

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400

Th6

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

April Meeting of the California Coastal Commission

MEMORANDUM

Date: April 15, 2010

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

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the April 15, 2010 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

REGULAR WAIVERS

1. 2-10-012-W Pacific View Villas Homeowners, Association, Attn: Joe Orlando (Pacifica, San Mateo County)

EMERGENCY PERMITS

1. 2-10-010-G Palmetto 1300, Llc (Pacifica, San Mateo County)

IMMATERIAL AMENDMENTS

1. 2-05-013-A1 California Department Of Transportation, District 4 (Pescadero, San Mateo County)
2. A-2-SMC-00-028-A4 Steve Blank (Pescadero, San Mateo County)

EXTENSION - IMMATERIAL

1. A-2-PAC-07-022-E1 Pacifica Beach LLC (Pacifica, San Mateo County)

TOTAL OF 5 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c), Section 13252(e), and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-10-012-W Pacific View Villas Homeowners, Association, Attn: Joe Orlando	Reconstruction of the rock rip rap revtment as described in March 30, 2010 letter from Engineered Soil Repairs (ESR) and ESR Plans S1 - S2 stamped and signed by Steven O'Connor on 3/30/10. The re-constructed revetment will be located at the toe of the filled slope, and its footprint will not exceed that which was permitted under CDP No. 3-82-228. The project will utilize existing exposed and buried rock at the site and will import rock not to exceed 1,000 tons. Construction vehicles will access the project site from the City of Pacifica owned lot located at the 400 block of Esplanade Avenue (APNs 009-131-030 and 009-131-010). No construction equipment will be allowed in coastal waters at any time, and work on the beach will only be done during the low tide periods of the day when allowed by the wave conditions. During non-work periods, the equipment will be staged on the upper bluff area on the City-owned property at 400 Esplanade Avenue. All construction debris will be collected and disposed of at an approved dump site at the end of each working day. Property owners or their designated agent will submit to the Executive Director 'as-built' plans and cross-sections and photographs of the completed revetment when construction is completed.	200-224 Palmetto Ave., Pacifica (San Mateo County)

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-10-010-G Palmetto 1300, Llc	In-kind repair of existing rock slope shore protection at the top of the bluff; 560 sq. feet area extending 40ft. along 4th Avenue. Place 100 cubic yards of rock material and 1,000 sq. ft. geo-fabric . Work to be done from existing road.	1300 Palmetto Avenue, Pacifica (San Mateo County)

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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<p>2-05-013-A1 California Department Of Transportation, District 4</p>	<p>Time extension amendment until August 31, 2010 to provide the final design and alignment of the trail and stairways (Special Conditions 4-(A)-ii and 4-(B)-ii) and until April 30, 2011 to complete construction on the trail and stairways west of Highway 1 at Pescadero State Beach (Special Conditions 4-(A)-i and 4-(B)-i). This also modifies the timeline for long-term planning to address erosion on this segment of Highway 1 (Special Condition 5-ii).</p>	<p>Highway 1 at PM 13.4 and 13.6, in the vicinity of Pescadero State Beach San Mateo County, near town of Pescadero, Pescadero (San Mateo County)</p>
<p>A-2-SMC-00-028-A4 Steve Blank</p>	<p>Construction of a new fourth row of solar photovoltaic panels as depicted in a March 22, 2010 site plan on the northern side of an existing photovoltaic solar array (approved A-2-SMC-00-028-A2) in order to heat water and reduce the carbon footprint of the ranch.</p>	<p>4100 Cabrillo Highway, Pescadero (San Mateo County)</p>

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p>A-2-PAC-07-022-E1 Pacifica Beach LLC</p>	<p>Project to construct a nine (9) unit, 3-story condominium building with 10,575 square-foot subterranean parking garage.</p>	<p>1567 Beach Boulevard, Pacifica (San Mateo County)</p>

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: April 7, 2010
 TO: Pacific View Villas Homeowners, Association, Attn: Joe Orlando
 FROM: Peter M. Douglas, Executive Director
 SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 2-10-012-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13252 of the California Code of Regulations.

APPLICANT: Pacific View Villas Homeowners, Association, Attn: Joe Orlando

LOCATION: 200-224 Palmetto Ave., Pacifica (San Mateo County) (APN(s) 009-023-30)

DESCRIPTION: Reconstruction of the rock rip rap revetment as described in March 30, 2010 letter from Engineered Soil Repairs (ESR) and ESR Plans S1 - S2 stamped and signed by Steven O'Connor on 3/30/10. The re-constructed revetment will be located at the toe of the filled slope, and its footprint will not exceed that which was permitted under CDP No. 3-82-228. The project will utilize existing exposed and buried rock at the site and will import rock not to exceed 1,000 tons. Construction vehicles will access the project site from the City of Pacifica owned lot located at the 400 block of Esplanade Avenue (APNs 009-131-030 and 009-131-010). No construction equipment will be allowed in coastal waters at any time, and work on the beach will only be done during the low tide periods of the day when allowed by the wave conditions. During non-work periods, the equipment will be staged on the upper bluff area on the City-owned property at 400 Esplanade Avenue. All construction debris will be collected and disposed of at an approved dump site at the end of each working day. Property owners or their designated agent will submit to the Executive Director 'as-built' plans and cross-sections and photographs of the completed revetment when construction is completed.

RATIONALE: Proposed development involves no significant impacts on coastal resources or public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Thursday, April 15, 2010, in Ventura. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
 PETER M. DOUGLAS
 Executive Director

 (for)
 By: MADELINE CAVALIERI
 Coastal Program Analyst

cc: Local Planning Dept.
 Bart Willoughby

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EMERGENCY PERMIT

Palmetto 1300, LLC
P.O. Box 728
Lawndale, CA 90260

Date: March 9, 2010
Emergency Permit No: 2-10-010-G

LOCATION OF EMERGENCY

Pacific Skies Mobile Estates, 1300 Palmetto Avenue, Pacifica (San Mateo County)
APN 009-291-020.

EMERGENCY WORK

In-kind structural repair of the existing rock rip-rap revetment located adjacent to 4th Avenue including placement of (1) 100 cubic yards of imported rock (including 30 cubic yards of approximately 12-inch rock and 70 cubic yards of 36-inch rock), and (2) 1,000 square feet of geo-fabric at the top.

Commission staff reviewed your emergency permit application and the letter report, *Pacific Skies Emergency Slope Repair*, prepared by GeoSoils, Inc. March 2, 2010. We understand that an approximately 40-foot-long portion of the existing rock revetment along 4th Avenue has been undermined due to high tides and wave activity generated during recent winter storms. The structural repair is needed immediately to prevent the slope from complete failure and causing additional damage to the road. The unexpected occurrence of accelerated bluff exposure and erosion poses a threat to structures at 1300 Palmetto Avenue and requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,
for 
PETER M. DOUGLAS
Executive Director

Emergency Permit No. 2-10-010-G

Date: March 9, 2010

Page 2

cc: City of Pacifica
Dall & Associates (Stephanie Dall)

Enclosure: Acceptance Form

G:\North Central Coast\ - Pacifica\Pacific Skies Estate\1300 Palmetto EmergencyPermit 2-10-010-G Pacific Skies.doc

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days from the date of this permit.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to that which is described in your emergency permit application faxed to the North Central Coast Division office on March 3, 2010 that includes, a copy of the "Project Location" map a copy of the Grant Deed (notarized 2/13/2003) and the Legal Description for APN 009-291-020 ("Exhibit A"), and a letter-report from GeoSoils Inc. that includes a written description of the proposed repair, a cross-section, and street plan/map indicating the truck route, staging area, and approximate location of the failed slope. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Game, U.S. Fish & Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the California State Lands Commission.
7. Public access to and along the shoreline in the project area shall be permitted and provided to the maximum extent feasible, consistent with public safety.

Construction Responsibilities:

8. No expansion or enlargement of the existing rock revetment is permitted under this emergency permit.

9. All dislodged rip-rap rock, slope protection material, and debris from the revetment emergency repair site shall be removed from behind the soldier-pile wall, the beach and adjacent areas as part of the work required and specified under Permit Amendment No. 3-83-172-A7.
10. All areas used for construction staging and access purposes shall be kept free from any trash or debris not needed for construction purposes. Daily trash and debris haul shall be implemented.
11. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion. Contractors will take available precautions to ensure that construction materials are protected from wind and wave run-up. No construction equipment or materials shall be staged or stored on the beach. All excess material shall be removed from the site and the adjacent area after completing the repair work.
12. If, at any time while the work authorized by this Emergency Permit is occurring, any marine mammals are located on or seaward of the subject property, work must immediately stop and the Property Owner must immediately call the Marine Mammal Center in Sausalito, CA or the National Marine Fisheries Service to report that a marine mammal is located on the beach. Work must not commence until either the animal is removed by the Marine Mammal Center or the National Marine Fisheries Service, or until the animal returns to the ocean on its own without any harassment.
13. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The near vertical slope of the repair area may be prohibitive for installing a berm or fence to prevent material from sliding on to the beach; however, the Permittee will avoid impacts outside of the repair area to the maximum extent possible. Contractors shall monitor the beach and revetment area regularly during construction to ensure no construction materials and or debris is left on the beach. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary or feasible (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.
14. A copy of the signed Emergency Permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and

meaning of the Emergency Permit, including all of its terms and conditions, prior to commencement of construction.

15. Construction Contractors shall use Best Management Practices (BMPs) to ensure that no debris or contaminants are discharged to the ocean. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, garbage, chemicals, etc.) from entering Pacific Ocean waters. Methods may include, as applicable or feasible, placing hay bales, fiber roles, sand bags, and or silt fencing. Contractors shall ensure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.
16. The construction site and staging area(s) shall be maintained with good construction housekeeping measures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; and remove all construction debris from the beach.

Post-Construction Responsibilities:

17. Within seven days of completion of the work authorized by the Emergency Permit, the property owner shall submit photographic evidence of compliance with the Emergency Permit.
18. Within 30 days of completion of the construction authorized by this Emergency Permit, the permittee shall submit site plans and cross sections prepared by a certified civil engineer or engineering geologist, clearly detailing the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this Emergency Permit.
19. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

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EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400

RE: **Emergency Permit No. 2-10-010-G** (Pacific Skies Emergency Slope Repair)

INSTRUCTIONS: After reading the Emergency Permit, please sign this form and return to the North Central Coast District Office within 15 working days from the permit's date (i.e., by March 24, 2010).

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

Signature of property owner or
Executive Director

Name

Address

Date of Signing

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director *PD*
DATE: April 5, 2010
SUBJECT: **Permit No: 2-05-013-A1**
Granted to: California Department Of Transportation, District 4

Original Description:

for **After-the-fact authorization for construction of rock slope protection to protect Highway 1 from coastal erosion at three locations.**
at **Highway 1 at PM 13.4 and 13.6, in the vicinity of Pescadero State Beach San Mateo County, near town of Pescadero, Pescadero (San Mateo County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Time extension amendment until August 31, 2010 to provide the final design and alignment of the trail and stairways (Special Conditions 4-(A)-ii and 4-(B)-ii) and until April 30, 2011 to complete construction on the trail and stairways west of Highway 1 at Pescadero State Beach (Special Conditions 4-(A)-i and 4-(B)-i). This also modifies the timeline for long-term planning to address erosion on this segment of Highway 1 (Special Condition 5-ii).

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

Requested amendment is not a material change to the permit.

If you have any questions about the proposal or wish to register an objection, please contact Grace Ma at the North Central Coast District office.

cc: Local Planning Dept.

California Department Of Transportation, District 4, Attn: Nandini Shridhar

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director *PD*
DATE: April 5, 2010
SUBJECT: **Permit No: A-2-SMC-00-028-A4**
Granted to: Steve Blank

Original Description:

for **Construction of a three-story 15,780-square-foot, 31-foot-high single-family residence (6,000-square feet underground) with outlying bedrooms and underground tunnels; a swimming pool; a 2,500-square-foot, 21-foot-high equipment barn; a 6,080-square-foot, 31-foot-high horse stable; and a 1,250-square-foot, 24-foot-high farm labor housing unit on a 261-acre parcel.**

at **4100 Cabrillo Highway, Pescadero (San Mateo County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Construction of a new fourth row of solar photovoltaic panels as depicted in a March 22, 2010 site plan on the northern side of an existing photovoltaic solar array (approved A-2-SMC-00-028-A2) in order to heat water and reduce the carbon footprint of the ranch.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

Requested amendment is not a material change to the permit.

If you have any questions about the proposal or wish to register an objection, please contact Grace Ma at the North Central Coast District office.

cc: Local Planning Dept.

John Wade

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April 5, 2010

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **Pacifica Beach LLC**
has applied for a one year extension of Permit No: **A-2-PAC-07-022-E1**
granted by the California Coastal Commission on: **March 7, 2008**

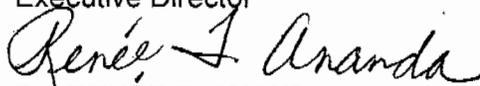
for **Project to construct a nine (9) unit, 3-story condominium building with 10,575 square-foot subterranean parking garage.**

at **1567 Beach Boulevard, Pacifica (San Mateo County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: RENEÉ T. ANANDA
Coastal Program Analyst

cc: Local Planning Dept.

Holober Nadia V., Attorney For Property Owner

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**Memorandum****April 12, 2010**

To: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
North Central Coast District

Re: **Additional Information for Commission Meeting
Thursday, April 15, 2010**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th 6	A-2-PAC-07-022-E1 Pacifica Beach LLC	Correspondence, Donna Rogers	1-3
Th 6	A-2-PAC-07-022-E1 Pacifica Beach LLC	Correspondence, Todd McCune Bray	4-5
Th8a	2-07-020 (Draper, Marin Co.)	Correspondence, Tim and Melissa Draper	6

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CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
North Central Coast District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Attention: Peter M. Douglas
Executive Director
Renée T. Ananda
Coastal Program Analyst

April 6, 2010.

I strongly object to the Extension Request by Pacifica Beach LLC for a one year extension of Permit No: A-2-PAC-07-022-E1 to construct a nine (9) unit, 3-story condominium building with 10,575 square foot subterranean parking garage at 1567 Beach Blvd., Pacifica, CA 94044 (San Mateo County).

With the history of crumbling cliffs that Pacifica has experienced, I fail to understand how the California Coastal Commission

could consider this extension request. This project could not only cause serious problems for any development this close to the cliffs, but could cause further environmental damage to neighboring structures built in this area as well as to those residents living in the vicinity of this project. The idea of a subterranean parking garage being constructed in this area could also adversely affect this fragile land.

Neighbors in the area have had great concerns about this project since its inception. As a close neighbor of this proposed project, I continue to feel extremely apprehensive, not only for the fragility of the land, but for the fact that perspective tenants of this proposed Condominium Project could be putting themselves in danger of losing their homes in the future.

Please seriously consider my strong

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objection to this Extension Request.

Sincerely,

Signature on File

(Donna Rogers)

77 Paloma Ave.

312

Pacifica, CA 94044

Renee Ananda

From: todd bray [jazb@sbcglobal.net]
Sent: Wednesday, April 07, 2010 10:44 AM
To: Renee Ananda
Subject: RE: A-2-PAC-07-022-E1 Extension request

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You are welcome, and thank you.

T
--- On Wed, 4/7/10, Renee Ananda <rananda@coastal.ca.gov> wrote:

> From: Renee Ananda <rananda@coastal.ca.gov>
> Subject: RE: A-2-PAC-07-022-E1 Extension request
> To: "todd bray" <jazb@sbcglobal.net>
> Cc: "Vanessa Miller" <vmiller@coastal.ca.gov>
> Date: Wednesday, April 7, 2010, 10:38 AM Hello Mr. Bray, I just want
> to confirm that we've received your e-mailed, written objection to the
> Pacifica Beach LLC Permit Extension Request. The Commission will
> review your objection pursuant to Coastal Commission Regulations
> (Title 14, Division 5.5) Article 6.
> Extension of
> Permits, Section 13169. Thank you. R.

> -----Original Message-----
> From: todd bray [mailto:jazb@sbcglobal.net]
>
> Sent: Wednesday, April 07, 2010 10:25 AM
> To: Renee Ananda
> Cc: Vanessa Miller
> Subject: A-2-PAC-07-022-E1 Extension request

> Dear Ms. Ananda,
>
> Thank you for the notice of permit extension for the Pacifica Beach
> LLC
> 9 unit 3 story condominium project at 1567 Beach Blvd.
> Pacifica CA
> 94044.
>
> I was on the Planning Commission when this project was initially
> approved and was the lone no vote. My concerns at the time were rising
> sea levels and acute erratic weather storms mid winter which are an
> ever increasing prediction of the world's scientific community, due to
> global warming, the dramatic effects of which were witnessed this year
> on Esplanade Ave as the cliff face calved huge amounts of the bluff to
> ever increasing violent wave action. The same wave action effects
> exist on Beach Blvd at the project site which is armored by a seawall.
>
> In the notice the question is asked whether or not there has been a
> change of circumstances concerning this project.
>
> As I understand it the project itself with a subterranean parking
> garage at or below the mean high tide water mark is unchanged.
> However given
> the severity displayed by the Pacific Ocean this year and the terrible
> damage done to private property on Esplanade I feel this project
> should be reviewed before a CDP extension is granted. Circumstance for
> this project have changed. That no life was lost on Esplanade this
> winter was a matter of luck not engineering. I feel that pursuant to
> section 13169 of Commission Regulations the circumstances concerning
> ocean erosion and "seawall topping" have changed and have changed
> dramatically.

>
> As you know the gateway to the underground parking of this project
> looks directly into the North West towards the part of the Pacifica
> Ocean where most of the fiercest winter storms are generated.
> These storms are
> the same ones that generate the 50' plus high wave faces at Mavericks
> a few miles to the south of the project site. It is not uncommon for
> existing residences along Beach Blvd to experience damage routinely
> during heavy winter storms do to waves breaching the seawall and those
> properties are protected by a seawall that is at least 3'
> higher than
> that at the project site. I would suggest a site visit by staff to
> physically view the project site in relationship to the ocean if there
> is a need for clarity.

>
> Out of concern for public safety I object to the projects CDP
> extension without a formal Commission Board review and request that
> staff reconsider it's recommendation and find that indeed
> circumstances for this project have changed.

>
> Due to waves breaching the seawall in the project area increase with
> time and as we have witnessed they will in the most unpredictable way,
> I think that Pursuant to Section 13169 of Commission Regulations
> circumstances for this project have changed enough for the CDP
> extension to be reviewed by the Commission Board at a scheduled
> Commission meeting.

>
> Thank you for your attention to this matter.

>
> Regards,

>
> Todd McCune Bray
> 468 Donaldson
> Pacifica CA 94044
> 650 355 6788

>
> cc: Commission Executive Board

>
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>
>
>
>
>

Tim & Melissa Draper
172 Elena Avenue
Atherton, CA 94027
650.325.6773

Th8a

April 6, 2010

CDP Application 2-07-020
560 Pierce Point Road, Inverness
(APN-109-300-10)

via email and u.s. mail

RE: Staff Report: Regular Calendar April 15, 2010 Item #Th8a

Dear Ms. Cavaliere,

We are the owners of property at 560 Pierce Point Road, Inverness and applicants for CDP #2-07-020. We are in receipt of the Notice of Public Hearing for April 15, 2010 wherein our CDP application will be heard by the Coastal Commission. We are also in receipt of the Staff Report: Regular Calendar item Th8a.

Upon careful review of the Staff Report by our consulting team and ourselves we find the following:

1. The report is accurate and replete with the details of our project, and
2. We support the staff recommendation to approve the repair project and the noted "expansion" and find that the report is replete with evidence to support the staff findings consistent with Coastal Act section 3033, and
3. We have carefully reviewed the staff's recommended "Standard Conditions" and "Special Conditions" and agree to the conditions as presented, and
4. We are prepared to sign the permit acknowledging receipt of the permit and acceptance of the terms and conditions contained therein.

For the above enumerated reasons we hereby request that this matter be considered for placement on the Coastal Commission consent agenda for the meeting scheduled April 15, 2010, 9AM Ventura Board of Supervisors Chambers.

Thank you in advance for your kind consideration of this request.

Sincerely,

Signature on File

Tim and Melissa Draper

Renee Ananda

Tb 6

From: todd bray [jazb@sbcglobal.net]
Sent: Thursday, April 08, 2010 1:08 PM
To: Renee Ananda
Subject: see photo RE: A-2-PAC-07-022-E1 Extension request

Attachments: beachboulevard624x419.jpg



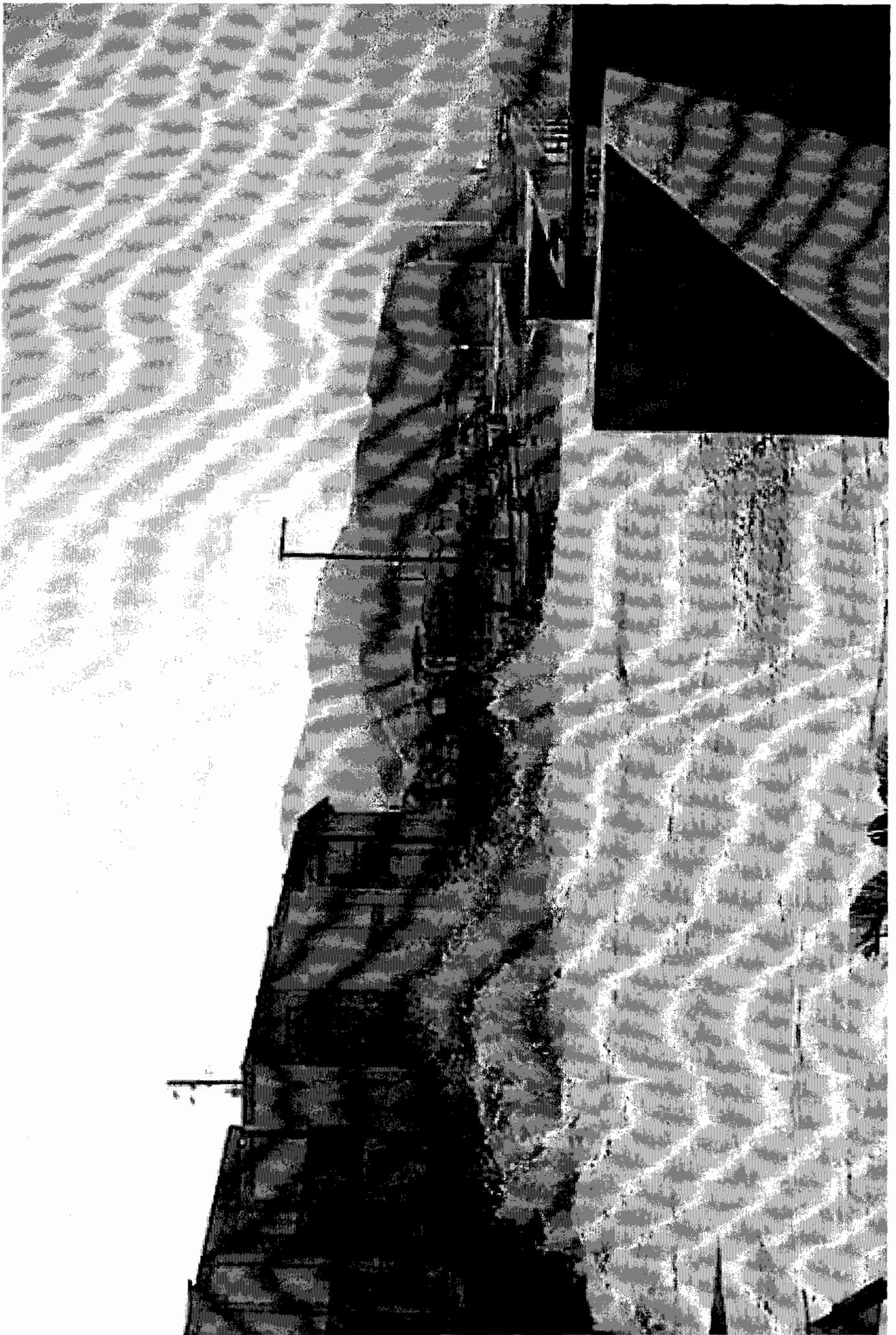
beachboulevard624
x419.jpg (78 ...

Hi Renee,

Here is a photo of Beach Blvd this year. The area shown is protected by a seawall 3' higher than the seawall at the project site seeking the extension. I hope this photo is shown with my letter mailed earlier today.

Yours.

Todd McCune Bray
650 355 6788



April 12, 2010

RECEIVED

Th6

Mr. Peter M. Douglas
California Coastal Commission
45 Fremont Street, Ste. 2000
San Francisco, CA 94105

APR 13 2010

CALIFORNIA
COASTAL COMMISSION

re: Permit A-2-PAC-07-022-E1

Dear Mr. Douglas;

I was surprised this project was approved in the first place; the permit certainly shouldn't be extended. I understand the Commissions role in protecting the coast – doesn't it have some duty to protect people as well?

This project endangers the buyers, plain and simple. Not only their physical beings, but their financial security as well. The most telling requirement of the approval is the complete indemnification of all people for all time; i.e., **you acknowledge that you are an idiot to buy here, but we won't stop you if you won't sue anybody, even if you can't live here.**

Please take a look at the facts. Talk to Charles Lester (as a last minute stand in, he just repeated whatever the staff report said) and ask him his opinion about it now. Ask yourself if the project would be approved today, especially in light of what has occurred on Esplanade Ave. to the north.

I think you owe a little more to the people of California than development in spite of all odds, and to heck with sustainability and livability. I ask that the permit not be extended.

Respectfully,



Patrick Rentsch
1581 Beach Blvd.
Pacifica, CA 94044

Th 6

RECEIVED

APR 13 2010

CALIFORNIA
COASTAL COMMISSION

Nancy L. Merchant
77 Paloma Avenue #201
Pacifica, CA 94044-2249
(650) 359-1599
nmerch2009@gmail.com

April 12, 2010

Mr. Peter M. Douglas
Executive Director
California Coastal Commission
Northern Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: 1567 Beach Blvd., Pacifica
Permit No. A-2-PAC-07-022-E1
Objection to Extension Request

Dear Mr. Douglas,

I continue to disagree that this project is consistent with the Coastal Act, therefore I **object to an extension to the permit.**

- The project does not conform to *Section 30253 of the Coastal Act* whereby "*New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.*" The original approvals by the City of Pacifica were contingent upon additional shoreline protection (raised seawall, retaining wall, road, etc.) to mitigate the inherent hazards of this site. The Coastal Commission's Conditions of Approval, which disallow additional shoreline protection now or ever, actually **maximizes risks** to the property, future homeowners, neighboring properties and the environment.
- With all due respect to Mr. David Skelly of GeoSoils, Inc., his opinion about the coastal hazards and longevity of the seawall differs depending on whether he is representing the City of Pacifica or the Applicant and, therefore, is unreliable. (In order to conserve paper, please see the North Central Coast District Deputy Director's Report, March 7, 2008, Item F4, Additional Information pages 2-12 for substantiation.)
- I realize that the ongoing erosion of the bluffs to the north of the subject property differs somewhat, but it illustrates the contradiction of allowing risky construction and then denying responsibility when the disaster occurs. By virtue of a permit, future homeowners and renters are likely to believe the project to be reasonably safe; otherwise officials would not have allowed it to be built. The warnings in the fine print will go unheeded as being as unlikely as being hit twice by lightning. The project will be safe until it isn't safe, and then the City and the Coastal Commission will deny responsibility (even though they allowed the project to be built with full knowledge of the

Objection to Extension Request
Permit No. A-2-PAC-07-022-E1
April 12, 2010

hazards). (See attached article from the *San Mateo County Times* regarding property along Esplanade Avenue which was occurring around the same time (Spring 2008) of the De Novo hearing for this project, and which continues to be worse today because no action was taken by the City to mitigate it, even though a current concern is that it may affect public infrastructure.)

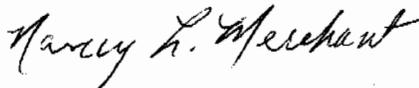
Unfortunately this project coincided with staffing changes on the Coastal Commission which resulted in a lack of continuity and familiarity with the issues. The analyst who completed the Substantial Issue Staff Report, Michelle Jesperson, left the Commission in November 2007. Michael Endicott, District Manager, wrote the (bizarre) Staff Report (filed 02/22/08) and resigned under unexplained circumstances on 03/01/08, less than a week before the De Novo Hearing. The Staff Report did not contain any reference to items submitted by myself, Mr. Rentsch and other interested parties that were received prior to the filing date of the Staff Report.

I am convinced that, because of the staffing issues and the fact that it is an infill project, this project did not get the thorough consideration it deserved. The Staff Report says, in essence, that the site is admittedly hazardous; but go ahead and build it big, tall and deep, with the driveway to an underground garage in about the most hazardous location possible, without mitigations. It doesn't make sense and, in the long run – for almost everyone involved – it doesn't make cents.

I fail to understand how this project, especially without allowing additional shoreline protection, can meet the standard of *Section 30253 of the Coastal Act*. Please deny the permit extension.

Thank you for your consideration.

Sincerely,



Nancy L. Merchant

Encl. _____

Pacifica cliff-dwellers watch their land slip away

Residents' hopes eroding fast on Pacifica beachfront

By Julia Scott, STAFF WRITER

Article Created: 02/23/2008 02:43:43 AM PST

PACIFICA - Tim Waite cringes every time it rains.

When the Esplanade Avenue resident steps out on his back balcony to take in a view of the ocean after a storm, he also assesses the damage the rain has added to a 20-foot gully that opened up last winter in the cliff his apartment building rests on.

"That hole is about five times bigger than it was two weeks ago," said Waite, who lives behind a stretch of yellow caution tape a building employee installed for his own safety.

Waite looks out over a flimsy wooden railing into the yawning pit of loosened sand where the blufftop used to be.

"They're going to condemn this building. I just wish they would do it or not do it," he said, referring to the city. "I don't want to move. I like it here. My next place won't be ocean view."

Waite needn't worry. In spite of known damage since 2003, no city official has been out to inspect the deepening sand gully or the steadily eroding cliffs behind Ocean View Apartments, where he lives.

Last Saturday's landslide on the other end of Esplanade, which temporarily buried a teenage girl walking along the beach near the bottom of a cliff with her friends, came as no surprise to city officials or geologists who have known of the Esplanade cliff area's particular susceptibility to both heavy wave action and sustained storm damage.

Just a stone's throw from the RV park below in which last week's landslide occurred lie the abandoned cement foundations of seven homes that were lost or demolished when the cliff retreated by an unprecedented 30 feet during the El Nino storms of 1998. Long-term studies of the coast along Pacifica show that the bluffs naturally retreat by as much as 4.6 feet per year, although pounding winter weather can suddenly cause a cliff to fail and take a lot more sand and dirt with it.

Whose responsibility?

Beyond cordoning off the corner of the RV park that lost a piece of cliff, city officials plan no actions to address the problem of overall cliff erosion along Esplanade, according to Planning Director Michael Crabtree.

"It's the responsibility of the homeowner to make sure their building is safe. It's not the city's responsibility to keep the cliff from retreating on private property," Crabtree said.

Nor is it the city's job to analyze damage to private property, he added.

"If they suspect the cliff is retreating, it is up to them to have an expert determine whether there's a danger."

That would likely be news to Jonathan Bixter, a new tenant on a month-to-month lease of a house at 532 Esplanade. The building is one of two dilapidated single-family homes still sitting in a narrow cleft between Esplanade and a sheer drop to the ocean. They were left behind after their neighbors disappeared 10 years ago.

Both homes were likely set back far enough from the retreating blufftop to be spared from demolition in 1998, according to an engineering geologist with Cotton, Shires & Associates, the firm that prepared a 2001 report based on what happened that winter.

These days, Bixter's backyard is mostly filled with crude brick terraces holding down a descending hillside of dirt and sand. He and his roommate had to put tarps down this winter when he noticed all the water spilling downhill.

"When it rains, it's not supposed to be running off the cliff like that. It forms these little channels and starts taking sand with it," Bixter said.

Crabtree said the city regularly inspects the public blufftops along Esplanade, but said he was "not aware" of any inspections of any private property lining the cliff since 1998.

"There's no reason for us to inspect them. They're still there because they're safe," Crabtree said. Besides which, he added, "We couldn't afford that. We'd have to do that for every blufftop property."

Engineering Department Director Van Ocampo did not return a call by press time.

Phil Johnson, supervising engineering geologist with Cotton, Shires & Associates, confirmed that the city had not asked his firm, which it retains on contract, to inspect private properties anywhere on Esplanade since 1998.

It's up to a city to have a geologist inspect a property before beginning condemnation proceedings, and the process can be fraught with legal and financial complications, said David Skelly, vice president of GeoSoils Inc., a company that has provided consulting for Pacifica.

"A city has the obligation to protect life and property, in that order. Mostly to protect life. If they feel that a structure is in jeopardy, homes are yellow-tagged and red-tagged," Skelly said. "The whole question is, who's going to come in and pay for it? If it is a public hazard, the city may come in and perform demolition work and bill you. Municipalities don't like suing their constituents, so they try to work things out."

A resident whose home has been condemned could also turn around and sue the city if it appears their property was not in immediate danger, after all. Skelly calls it a "Catch-22."

"We can't tell you when an emergency is going to occur, and then the city comes in. Most of the time they look reactive, but it's difficult to be proactive," he said. "When is the city being overbearing and when are they doing the right thing?"

Seeking a seawall

Ocean View Apartments resident Bart Willoughby doesn't believe city officials are likely to condemn any part of the apartment complex he and Waite both live in, let alone send a geotechnical expert over to inspect it.

He expects it's up to the owners of the complex to slow the damage to the deepening sand gully in front of his neighbor's apartment, currently lined with tarps and sandbags. Another, smaller chunk of cliff has started to turn inward nearby.

"I didn't realize the bluff was so unstable until I moved here," said Willoughby, who has been deputized by the owners of the apartment complex to try to negotiate a solution with the California Coastal Commission. "If we don't fix these blowouts, it's going to be a problem."

That isn't the only problem. The complex is also occasionally threatened by powerful wave action, which has the effect of eroding the base of a cliff over time, weakening the land on top of it and causing an entire chunk of sand to fall into the ocean.

That happens frequently along the narrow beach fronting the cliff that holds up Ocean View Apartments. A 2007 report by Brian Collins, a geologist with the U.S. Geological Survey who has studied the bluffline along Esplanade Avenue for many years, recorded a total crest retreat of 33 feet in just one location near Willoughby's apartment during the particularly wet winter of 2003-2003. Collins says a more typical cliff retreat for the area is between 3 feet and 6 feet per year.

Willoughby's solution was to apply to the Coastal Commission for a permit to build a 20-foot seawall at the base of the cliff, tall enough to blunt the impact of the ocean and wide enough to benefit 128 apartments. He submitted a preliminary application in November 2007 with the blessing of the building's owners and an engineer they hired to provide an analysis.

A series of large riprap boulders were installed in 2003 along the base of the bluff as an emergency effort to slow the cliff's retreat, but some boulders have moved, according to Willoughby. A similar, and larger, assortment of boulders was installed along the bluff toe further south near the location of the homes lost ten years ago.

The Coastal Commission prohibits the construction of seawalls for new development, but occasionally approves them to protect existing homes and businesses.

The seawall is projected to cost approximately \$5 million - a large number, but one that pales in comparison to the alternative of losing the entire complex.

"If this goes into the ocean, we project that it would be a \$27 million cleanup for the state," said Willoughby.

The only favor he will ask of Pacifica's City Council is to pass a resolution in support of the plan.

"It's not just for us - we need to improve all of Esplanade. A seawall would last 100 years. It wouldn't just protect the owners - it would protect the city's infrastructure," he said. "We simply cannot wait."

Staff writer Julia Scott can be reached at (650) 348-4340 or at julia.scott@bayareanewsgroup.com.

http://www.insidebayarea.com/oaklandtribune/localnews/ci_8344989