) 904.5400

PAGES: (5)

RECEIVED
AUG 07 2006
CALIFORNIA
COASTAL COMMISSION

Re: Appeal A-2-PAC-06-007

Dear Ms. Zhang:

Attached, please find my response to the Staff Report that I am requesting that the Coastal Commissioners get an opportunity to review. Also, as part of the response I would like my letter of July 23, 2006, attached in response to David Owen, Esq. letter to your attention. I am sending the originals via First Class Mail to your attention.

Several Lands End residents are upset that the hearing is being held in San Pedro, California as many would like to attend. However, as I stated that only the parties involved. Appellant and applicant are the only ones who get to present any testimony as to whether the appeal presents a substantial issue.

Also, I will be providing written authorization for a third party to represent the appellant's interest before the Coastal Commission on August 10, 2006. This person will have full authority to make the (5) presentation before the Commissioners. Could you also confirm how many letters from the general public your office has received in this matter.

THANKS

Bart Willoughby

THE DOCUMENT ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAINS INFORMATION FROM BART V. WILLOUGHBY AND ARE INTENDED TO BE CONFIDENTIAL AND FOR THE SOLE USE OF THE ABOVE NAMED INDIVIDUAL OR ENTITY. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. PLEASE NOTIFY BART WILLOUGHBY BY TELEPHONE IF YOU ARE NOT THE INTENDED RECIPIENT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS. I WILL REIMBURSE YOUR PHONE AND POSTAGE EXPENSE FOR DOING SO. THANK YOU.

BART WILLOUGHBY

August 7, 2006

Appeal Number: A-2-PAC-06-007

To The Honorable Commissioners of the California Coastal Commission:**Appellant's Response to Staff Report Allegation of No Substantial Issue**

In review of the Staff Report prepared by Ms. Zhang, Coastal Program Analyst she contends that there is no substantial issue raised by the appellant concerning the consistency of the approved development (Lands End Apartments) with the policies of the Pacifica Local Coastal Plan ("LCP").

The Pacifica LCP land use does define maintaining a mix of low and moderate-income housing as an underlying policy goal. In a letter prepared by Mr. Lee T. White in support of this appeal he provides an exhibit, a chart of the *Comparison of Pacifica Apartment Rental Prices* and naming the various apartment complexes throughout the City of Pacifica. From the chart it shows that there is no real low or moderate-income housing in large apartment complexes like that of Lands End within the City of Pacifica. So how has the City of Pacifica maintained a mix of low and moderate-income housing as an underlying policy goal of the LCP? The answer is the City of Pacifica has not as part of the LCP even considered the issue of low or moderate income housing as a policy goal including Lands End.

Ms. Zhang contends that Lands End is after all, market rate. While in theory that maybe true the reality is Lands End has always supported moderate level income households for decades. Under Ms. Zhang's theory she contends there is no substantial issue and that residents of Lands End should probably just accept the fact that Lands End is market rate and that will be that. However, the substantial issue is the moderate-income residents and former residents (forced out by unusually high rents) of the Lands End Apartment Complex by Fowler Property Acquisitions, Redwood Construction and Trinity Property Management the new owners of Lands End and how that owner has and is currently treating residents of Lands End.

Fowler Property Acquisitions, Redwood Construction and Trinity Property ("Fowler") are the current owners of Lands End and proclaim to be building a better community for the residents. This is a farce! Fowler does not build communities it destroys them for the sake of financial gain of the corporation and has over the years displaced thousands of residents in the multi-family dwellings owned and then sold by Fowler. Fowler has made great strides in finding the cheapest appliances, cabinets, granite and windows for the purpose of cosmetic changes so that Fowler can charge higher rents. Lands End was a great community of people who were friendly, knew their neighbors, helped each other out and said hello on a first name basis. This was prior to Fowler's ownership. Now under Fowler the residents are angry, disgusted and frustrated. The talk now turns to the nuisance of the constant construction noise, the plastering of memos from management on the doors of apartments and the abusive and oppressive manner local management is treating the long-term tenants. There is no quiet enjoyment at Lands End.

- 2 -

August 7, 2006

Many of the long-term residents at Lands End sit in quiet desperation each and *everyday* as the day of their lease comes to an end. Wondering whether they will have a place to live. Or where they can go to find affordable housing. These are the questions that are on the minds of many of the moderate-income residents at Lands End. Many residents live in fear of the new owners and more especially the local management in place at Lands End. The draconian enforcement of arbitrary rules such as no plants on your balcony, no patio furniture or storage containers now forbidden by a local manager who is lacking in social demeanor to resolve issues amicably and in a peaceful fashion.

Fowler will cheat, harass, invade residents privacy, lie and use whatever oppression is necessary to accomplish the goal of making as much money from Lands End residents as possible to improve the corporation's bottom line. This includes taking advantage of residents with use of a battery of attorneys to berate and eliminate any legitimate tenant rights of the Lands End residents. Fowler typifies the corporate behavior we all have seen in Enron, World Com and Arthur Anderson. Placing greed and profits before the decent and respectful treatment of people entrusted in their care. It is the unethical and lack of moral principles that Fowler has become known for at Lands End. Replacing arrogance, greed and profits before the ethical and fair treatment of the Lands End residents. Fowler and his unmitigated acts of hacking into Heritage Tress for the purpose of creating more ocean views only shows his corporation cannot be trusted to protect the fragile coastline entrusted to Lands End.

The Coastal Development Permit Process has successfully brought to the surface the plight of the moderate-income households at Lands End Apartment Complex and how Fowler treats those residents at Lands End. Here is a billion dollar corporation who could easily treat residents fairly and with the respect the residents deserve but instead does otherwise. This is now a matter of public record where Fowler in the future may yet get his comeuppance he so justly deserves.

I respectfully ask the Honorable Commissioners to return a vote finding a substantial issue in this matter so that this matter may gain more public awareness and a hearing on the merits.

Respectfully,



Bart Willoughby

BART WILLOUGHBY

July 23,
August 7, 2006Sent Via Facsimile to: (415) 904.5400

Ms. Yinland Zhang
Coastal Program Analyst
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: Lands End Appeal A-2-PAC-06-077

Dear Ms. Zhang:

This letter will acknowledge and responds to the letter written by Mr. David R. Owens as legal counsel to Lands End to your attention dated July 18, 2006, and where appellant received the letter via First Class Mail on July 21, 2006.

In review of the letter from Mr. Owens on behalf of Lands End Associates Mr. Owens does not cite any case law or Commission precedent decisions with respect to the appropriate issues on appeal and Public Resources Code Section 30614.

The appeal does however, provide a unique opportunity for the Coastal Commission to hear the appeal and take a leading role in the appropriateness of the Legislative Intent with respect to Public Resources Code Section 30614 where currently there appears to be no precedent decisions. Additionally, one of the positive issues that I would reasonably expect to come from a Commission Hearing would be the consistency of the Coastal Development Permit Process throughout the State of California. Where coastal communities will need to consider and make part of the permit process when similar issues in consideration of low and moderate-income housing are indeed compelling issues. I suppose should the Commission take the position not to hear the appeal could lead to *questions of law* presented in an Administrative Writ of Mandate authorized under California Code of Civil Procedures to the judicial system.

Mr. Owens letter does point out "The Plan (Pacifica's Local Coastal Land Use Plan) does define maintaining a mix of low and moderate-income housing as an underlying policy goal". When you review the City of Pacifica City Council Meeting of June 12, 2006, (the provided DVD that accompanied the appeal) on the Lands End Permit you see there is great confusion among the members of the City Council and no discussion on the issue of "maintaining a mix of low and moderate-income housing". In this instance Pacifica failed in the duty to even address the issue as part of the permit process and the duty now falls upon the Coastal Commission to resolve and provide guidance in the permit process.

Mr. Owens statement "Mr. Willoughby's appeal acknowledges, the City of Pacifica did provide mail individual notices to apartment complex residents" is patently false. Appellant has never acknowledged that the City of Pacifica mailed the notices. In fact, when City Council members inquired about the mailings staff in charge of the mailings could not provide definitive answers. Appellant could not find one resident that received the Notices of Hearing and testimony from

- 2 -

August 7, 2006

one Lands End resident at the City Council Hearing stated he never received a Notice. As to Mr. Owens statement made about the diligent manner in which the predecessors of Lands End maintained the beach access shows that Mr. Owens is completely clueless. The Coastal Commission Enforcement Letter attached was sent to Lands End legal counsel as two years without beach access at Lands End can hardly be consider "diligent".

While Mr. Owens analogy of installing a pool and clubhouse to that of (installing new countertops) the difference is easily understood. It does not require a Coastal Development Permit to install new countertops. However, it does take a Coastal Development Permit to install a pool and clubhouse and requires a public hearing.

I would urge the Commission to hear the appeal.

Very truly yours,



Bart Willoughby

August 7, 2006

Lee T. White
104 Esplanade Ave. Apt. 115
Pacifica, CA 94044
(650) 557-4108
leewhite1@gmail.com

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

RECEIVED

AUG 07 2006

CALIFORNIA
COASTAL COMMISSION

RE: Commission Appeal No. A-2-PAC-06-007

Dear Commissioners:

My wife, Sherri, and I have been tenants at Land's End Apartment Homes since October 11, 2005. We pay a monthly base rent – excluding utilities and \$50 per month for our two cats – of \$1,490. The permit on appeal should be denied or the issue remanded to the Pacifica City Council for further review for the following reasons:

- 1. The project before you is part of the owner's publicly-stated plan to "reposition" Land's End from moderate-income housing to a high-income coastal resort community.** Greg Fowler, through his various ownership, management, and construction corporations has astronomically increased rent at what is already the most expensive apartment complex in Pacifica. Fowler has also encouraged on-site management to drive existing tenants out of non-renovated apartments by various means in order to adhere to a project schedule. I offer the following evidence in support of this allegation:
 - A news release from a corporation that partnered with Fowler Property Acquisitions to purchase Land's End.
 - A spreadsheet comparing rent amounts at professionally-managed apartment complexes in Pacifica with the latest advertised rents at Land's End.
 - Memoranda written by Fowler's on-site management harassing tenants about the condition of patios and balconies. Although it is probably a violation of one's lease to attach a satellite dish to the building, nowhere in my lease does it specify that I cannot have wind chimes or that I am restricted to having only two chairs and one table on my balcony. It is my opinion that the memoranda were directed at Bart Willoughby against whom the management harbors a vendetta for appealing this permit and others who oppose the project.
 - A memorandum directed at me regarding a bookshelf and some knick-knacks placed in the common area outside my apartment. Management didn't even bother to inquire as to ownership of the items despite the fact that I was at home and in plain view during the inspection. Had anyone bothered to ask me, he or she would have discovered that the items belong to my neighbor in Apartment 113.

2. **Fowler's employees have engaged in a pattern of illegal behavior.** They have undertaken construction projects without obtaining the necessary city permits. Land's End is the only apartment complex in Pacifica I've observed that routinely places directional advertising signs on public property in violation of California law. In late April 2006, the on-site property manager, Monique D. Orsot, attempted to have several trees removed without obtaining the required city permit. When a tenant showed up to complain about the tree removal, Orsot literally screamed at the woman, stating that "everything has been approved" and ordering the tenant to "get out of here." In support of this allegation, I offer the following evidence:

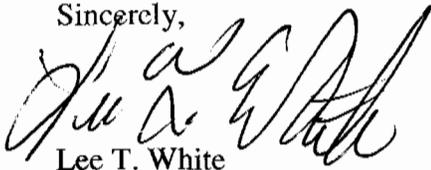
- A memo dated May 10, 2006, from Jason Lo, code enforcement officer for the City of Pacifica, to Willoughby regarding the construction permits.
- Photographs of several directional advertising signs placed on public property in Pacifica by Fowler's employees.
- A copy of the California statute the placement of such signs violates.
- A photograph of the damage to the trees that occurred before the City of Pacifica halted the project. The photo shows the location of the trees relative to the location of the proposed pool – across a sidewalk a few feet to the north

3. **Fowler's corporations have advertised the existence of a pool at Land's End in several publications and online.** Not only is this advertising misleading, but the purchase of some of these ads predates consideration of this permit by both the Pacifica City Council and the Coastal Commission. In support of this allegation, I offer the following evidence:

- Copies of various advertisements for Land's End stating that a pool already exists.

It should be clear to you that Greg Fowler cares little about being a good corporate citizen. His goal is to maximize the return on his investment by any means necessary – the rights of tenants and the regulations of state and municipal governments be damned! Fowler is exactly the sort of individual who should never be allowed to build anything along our beautiful California coastline. In the year his corporations have owned, managed, and renovated Land's End, Fowler has demonstrated that, at the very least, he intends to exercise little control over his employees to ensure their compliance with the law. How can we be assured that his behavior will be any different if this permit is granted?

Sincerely,



Lee T. White

AMERICAN REALTY ADVISORS ACQUIRES LAND'S END APARTMENT HOMES IN SAN FRANCISCO PENINSULA

GLENDAL, Calif. --(BUSINESS WIRE)--June 30, 2005-- American Realty Advisors announced today the acquisition of Land's End Apartment Homes, a 260-unit multi-family coastal community located in Pacifica, California, just south of San Francisco and north of Silicon Valley. Completed in 1979, the property consists of eleven two and three-story buildings. The Class-A apartments were acquired on behalf of one of American's value-added commingled funds and represents a joint venture with Fowler Property Acquisitions, LLC. The partnership intends to reposition the oceanfront community by investing over \$5 million in improvements that will promote local job creation.

Situated on a bluff directly above the Pacific Ocean, Land's End offers its tenants superior ocean views and direct beach access. Nearby major employers include Genentech, Inc., Oracle, the San Francisco International Airport, United Airlines Maintenance Division and Gap, Inc. In addition, the property is in close proximity to the area's three regional shopping malls: Stonestown Galleria, Tanforan and Serramonte. Land's End is the only large beachfront property between Marin and Santa Cruz.

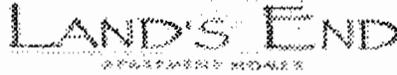
Pacifica enjoys an attractive demographic profile. In 2005, the average family household income within a one-mile radius of Land's End is \$104,882 and the median home value within a one-mile radius is \$528,339, according to Claritas. Furthermore, Pacifica has the highest median household income among the San Francisco and San Mateo regions.

Stanley Iezman, American's Chief Executive Officer and President, commented: "Our acquisition of Land's End is anticipated to be mutually beneficial to both residents of the property, as well as investors in our Fund. We expect the property to benefit substantially from the proposed upgrades and to generate solid returns over the course of our holding period." Mr. Iezman added, "As housing affordability in San Francisco remains a topic of concern, demand for well-located, quality apartment homes will make Land's End an exceedingly attractive asset."

American Realty Advisors is a leading provider of institutional real estate investment management services including acquisition, disposition, development, structured finance, and active asset management. With \$2.1 billion in assets under management, American has created customized investment strategies for public employee and corporate pension funds, endowments, foundations, and Taft-Hartley funds for over 15 years. The firm's nationwide portfolios include office, industrial, multi-family, and retail properties.

Comparison of Pacifica Apartment Rental Prices

Apartment Complex	One Bedroom Low	One Bedroom High	Two Bedroom Low	Two Bedroom High
Land's End	\$ 1,485.00	\$ 1,925.00	\$ 1,895.00	\$ 2,300.00
Marymount Gateway	\$ 1,150.00	\$ 1,250.00	\$ 1,450.00	\$ 1,700.00
Horizons West	\$ 1,350.00	\$ 1,695.00	\$ 1,695.00	\$ 2,200.00
Sea Pointe	\$ 1,145.00	\$ 1,250.00	\$ 1,500.00	\$ 1,575.00
Fairmont Apartments	\$ 1,170.00	\$ 1,295.00	\$ 1,395.00	\$ 1,645.00
Seacliff Apartment Homes	\$ 1,205.00	\$ 1,225.00	\$ 1,495.00	\$ 1,550.00
Pacific View	\$ 1,250.00	\$ 1,295.00	N/A	N/A
Avalon Pacifica	\$ 1,380.00	\$ 1,380.00	\$ 1,660.00	\$ 1,785.00
Cypress Pointe	N/A	N/A	\$ 1,450.00	\$ 1,570.00
Average Monthly Rent	\$ 1,266.88	\$ 1,414.38	\$ 1,567.50	\$ 1,790.63
Land's End Departure from Avg.	\$ 218.13	\$ 510.63	\$ 327.50	\$ 509.38
Average 12-Month Lease	\$ 15,202.50	\$ 16,972.50	\$ 18,810.00	\$ 21,487.50
12-Month Lease at Land's End	\$ 17,820.00	\$ 23,100.00	\$ 22,740.00	\$ 27,600.00
Land's End Departure from Avg.	\$ 2,617.50	\$ 6,127.50	\$ 3,930.00	\$ 6,112.50



June 21, 2006

RE: Patios and Balconies

Dear Residents:

We are contacting you regarding the condition of your patio or balcony. We take great pride in the appearance of the grounds and property, and go to great lengths to maintain the condition of your home. Cluttered balconies and patios are a violation of your lease agreement, and may lead to termination of your lease and/ or a negative rental reference. Please remove all indoor furniture, charcoal grills (per Fire Marshall's order), excessive plants, storage items, wind-chimes, and all items on railings and exterior walls. Please limit the patio furniture on your balcony to 2 chairs and 1 table.

Thank you for your immediate attention to this matter.

Lands End Management

LAND'S END
ocean front lifestyle

07/06/2006

Dear Resident;

Thank you for removing these items from your patio or balcony by July 15th, 2006.

Bookshelf with figurines and kid shoe

Gas grills are permitted.

Please refer to your lease agreement, which specifically states which patio or balcony items are acceptable.

Thank you for your immediate attention to this matter.

Land's End Apartments
650.355.3400

07/07/2006

LAND'S END
ocean front lifestyle

Dear Resident;

We are excited to update you on the renovation progress here at Land's End. Stop by and welcome Jennifer Thai, our new addition to the leasing team, and have a cappuccino or an Otis Spunkmeyer cookie!

We are updating the office and clubhouse area with a fresh look. The fitness center is currently under construction, we will keep you updated on the progress. It will include brand new equipment, a larger exercise area, plasma televisions, and an expanded view of the ocean!

Free DVD rental will soon be available in the office. The first shipment should be in sometime next week, with 60 new DVD's being delivered monthly. If you have DVD's you would like to donate to the collection, please drop them by the office.

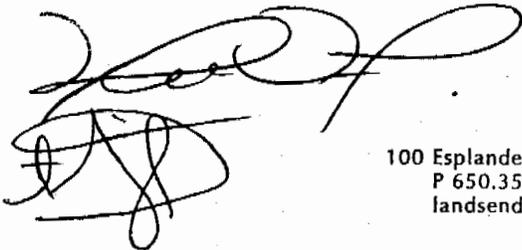
Once we receive the required permits, it will allow us to expand the clubhouse to accommodate our office space. Once the office is built, we will be able to move our offices from the clubhouse area, allowing the residents private use of the clubhouse once again. The expansion will include a billiards room, resident business center, full kitchen and bar, and a lounge area with plasma TV. It will be the perfect place to entertain your friends! Once we receive approval from the coastal commission, we will add a heated pool, overlooking the ocean!

Exterior painting and updated landscaping is scheduled to begin in the near future.

We are now offering \$300 resident referral checks if you refer a qualified resident to us! You will receive the check after the new resident has resided with us for 30 days.

As owners of your community, we are committed to maintaining it at a higher level. We must now enforce the terms of the lease that limit the items on patios and balconies, as well as removal of anything attached to the building, or items outside of doorways. We are allowing one week for these items to be removed. After July 15th, we will remove satellite dishes from the building, and remove items from common areas and corridors. Please arrange for your satellite dishes to be placed on tri-pods by that time. Thank you in advance for your understanding and cooperation!

Thank you for your residency at Land's End Apartments!
Land's End Management Team



Rachel 

LAND'S END
ocean front lifestyle

The DVD's are in! Stop by the office to pick one up! Our new weekend hours are 10-5 Saturday and 12-5 Sunday.

Thank you for clearing your patios and balconies! We realize many of you have lived here for years, and the changes are a big adjustment for some. Your community is looking great, so again, thank you! If you need help removing heavy items, or detaching a satellite dish, just give us a call and we will arrange for maintenance to help you.

You may have noticed the exterior paint samples that were tested on building #102. While 2 of the color combinations look good, one of them is hideous! We have chosen the colors painted on apartment #8. Hopefully we will get approval to move ahead soon!

For your convenience, there are 3 new doggie waste receptacles throughout the property. We have also ordered a 55 gallon River Rock trash receptacle for the stairway to the beach. Maintenance will be picking up the trash on the beach once or twice a week to keep it nicer for all of you. Just a friendly reminder, when visiting the office with your pets, please make sure they are leashed. Pets are not permitted in the spa area.

Thank you for your patience during the renovation process. We think you will enjoy the end result! The noise can be disturbing for some who sleep during the daytime hours. We have a guest suite available on a limited basis if you would like to get some extra ZZZ's. After August 1st, the guest suite will be available to residents who have guests visiting from out of town. The rate is \$50 per night and covers the expense of cleaning. Much cheaper than a hotel, more convenient, and great for the mother-in-law! ☺

Renter's insurance is now required on all new leases or renewals. We suggest contacting your auto insurance provider for the best coverage. It's usually \$15-20 per month, but covers all your personal belongings in case of fire, flood, or theft. It's a great investment! We also have a limited liability policy available through the office.

Please come by our Resident's Open House this Monday, July 17th from 5:30PM-7:30PM! Our new studio and 1 bedroom models are now open. If you are interested in transferring, come by to discuss your options. We are offering a \$1000 discount to qualified residents with positive rental history on a 12 month lease! If you are interested in transferring before you lease is up, we can do that, too! We will also be available to answer any renovation questions you may have. See you there! Thank you for your residency at Land's End Apartments!

Land's End Management Team

Join us ..

For A
Resident's
Open House!

Monday, July 17th

5:30 pm-7:30 pm

Land's End Clubhouse

Check out the new model
apartments!

Meet your neighbors!

Door prizes!

Food and drinks!

See you there!



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

CITY HALL • 170 Santa Maria Avenue • Pacifica, CA 94044 • (650) 738-7341 • Fax (650) 359-5807

Scenic Pacifica

May 10, 2006

Bart Willoughby
735 Hickey Boulevard # 545
Pacifica, California 94044

RE: Complaint at: Lands End Apartments, Pacifica, California

Dear Mr. Willoughby:

This letter serves to confirm receipt of your complaint letter and attachments dated May 7, 2006. The aforementioned letter has been reviewed by the Building and Code Enforcement Divisions respectively and all pertinent issues are being addressed. Contact with responsible parties has been established and requisite permits are currently being processed. Please feel free to contact me at 650-738-7343 or the Building Division at (650) 738-7344 if you have further inquires.

Thank you for submitting a clear and concise record of your concerns.

Sincerely,

Jason Lo
Code Enforcement Officer

cc: Mayor Sue Digre
Mayor pro Tem Peter DeJarnatt
Calvin Hinton, City Council Member
James Vreeland, Jr., City Council Member
Julie Lancelle, City Council Member
Michael Crabtree, Planning Director
Cecilia Quick, City Attorney
Steve Brandvold, Fire Marshal (North County Fire Authority)
Jim Saunders, Chief of Police

Monday.....8:00am to 5:00pm
Tuesday.....8:00am to 5:00pm
Wednesday.....8:00am to 7:30pm

Thursday.....8:00am to 5:00pm
Friday.....8:00am to 1:30pm

Land's End Advertising Signs on Public Property Photographed on August 5, 2006



LexisNexis™ Academic

Deering's California Codes Annotated
Copyright © 2006 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED ***
*** THROUGH 2006 CH. 62, APPROVED 7/07/06 ***

PENAL CODE

Part 1. Crimes and Punishments

Title 13. Crimes Against Property

Chapter 12. Unlawful Interference With Property

Article 2. Unlawfully Placing Signs on Public and Private Property

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Pen Code § 556 (2006)

§ 556. Placing of advertising signs on public property

It is a misdemeanor for any person to place or maintain, or cause to be placed or maintained without lawful permission upon any property of the State, or of a city or of a county, any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business or profession, or anything that is to be or has been sold, bartered, or given away.

HISTORY:

Added Stats 1953 ch 32 § 10.

NOTES:

Former Sections:

Former § 556, similar to present B & P C § 17532, was added Stats 1915 ch 654 § 1 and repealed Stats 1941 ch 63 § 2 (B & P C § 30041).

Historical Derivation:

Stats 1911 ch 487 § 1.

Cross References:

Punishment for misdemeanor: Pen C §§ 19 et seq.

Exception for legal notices and road signs: Pen C § 556.2.

Outdoor Advertising Act: B & P C §§ 5200 et seq.

Permits for advertising displays: B & P C §§ 5350 et seq.

Collateral References:

Cal Forms PI & Practice, ch 14, "Advertising".

Witkin & Epstein, Criminal Law (2d ed) § 682.

Attorney General's Opinions:

Pen C § 556 applies only to commercial advertising and is not applicable to campaign signs of candidates for public office. 70 Ops. Cal. Atty. Gen. 296.

Hierarchy Notes:

Pt. 1, Tit. 13, Ch. 12 Note

Pt. 1, Tit. 13, Ch. 12, Art. 2 Note

SUGGESTED FORMS

Allegation Charging Placing of Signs, Etc., on Public Property Without Permission





Check out these communities with 360° Virtual Tours at www.ForRent.com

360° Virtual Tour	Area/Community <small>These geographical sections correspond to the banners on each ad and the areas shown on the map. ☎ = Call for information.</small>	Phone	Map	AD Page	See Also	Starting Prices			Baths	Fitness Center	Patio/Balcony	W/D in Unit	W/D Hookup	Pool	High Speed Internet	Covered Parking/Garage	Business Center	Extra Storage	Alarm Systems	Fireplace	Air Conditioning	Controlled Access	W/D Facility
						Studio/Efficiency	1 Bedroom	2 Bedroom															
	Goods & Services																						
	Central Self Storage	408-848-9772			318																		
	Pet Friendly Communities																						
	Archstone San Bruno	650-331-0485			116																		
	Bay View Terrace	866-864-9605			67/			1050	1275	1500													
	Del Air Fairway	925-735-3047			67/		850	1095	1395														
	Bella Vista	866-435-2089			75			1290	1535														
	Belmont Apartment Homes	866-222-3840			260			799	999														
	Blossom Hill Apartments	866-280-6452			67/																		
	Briarwood at Central Park	866-860-8107			173		850	955	1150														
	Bristol Commons	866-749-8774			92	67/																	
	Brookside Oaks	866-745-2765			92	67/																	
	Canyon Oaks	888-305-1021			210																		
	Carlmont Woods	415-592-3139			67/																		
	Carlisle Apts., The	866-578-0813			55	67/																	
	Civic Plaza	866-287-2963			67/																		
	Clayton Gardens	866-864-9727			67/			825															
	Colonnade, The	866-826-4910			67/		850	950	1600														
	Courtyards @ 65th, The	866-792-7117			138																		
	Cross Pointe	888-807-4937			238			1265	1600														
	Cypress at North Park	877-340-0501			36	324																	
	Del Norte Place	877-238-7219			266																		
	Dry Creek	866-830-0641			70	67/		1105	1325	1525													
	Enclave	877-285-2957			34	67/																	
	Esplanade	408-993-8118			67/																		
	Fairway Glen	866-256-3368			44																		
	Foothill/Twin Creeks	925-830-9745			67/				1655														
	Franklin Street Apartments	866-827-1928			104			1595	1895														
	Harbor Cove	877-896-3548			67/																		
	Hidden Creek	866-831-9549			297	67/																	
	Landmark, The	866-834-7028			11																		
	Lands End	866-834-7032			112																		
	Laurels at North Park	877-681-3849			36	324																	
	Le Parc	408-984-2100			67/			1225	1425														
	Livermore Gardens	866-287-2969			67/																		
	Marbaya Apartments	866-369-3459			182	67/																	
	Marina Cove	408-984-2331			67/																		
	Martinez Hillside Apartments	866-836-0021			67/																		
	Mill Creek	888-360-2453			210																		
	Montclair, The	866-745-5340			67/																		
	Mt. Sutro Apartments	415-664-2822			67/																		
	Muirlands at Windemere	877-855-0786			214																		
	Muirwood Apartment Homes	866-836-7893			236	67/		995	1275														
	Nantucket	866-836-7894			74																		
	Oaks at North Park, The	877-340-0506			36	324	1440	1575	1910	2570													
	Orchard Ridge	866-838-2734			52	67/		1015	1245														
	Pines at North Park, The	888-705-8144			36	324																	
	Pleasant Hill Village	866-863-6408			67/																		
	Pointe at Cupertino, The	866-745-5360			80	67/																	
	Regency Tower	866-864-9719			67/			995	1195														
	San Jose Greens	866-280-6795			67/				1300	1600													
	San Marcos Apts.	888-676-8702			67/			1125	1350														
	Santa Teresa Apartments	866-280-6637			67/			875	1100	1400													
	Sequoia Glen	866-846-1172			52	67/	895	995	1225														
	Skyline Heights	866-846-1178			11	124																	
	Skyline View	866-717-8693			67/			1025	1300	1550													
	Stevenson Place	866-838-2726			181	67/		933	1302														
	Stonewall at Diablo Hills	866-404-0179			222																		
	Summerhill Commons	866-848-5160			67/			900	1200														
	Summerhill Park	408-245-4536			93	67/																	
	Summit at Paradise Valley, The	866-428-7838			285	67/		1180	1355														
	Sundance	866-856-9879			282	67/		935															
	Thomas Jefferson	866-745-2768			90	67/																	
	Tides, The	866-373-9914			270			1300	1625														
	Treetops	866-836-7890			181	67/		955	1215														
	Villa Morada	866-697-7502			158	67/																	
	Village Green (San Jose)	866-287-2825			67/																		
	Villas at Bair Island Marina, The	877-305-6437			105			1855	2080	3120													
	Vista Belvedere	650-435-8700			67/																		
	Waterford Place, The	866-354-6877			54	67/																	
	Waterstone at Santa Clara	866-861-7839			11																		
	Wimbledon Woods	866-863-6409			153	67/																	
	Windsor Ridge	866-352-2332			89	67/																	
	Woodchase	888-201-0275			140			892	1112	1267													
	Senior Communities																						
	California Hill Senior Apts.	866-223-5099			225																		
	Clayton Gardens	866-864-9727			67/			825															
	Gardens at Ironwood, The																						



Lands End

100 Esplanade Avenue, Pacifica, CA 94044

1-888-532-5094

Description:

If the sound of the ocean waves comforts you, you'll feel at home at Land's End Apartments. Our beach access provides you with hours of enjoyment. You can relax on the beach or your private patio while watching the waves, whales, and dolphins. Land's End Apartments offer every convenience for your busy lifestyle, from the gated underground parking to washer and dryers in the unit. Living at Land's End Apartments means never having to go on vacation. ASK TO SEE OUR NEWLY RENOVATED UNITS! WAITLIST FORMING! Features Cherry Wood Cabinets with Melamine Interior, Gourmet Kitchen with Stainless Steel Appliances, Granite Countertops, Slate Entry, Slate Fireplace Hearth, Crown Molding, Designer Window Coverings, Top of the Line Plumbing Fixtures, and Stackable In-unit Washer and Dryer.



Pricing

Table with 8 columns: Style, Beds, Ba, 1/2Ba, SqFt, Price, Term, Deposit. Rows show apartment styles with varying bed counts and prices.

Prices and availability subject to change without notice. For more information, contact property at 1-888-532-5094

Apartment Features

- Balcony
Cable Ready
Ceiling Fan(s)
Dishwasher
Some Paid Utilities
View
Washer & Dryer Connections
Washer & Dryer In Unit

Community Features

- Clubhouse
Emergency Maintenance
Fitness Center
Garage and/or Covered Parking
High Speed Internet Access
Laundry Facility
Public Transportation
Swimming Pool
Whirlpool/Spa

Office Hours

Mon-Fri 9:00 to 6:00
Saturday 10:00 to 5:00
Sunday 12:00 to 5:00

Directions

Take Highway 280 to Highway 1/Pacifica, exit Manor, to the right, drive about 2 1/2 blocks then turn left at Esplanade and make a right into our driveway. We are located in the center of the property.

Special Features

- Furnished Available
Pets Allowed
Short Term Available

Pet Policy

Pets Accepted Deposit: \$600
Dogs under 35 lb. Pet rent \$25/mo.

Apartment guide.com logo and Property Coupon: MOVE-IN SPECIAL: ONE MONTH FREE ON A 12 MONTH LEASE. HALF MONTH FREE ON A 9 MONTH LEASE

Chris Kern

From: Culver, Joan (US - San Francisco) [joculver@deloitte.com]
Sent: Monday, August 07, 2006 11:22 AM
To: Chris Kern
Cc: Culver, Joan (US - San Francisco)
Subject: FW: Commision Appeal No. A-2-PAC-06-007 Permit #CDP-265-05i

Per our conversation here is my statement regarding the hearing in Southern California on this matter. I would like this statement be read into the record and filed. Please respond upon receipt of this email so I know that this is being done.

Joan Culver

* (415) 783-5623 Direct
* (415) 783-9403 Right Fax
* (650) 355-3770 Home
* (650) 255-0417 Mobile

To: Yinlan Zhang
alifornia Costal Commission
North Central Coast District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
415-904-5260
www.coastal.ca.gov

cc: Michael Crabtree
City of Pacifica
10 Santa Maria
Pacifica, CA 94044-2506

Bart Willoughby
735 Hickey Blvd. #545
Pacifica, CA 94044
415-238-8837

I hereby testify that Lands End Apartments, Attn: Nassar Elsalhi; F.P.A./B.A./F. Lands End Associates, Attn: Greg Fowler at 100 Esplanade, Pacifica, CA (APN(s) 009-023-070, 009-024-010) have defaulted on their obligation to properly notify Lands End tenants of notices, hearings, and construction work to be performed. In calling Trinity Management last week by accident I found out about the upcoming hearing scheduled in Southern California on August 10, 2006. I want these comments to be placed in public record at the hearing to support the failure of Lands End to notify and keep residents of this complex informed of hearings regarding this property. Allowing this hearing to take place out of the area denies residents of this complex the opportunity and rights to be heard on how Lands End Management is changing the circumstances of their original permit as well as the violation of allowing this current permit to be accepted by the Coastal Commission without further investigation into the general practices of the absentee property owners of Lands End. Hearings are for acceptance of testimony and you are circumventing this process by allowing the hearing in the Los Angeles area on August 10, 2006.

This landlord has attempted to throw or drive people out of their long-term residents by noise, injury and deceit. They do not poll in writing the needs of the people of this long-term community and they tear down notifications placed by honest tenants to notify people of events that directly affect them. They have kept deposits without cause and have basically caused fear in all the old time tenants because they know that they have to remodel all units within a two year term or they

fail to meet their loan requirements. This means that low-income housing will cease without cause or proper hearing which violates the original building permit.

They will not accept responsibility of their personnel and I have personally seen their staff remove notifications from the parking structures, I happened to be off that day and they didn't expect me to notice the removal. They place notifications on doors without securing them properly or mailing them via USPS mail. They give less than 24 hours notice on repairs and water shutoffs and I have never received a City of Pacifica notification of hearing nor any paperwork from the California Coastal Commission until recently I received this by talking with another tenant and they got a copy of it from Bart Willoughby. I heard from a tenant that there was going to be a hearing regarding the issue of the clubhouse and new pool and when I called Trinity Management last week they informed me that the hearing for the Coastal Commission was planned for August 10, 2006 in the Los Angeles area. This is an attempt to avoid all discussions and concerns of the long-term residents of Pacifica and this change of venue seems to be another attempt for Lands End Management to avoid the lawful notification and voice of the residents. This property is not in the Los Angeles district but in the North Coastal Central Coast District Office and hearings should be mailed to all residents within a reasonable time so they have the opportunity to attend and testify. Their leasing office manager refuses to discuss the current permits or give us any information. I have even witnessed Leasing Agents lying to prospective residents about the remodeling, the construction and their plans for the property. They have stated that have full approval, without mention of the upcoming hearing. They claim to have pooled the residents opinions but did not send via USPS mail the notifications for this discussion and they did not log in their records that several people objected to this proposal based upon this project removing trees and changing the landscape without benefit to the coastline. I do not know which residents they pooled to discuss these changes but I know a lot of residents and none have received any cooperation with the new management nor have they received information, notices or tried to discuss this issue with the tenants. They are solely trying to upgrade the units superfluously and then raise rents to inflate their property's worth and justify their investments to the bank and their partners. They are like locusts who feed on the land and then leave it to die.

I understand that their loan may have something to do with converting all the old units to remodelled units with the sole intent to change this property from a mid-income property to a inflated property rental. This is in violation of their original coastal permit to build and they are taking a long-term community and turning it into a sham which will cause the coastline to change and not for the betterment of the people of Pacifica or the Commission.

Tenants are in fear of losing their homes, they are being harrassed by management and not being notified properly. This needs to cease and denial of their permit is the first step in giving this complex a chance to survive.

Please consider our concerns and deny this permit and construction as it does not benefit the coastline and harms tenants and residents of Pacifica from the original intent of the permit to build these units. Please send to me via email at: joculver@deloitte.com all the notifications and transcripts of all correspondence between the property owners and the various government agencies for my records. Failure to respond to my request could be considered a failure of the Coastal Commission to see to ALL the needs of the people of this coast and raises questions on whether it denies the residents rights and opportunity to present testimony against this type of property mayhem. It raises the questions if the Coastal Commission is in the back pocket of the large investment and real estate barons and I feel a full investigation of this matter should be investigated further via the

media and news agencies but I am giving you the opportunity to see to my interests before I press forward.

Thank you.

Joan Culver
112 Esplanade Avenue, Apt. 255
Pacifica, CA 94044
Office - 415-783-5623
Home - 650-355-3770
Cell - 650-255-0417

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited. [v.E.1]