

CALIFORNIA COASTAL COMMISSION

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

W5

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

October Meeting of the California Coastal Commission

MEMORANDUM

Date: October 10, 2012

TO: Commissioners and Interested Parties
FROM: Dan Carl, 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 October 10, 2012 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.

DE MINIMIS WAIVERS

1. 2-12-006-W A M J T Capital L L C, Attn: Chad Boeding (Bollinas, Marin County)
2. 2-12-016-W San Mateo County Harbor District, Attn: Mr. Peter Grenell, Gen Manager (Half Moon Bay, San Mateo County)
3. 2-12-018-W San Francisco Public Utilities Commission, Attn: Janet Ng (San Francisco, San Francisco County)

IMMATERIAL AMENDMENTS

1. 2-08-020-A1 Aimco Esplanade Avenue Apartments, LLC, Attn: Sean Finnegan (Pacifica, San Mateo County)
2. 2-11-011-A1 California Department Of Transportation, Dist. 4, Attn: Stefan Galvez (Marshall, Marin County)

TOTAL OF 5 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-12-006-W A M J T Capital L L C, Attn: Chad Boeding	Removal of approximately 40 tons of unpermitted rip-rap from the shoreline adjacent to a residence.	100 Brighton Avenue, Bolinas (Marin County)
2-12-016-W San Mateo County Harbor District, Attn: Mr. Peter Grenell, Gen Manager	Repair, maintenance and minor modifications to the existing Johnston Pier, including to: remove and replace utility and gangway supports, install several additional utility supports; remove and replace pier deck epoxy grout; replace and refurbish dock components, such as railings, boom hoists, mooring cleats and decking; replace deteriorated lighting, water lines, controls and supporting utilities; and replace fencing material near existing fuel storage buildings	Johnson Pier, Pillar Point Harbor, Half Moon Bay (San Mateo County)
2-12-018-W San Francisco Public Utilities Commission, Attn: Janet Ng	Remove four derelict docks from Lake Merced	1 Harding Road, San Francisco (San Francisco 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>
2-08-020-A1 Aimco Esplanade Avenue Apartments, Llc, Attn: Sean Finnegan	As contemplated by the Commission in special condition 1(d) of CDP 2-08-020, the CDP would be amended to allow for the approved engineered, vegetated bluff to be replaced with a soil nail wall in the same configuration and subject to the same criteria as apply to the other approved seawall segments. The Commission's reference number for this proposed amendment is 2-08-020-A1.	360 & 380 Esplanade Avenue, Pacifica (San Mateo County)
2-11-011-A1 California Department Of Transportation, Dist. 4, Attn: Stefan Galvez	CDP 2-11-011 would be amended to extend the timeframes in Special Conditions 8.A and 8.B, regarding public access mitigation requirements, to October 15, 2013.	State Highway 1, between post miles 37-09 and 37.10, adjacent to Tomales Bay, Marshall (Marin County)

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: September 28, 2012

To: All Interested Parties

From: Madeline Cavalieri, Central Coast District Manager *M C*
Laurel Kellner, Coastal Planner

Subject: Coastal Development Permit (CDP) Waiver 2-12-006-W

Applicant: AMJT Capital, LLC

Proposed Development

Removal of approximately 40 tons of unpermitted rip-rap from the shoreline adjacent to a residence at 100 Brighton Avenue; Bolinas, Marin County

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The project includes the removal of unpermitted rip-rap placed on the beach in front of a previously constructed seawall. No work would occur during weekends and/or the summer peak months, and after rock removal, the beach area would be restored to its previous condition.. In addition, the proposed project includes additional BMPs to protect water quality, such as, but not limited to, identification of all construction and staging areas, and appropriate construction BMPs (i.e., silt fences, straw wattles, washing/refueling areas, spill containment measures, site cleanup procedures, waste disposal, etc.), including those designed to prevent release of construction-related materials, liquids, soil, and debris into the ocean. As proposed, the project will not have any significant adverse impacts on coastal resources, including water quality and public access to the shoreline.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on October 10, 2012, in Oceanside. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Laurel Kellner in the North Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: September 27, 2012
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager
Nicholas Dreher, Coastal Planner *NBD*
Subject: Coastal Development Permit (CDP) Waiver 2-12-016-W
Applicant: San Mateo County Harbor District

Proposed Development

Repair, maintenance and minor modifications to the existing Johnson Pier, including to: remove and replace utility and gangway supports; install several additional utility supports; remove and replace pier deck epoxy grout; replace and refurbish dock components, such as railings, boom hoists, mooring cleats and decking; replace deteriorated lighting, water lines, controls and supporting utilities; and replace fencing material near existing fuel storage building, located on the Johnson Pier, Pillar Point Harbor, Half Moon Bay (San Mateo County).

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The project would avoid and minimize any public access impacts because activity would occur on weekdays only, and portions of the pier that are not undergoing active construction during the project will remain open throughout the duration of the project. In addition, the project would protect water quality and biological resources through numerous best management practices designed to avoid introduction of debris and epoxy into the water during project activities. These include using ammonia copper quaternary (ACQ) treated wood, storage of materials where they would not enter the water or obstruct access to the water, regular vacuuming of loosened debris and epoxy, use of divers to remove any non-buoyant materials that accidentally enter the water, use of barriers around the docks/pier to contain any buoyant debris, and plugs/seals in deck drains and other openings to prevent materials from entering the water. In sum, the proposed project would maintain the existing footprint of the pier/docks over the water, and update and enhance components of this pier for continued use by slip holders and members of the public, while avoiding impacts to the water and public access. Accordingly, the proposed project is consistent with the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, October 10, 2012, in Oceanside. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 2-12-016-W (Johnson Pier)

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If you have any questions about the proposal or wish to register an objection, please contact Nicholas Dreher in the North Central Coast District office.



California Coastal Commission

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**NOTICE OF PROPOSED PERMIT WAIVER****Date:** September 27, 2012**To:** All Interested Parties**From:** Madeline Cavalieri, Central Coast District Manager
Nicholas Dreher, Coastal Planner *NBD***Subject:** Coastal Development Permit (CDP) Waiver 2-12-018-W
Applicant: San Francisco Public Utilities Commission**Proposed Development**

Remove four derelict docks from Lake Merced, located at 1 Harding Road, San Francisco.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project is to remove docks that are currently either overgrown with vegetation or otherwise dysfunctional and abandoned, causing potential hazards to the public. Debris removed from the site would either be recycled or disposed of at an approved disposal site, no soils/sediments would be disturbed and all construction staging would be confined to paved roads and parking areas. Finally, there are numerous public recreational piers nearby that are available for public use. Therefore, the proposed project would enhance public recreational opportunities at the site by removing potential hazards and the removal activities would not cause adverse impacts to coastal resources, including water quality and public access and recreation.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, October 10, 2012, in Oceanside. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Nicholas Dreher in the North Central Coast District office.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: August 30, 2012
To: All Interested Parties
From: Madeline Cavalieri, District Manager
Karen J Geisler, Coastal Planner
Subject: Proposed Amendment to Coastal Development Permit (CDP) 2-08-020
Applicants: AIMCO, Esplanade Avenue Apartments LLC

Original CDP Approval

CDP 2-08-020 was approved by the Coastal Commission on October 7, 2011, and provided authorization for work performed along the bluff and shoreline fronting 360 and 380 Esplanade Avenue in the City of Pacifica in San Mateo County (APNs 009-413-060 & 009-131-060) under six prior emergency permits, including authorization for (1) a rock riprap revetment along the toe of the bluff extending approximately 475 feet, (2) three soil nail seawall segments covering a total area of approximately 7,772 square feet, and (3) an engineered, vegetated bluff atop a portion of the seawalls. The approved project also included a 14,171 square-foot public beach access dedication area at 360 Esplanade and a \$289,014.96 beach impact mitigation payment.

Proposed CDP Amendment

As contemplated by the Commission in special condition 1(d) of CDP 2-08-020, the CDP would be amended to allow for the approved engineered, vegetated bluff to be replaced with a soil nail wall in the same configuration and subject to the same criteria as apply to the other approved seawall segments. The Commission's reference number for this proposed amendment is 2-08-020-A1.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The Commission's approval of CDP 2-08-020 authorized 531 tons of riprap rock located in the mid to upper bluff and above the top of one of the proposed soil nail walls to be removed and then replaced with a 2,202 square-foot area of engineered, vegetated bluff unless the underlying condition of the bluff could not stabilize and support such reconstruction. Based on concerns regarding whether the bluff in this area could adequately support such an engineered vegetated bluff both the Commission's adopted findings and special conditions identified a specific substitute. The Commission's findings state:

In area 6, approximately 531 tons of rock will be removed from the mid-bluff. Once rock is removed from area 6, the Applicant plans to replace the rock with an engineered slope consisting of earth and native vegetation. However, following the removal of rock in area 6, if the underlying condition requires a soil-nail wall rather than the reconstructed slope, the applicant will apply for an amendment to this coastal development permit.

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 2-08-020 (AIMCO Esplanade)

Proposed Amendment 2-08-020-A1

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Similarly, Special Condition 1(d) states:

Area 6 – Removal of 531 tons of rock from the upper bluff and construction of a 2,202 sq. ft. engineered, vegetated slope on the area identified as Area 6 in the Plans S1 and S4. If the conditions of the bluff cannot support an engineered, vegetated bluff, a soil nail wall may be substituted, upon submittal of a permit amendment.

Thus, in its action on the CDP, the Commission identified a soil nail wall as a substitute to an engineered vegetated bluff if the conditions of the bluff could not support an engineered vegetated bluff. This amendment application is the amendment application contemplated by the Commission in its original approval of the project. Based on materials submitted by the Permittee, the conditions of the bluff cannot support an engineered vegetated bluff because the engineered slope reconstruction would require excavation into the bluff in order to create the required 1:1 slope (which is the minimum slope required to support geogrid placement), which would reduce the setback between the bluff edge and the apartment building (currently approximately 30 feet). In addition, the materials indicate that this steepened area would make it difficult for plants to be established, leading to potential exposure of the geogrid, increasing viewshed impacts and the potential for this steepened area to further cause geologic problems. Thus, the materials establish that the bluff cannot support an engineered, vegetated reconstructed bluff and that a soil nail wall in this area is necessary to ensure bluff stability and protection consistent with the Commission's original permit. The Commission's Senior Coastal Engineer and Senior Geologist have both reviewed the Permittee's materials and concur.

In terms of mitigation for impacts associated with changing from an engineered vegetated bluff to a soil nail wall in this area, the original CDP terms and conditions ensure that the soil nail wall will be required to conform topographically and made to emulate natural bluffs in this area. In addition, the Commission's original CDP approval already included mitigation for the effects of constructing a soil nail wall in this area should it be required, as is now the case, in terms of sand supply and beach access. In other words, the Permittee already mitigated for the effect of altering the area in question, regardless of whether it were to be by soil nail wall or by engineered vegetated bluff.

Therefore, the proposed amendment is consistent with the Commission's original CDP approval and the Coastal Act.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received within ten working days of the date of this notice. If such an objection is received within ten working days of the date of this notice, the objection and the Executive Director's response to it will be reported to the Commission at its next Commission meeting in either September or October, depending on when the objection is received. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Karen J Geisler in the North Central Coast District office.

Geisler, Karen@Coastal

From: Bart <wavetool@earthlink.net>
Sent: Thursday, September 13, 2012 8:54 AM
To: Lester, Charles@Coastal
Cc: Cavaliere, Madeline@Coastal; Johnsson, Mark@Coastal; Ewing, Lesley@Coastal; Geisler, Karen@Coastal
Subject: Aimco (CDP)2-08-020 Amendment (Objection)

Dear Charles Lester,

This email comprises my specific objection to the alleged "immaterial amendment" to the Aimco permit in the building of soil nail wall instead of the "engineered slope consisting of earth and native vegetation". Please refer to my emails with attachments to your attention and staff attention, regarding Aimco dated June 27, 2012, June 28, 2012, August 5, 2012 and my written response dated October 3, 2011 in response to the original approval of the Aimco permit.

The following are my objections and I am requesting this issue be presented to Commissioners under the provisions as outlined in the Coastal Notice dated August 30, 2012, and received on September 4th, 2012.

1. Given the fact that Aimco is no longer going to build an *"engineered slope consisting of earth and native vegetation"* and replacing the engineered slope with a *"soil nail wall"* the following questions require a written response.

- a. How much rock will be removed from this location and revetment supporting the proposed engineered slope that is not going to be built and the soil nail wall replacing that engineered slope?
- b. If any rock is being used for breaking the wave acceleration in front of the soil nail wall, how much rock will be used and will the rock be exposed or buried as in the Lands End project?
- c. How does Aimco propose to allow for lateral access and public access to other projects located immediate north of the Aimco revetment and soil nail wall when, Aimco threatens trespass against anyone who goes across the alleged Aimco property and revetments? See email below from Aimco's attorney to another project north of the Aimco. A good portion of the Aimco revetment currently encroaches on state property!

From: "Block, Randall" <Randall.Block@sedgwicklaw.com>
Date: June 5, 2012 4:22:50 PM PDT
To: <TStark@fftrinity.com>
Cc: "Finnegan, Sean (Redev - West Coast)" <Sean.Finnegan@aimco.com>
Subject: AIMCO Esplanade Apartments LLC

Dear Mr. Stark:

We write on behalf of AIMCO Esplanade Apartments LLC. We understand you serve as the property manager for Lands End Properties, one of the property owners to the north of AIMCO's property, which is located at 360 and 380 Esplanade Avenue in Pacifica. AIMCO has just learned you or persons associated with you have been trespassing upon its property in connection with work done for or on behalf of your client. AIMCO owns a portion of the real property located between the bluff and the ocean, and it is impossible to cross along the beach from south of AIMCO's property to the north of it without trespassing on AIMCO's property itself.

Please take this as notice immediately to cease and desist from any further trespass on, use of, or passage over AIMCO's property. Do not hesitate to call me at your convenience.

BART WILLOUGHBY

September 23, 2012

Sent Via Email Attachment Only

Charles Lester
Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Disturbing Trends (North Central Coast Division)

Dear: Executive Director Charles Lester

Recently, my attention has been focused on some very disturbing trends regarding the inability of staff in the North Central Coast Division to perform the required due diligence on several projects here in Pacifica.

The failure of due diligence ranges from:

1. The inability to perform the most basic file searches in the coordinating important data and facts.
2. The issuance of Coastal Act Violations when no violation exists.
3. Failure to acknowledge and determine the adequacy of engineering data and in some instances, ignoring that data entirely.
4. Creating a disparity between applicants especially in a location where the coastal conditions appear to very similar in analysis and composition of bluff and ocean energies.

In support of contentions above, the following information is equally available to coastal staff and referenced accordingly.

Coastal Staff issued a Notice of Coastal Act violation to Pacific View Villas (V-2-09-018) indicating that the revetment in front of the property was not permitted. September 2, 2009, I responded after spending almost a day in the Santa Cruz Office locating the file that was readily available to staff. The revetment was permitted by immaterial amendment (3-82-228) and authorized 33,000 tons of rock. However, there was a complete lack of over-sight by the Commission staff on this project. No cross section of what was completed on the revetment and total riprap authorized across the property.

Staff at the time I responded indicated that the "Commission" would have never approved the construction of the revetment by "immaterial amendment" and then went on to complain, there was no cross section of what was actually built and materials used. Reality here, the Commission approved the "immaterial amendment" and lacked the proper oversight on the project (at least this portion of the project).

After the collapse of the Pacific View Villas revetment in 2009/2010 El Nino storms on behalf of the property owners' I applied for and was denied an emergency permit to rebuild the revetment. Graciously however, the Commission did approve a permit waiver 2-10-012-W. Staff complained when the revetment was rebuilt and then issued Coastal Act Violation V-2-10-015. Complaining the revetment not built to specification approved. The fact remains and still remains to this very day in 1980 the Commission approved the City of Pacifica Local Coastal Land Use Plan dated March 24, 1980. Specifically, page C-28 indicates the following "The first of these is immediately South of the Dollar Radio Station. A portion of this property consists of a former sanitary land fill". Commission staff failed to correlate the fact, there maybe serious hazardous materials in this landfill and where no remediation of the site recorded. Frankly, given the oversight by the Commission in "immaterial amendment" and not recognizing the seriousness of materials in the sanitary landfill, if I could have placed rock across the entire width of the Pacific View Villas property, I would have done just that. This landfill issue is still very serious and whatever is in the landfill needs to stay there and not migrate to the Esplanade Beach.

The Ocean Shore Railroad has easements across several properties here in Pacifica. Specifically along the Esplanade Bluffs APN 009-074-220, 009-401-090 & 009-401-100 Dollaradio and Lands End. In 2008, I discovered during significant scouring of the Esplanade Beach several large boulders in the 2-3 ton range in the Mean High Tide location of Lands End. This was thought to be exposure of Franciscan Greenstone and upon investigation was older rock riprap. Further discovery indicated that the riprap, lay in a (fairly) straight line, going north towards Mussel Rock. This is consistent with the fact the Ocean Shore Railroad track bed used riprap across the sandy bluff to support the railroad locomotive of that time. This information was faxed to the Mark Johnsson at the Commission and to the City of Pacifica. In essence, there are thousands of tons of rock riprap buried along the Esplanade Beach from Lands End north to Mussel Rock.

Additionally, several geo tech reports indicated the presence of Franciscan Greenstone along the Esplanade Beach that included the Aimco property (Haro, Kasunich March 1999 letter). In May 2009, to confirm the existence of Franciscan Greenstone, I had the Esplanade Beach (Dollaradio-Aimco) with the use of a

power auger search for Greenstone. No Greenstone could be found at a depth of 20' from Dollaradio to Aimco property. This is now consistent with the current documentation by Aimco in seeking their "immaterial amendment". The significance of this issue is two fold, all parties including Coastal staff were given this information long before permitting (PVV, Tong, Sesame, Aimco, Lands End & Dollaradio) began. There is an arrogance in Coastal engineering staff that ignored this fact. In a most recent email that I sent you, Coastal engineering staff still referenced Franciscan Greenstone at the Aimco location, even though, the included Aimco documentation sent to staff of "weakly cemented sands".

In review of the Lands End released staff report (F20a) and the Aimco "immaterial amendment" the documentation between the two, truly reveals a huge disparity created by Coastal Staff. The Aimco documentation indicates rock will be placed in front of the new soil nail wall and all appearances was approved by the Commission. What is the problem with the rock buried at Lands End to support the eventual scour that in many decades maybe seen but protects the sea wall? Obviously, the two technologies between Aimco and Lands End are significantly different (soil nail wall verse sea wall) yet rock is needed at both. One exposed the other buried.

The indication from the Aimco "scour" documentation shows 35' from the edge of the rock revetment to the Mean High Tide. This is fantasy! The documentation does not support where the Mean High Tide is located, where Aimco property ends and state property begins. Nor does the documentation support where the so-called "public access" easement is located in relationship to the Aimco property and the new soil nail wall proposed by "immaterial amendment". Additionally, the wave-up-rush calculations are not current in light of the Aimco bluff loss of 2009-2010. Staff never required Aimco to provide the calculation that in effect, makes any public access easement across the Aimco property useless.

Frankly Charles, I could write a book on the differences between the Lands End and Aimco staff reports and the disparity created between applicants. More disturbing is over the past few years; I have heard (and this is hearsay) that staff disparages engineers on projects who do not conform to the coastal way of thought in relationship to use of rock riprap. This is an activity that staff should not be involved.

More recently, the email I received from Ms. Geisler from Mr. Dan Carl and forwarded to a significant number of Coastal Staff is indicative of this arrogance of staff acting with complicity. I shared this email with a retired federal judge who indicated sending the email to a significant number of people was inappropriate in the extreme and attempted to distort my credibility.

September 23, 2012

In closing Charles, I have elected to bring these issues to your attention instead of opting to write to all of the Commissioners. However, given the contents of this letter and the facts that surround the contents I think you can understand the serious concerns that I have. No one knows this stretch of coastal property as I do and have been the information source for several projects in Pacifica. In December 2009, a day will never forget. At 3:30 AM got up early and began watching the high tide and large waves that approached the bluff at 330 Esplanade realizing the property was in danger. At 6:15 a.m. I was fearful for the residents of 330 and informed the City of Pacifica, it was time to evacuate the building given the severity of the bluff loss. The property has been vacant ever since. I care tremendously for the coastal community that I live in and more specifically, for those in the community, who live along the bluffs in Pacifica.

Very truly yours,

Bart Willoughby

Geisler, Karen@Coastal

From: Bart <wavetool@earthlink.net>
Sent: Friday, September 21, 2012 2:55 PM
To: Ewing, Lesley@Coastal; Geisler, Karen@Coastal
Cc: Lester, Charles@Coastal
Subject: Re: Aimco CDP-2-08-020

Hi Lesley,

Thank you, for the quick response. The AIMCO documents sent point to the fact, there is no Greenstone Bedrock in this area and the area is "weakly cemented sands". Also, I do not see where a Mean High Tide exist on the drawings, where state lands begin, where Aimco property begins and have no idea from the drawings where the proposed "public access" easement resides. To me it all looks illusionary and may not be useful at all given the wave up rush and the scour. How does the public have access when the area is completely inundated with tides crashing into the proposed revetment?

Regards,
Bart Willoughby

----- Original Message -----

From: Ewing, Lesley@Coastal
To: 'Bart'; Geisler, Karen@Coastal
Cc: Lester, Charles@Coastal
Sent: Friday, September 21, 2012 9:43 AM
Subject: RE: Aimco CDP-2-08-020

Bart,
Karen Geisler (copied herein) is the planner for the Aimco project as well as many of the other Pacifica matters. She is quite busy with hearing items at this moment, but will look for the requested reports as time allows.

In the meantime, I can provide you with my recollections of the design conditions for the Emergency Revetment. As an emergency structure, it used a 9.5 foot 20 second design wave and a still water level of 7 feet. The revetment was embedded into greenstone and the bedrock layer represents the scoured (post-storm) profile. The profiles provided by Mr. Finnegan show the typical beach conditions.

Lesley Ewing

From: Bart [mailto:wavetool@earthlink.net]
Sent: Friday, September 21, 2012 8:59 AM
To: Ewing, Lesley@Coastal
Cc: Lester, Charles@Coastal
Subject: Fw: Aimco CDP-2-08-020

Good Morning, Lesley:

Attached is the information sent to me by Mr. Finnegan. As you maybe aware, I have objected to the "immaterial amendment" to the Aimco permit. From the documentation that Mr. Finnegan sent me, two things are lacking, Up Rush Calculation and Winter Profile (worse case scouring). Both of these issues are required as it stands now, the proposed "public access" easement being given by Aimco for all practical purposes is useless. The public will never be able to access the northern portion of the Esplanade Beach at the Aimco property any time of the year.

I have requested the calculations and profile information from Mr. Finnegan and Aimco in order to evaluate the proposed easement given by Aimco. Additionally, out of my own pocket I am paying an engineer to evaluate this issue. According to Mr. Finnegan, Coastal has already evaluated this issue but I do not see that from the plans. If Coastal has the Aimco up rush calculations and winter profile could you please forward those to me so I may have the

engineering firm evaluate the information. As you maybe aware the Aimco location is problematic for any type of lateral access, public or otherwise and hopefully, Coastal has evaluated the viability of the Aimco Public Access Easement.

Kind regards,
Bart Willoughby
415.238.8837 Cell

----- Original Message -----

From: Finnegan, Sean (Redev - West Coast)

To: Bart

Sent: Wednesday, September 19, 2012 2:42 PM

Subject: RE: Aimco CDP-2-08-020

Good afternoon Bart,

Please find my responses to your questions below. I have also attached a draft letter to address your construction access question. As I stated yesterday in my email, we need to make sure the letter does not trigger any issues with my permits. Once we confirm that and you are okay with the letter (and my responses below), I would respectfully ask that you withdraw your objection and we can finally complete this never-ending project. Please note that if our Immaterial Amendment continues to get held up, we will be delayed another 6 weeks which will obviously impact the community. I think you and I are on the same page with wanting to do the right thing for the community so the faster we can get done out there the better for all. I look forward to your review and I will follow up with a call.

As always, thanks for your open dialog.

Sean Finnegan



Vice President, Redevelopment
26 Executive Park, Suite 125
Irvine, Ca 92614
(949) 437-0144 off
(949) 437-0140 fax
(949) 351-5000 cell
sean.finnegan@aimco.com

From: Bart [mailto:wavetool@earthlink.net]

Sent: Sunday, September 16, 2012 10:07 PM

To: Finnegan, Sean (Redev - West Coast)

Subject: Aimco CDP-2-08-020

Sean,

Was good to talk with you on Friday regarding my objection to the "immaterial amendment". Before discussing the objections that I have and the reasons, I have to apologize about a past misunderstanding. As it turns out, Steve O'Connor and his company ESR wasted my time and delayed Aimco's CDP. O'Connor lead everyone to believe that 330 & 340 had beach bluff at the time when in fact, most of 340 and a small portion of 330 was Aimco. What a waste of everyone's time and loss of property that could have been avoided. Plus the media coverage was total madness!

Anyway, as I stated my concerns are "community" motivated and of course, Aimco is part of the "community". Plus I understand any delays to the Aimco project could be problematic and costly. The major concern is for coastal projects

north of Aimco along Esplanade Beach and the ability to have access to those projects and across Aimco property without the threat of trespassing. I do not know the facts behind the Aimco/Lands End dispute. All I know is the threat of trespass was there for whatever reason. While I can appreciate verbal permission from Aimco I would require some written instrument that would indicate the terms where Aimco would allow lateral access across the Aimco property.

The revetment at 380 is so problematic because of the location in the surf. Could you provide me with the following answers to questions that I have regarding the Aimco soil nail wall at the location where the "engineered slope consisting of earth and native vegetation" was to have been placed. This would help me understand the project and potentially reduce any concerns that I may have.

1. What is the scour rate at this location (summer and winter only)?

The beach width does change seasonally but not the design scour depth. For revetment design the anticipated erosion at the toe of the revetment, over the project life, is what needs to be estimated. There are two erosion rates that are considered in the design process. There are two erosion rates that need to be considered. The first is the horizontal bluff erosion rate which is not uniform in time but rather episodic and dramatic. Just as the properties on Esplanade have experienced in the past. The horizontal retreat rate for the area has been documented by USGS and others to be about 1 ft/yr over the last century. The second erosion rate is the down-wearing rate of the formation material below the transient sand deposits. The down wearing is typically some small but not insignificant percentage of the horizontal erosion rate. In some areas in California the down-wearing rate of the shoreline formation material has been measured to be less than 8%. There are no direct measurements in this area. The revetment to the south of the public beach access road was designed for 75 years and was keyed about 10 feet into the formation material (Cotton Shires & Associates). This has been in place about 20 years and is performing well with no evidence of significant down wearing in front of the structure. It should be noted that the revetment at the north end of the AIMCO property is much further landward than Area 8 revetment and only sees wave run-up infrequently. Based upon these observations the down-wearing rate at this site may be 15% to 20% of the horizontal erosion rate. So over 20 years the formation material may (at the extreme) down-wear as much as 4 feet. The current "as built" revetment is 5 feet to 6 feet into the formation material and therefore clearly designed to accommodate even an extreme down-wearing. Aside from the fact the revetment of Area 2 and 5 sits well back from the surf zone, is not hit by waves most of the time, and it is unlikely that the formation material at the toe will be exposed and actively eroded more than 1 foot or so the next 20 years. A revetment is a mobile structure and will still perform well even if the down-wearing extends to the bottom of the toe key/excavation.

2. How much rock will be removed from the toe of the bluff at this area?

As stated in the CDP issued by CCC, the rock was anticipated to be about 531 tons.

3. What will be the purpose of any rock to remain in this area?

No rock is to remain in Area 6 (See attached CDP Plans).

4. What will be the tonnage of any remaining rock at this location and will that rock be exposed or buried?

As stated above, no rock will remain in Area 6.

5. How much more lateral and public access in terms of feet will there be at this location now that a soil nail is considered?

Both solutions ("engineered, vegetative slope of a soil nail wall) for Area 6 had no bearing on the amount of public access since this area is located in the middle of the bluff face.

6. Would it be possible to put a single bridge type access across the entire 380 location for public access?

The 380 location (all on City property) is not part of the Immaterial Amendment. A bridge across Area 8 (the 380 location) was not part of any approvals from CCC. As shown in the CDP, approximately the top 5 feet of rock will be removed from Area 8 and restacked with the anticipation of gaining a few feet of lateral public access.

7. How will the soil nail wall be connected to the soil nail wall to the immediate north of this location?

As shown in the CDP, it is not anticipated that the soil nail wall in Area 6 would need to be connected to the existing soil nail wall in Area 3.

Appreciate Aimco's responses,

Bart
415.238.8837 Cell

Geisler, Karen@Coastal

From: Bart <wavetool@earthlink.net>
Sent: Saturday, September 22, 2012 2:51 PM
To: Geisler, Karen@Coastal
Cc: Cavalieri, Madeline@Coastal; Lester, Charles@Coastal; Charles@Coastal; Ewing, Lesley@Coastal
Subject: Aimco CDP-2-08-020

Everyone,

The issue of 35' to Mean High Tide in this area is simply not realistic (see previously sent photos of 380 revetment). Additionally, where is this public easement access exactly located given the "immaterial amendment" proposal? No required "updated" wave run up analysis? Especially in the aftermath of 2010 bluff failure issues! I am prepared to show everyone that the alleged "public access easement" is illusionary and/or completely useless even given the "immaterial amendment" proposal of the soil nail wall in the Area where the soil nail wall is going instead of the vegetated slope.

How can the Commission allow an applicant to dedicate public access that can never be utilized? Or worse yet, property that already belongs to the State of California.

Regards,
Bart Willoughby

----- Original Message -----

From: Bart
To: Finnegan, Sean (Redev - West Coast)
Sent: Saturday, September 22, 2012 8:23 AM
Subject: Re: Answers for Esplanade

Good Morning, Sean,

Working most of the day and weekend in review of the materials sent to me. Thank you, I appreciate receiving the information.

However, I do have some initial observations on the "scour profile" drawing sent. The indication is 35' to Mean High Tide from the outer edge of the revetment? Is that realistic or just an assumption/estimate? Also, I cannot tell from the drawing where state lands property begins and Aimco property ends. Also, given the change in engineered vegetated slope to soil nail wall where is the public easement exactly as it is not drawn on any document that Aimco has presented. Most easements have a legal description and drawing to show where the easement exist on the property.

Regards,
Bart

----- Original Message -----

From: Finnegan, Sean (Redev - West Coast)
To: Bart
Sent: Friday, September 21, 2012 11:59 AM
Subject: RE: Answers for Esplanade

Bart,

In an effort to be a good community member I am providing you with additional material at your request. However, as I have stated before, I don't see how this information you have requested has anything to do with your objection to our Immaterial Amendment which is solely focused on the Mid-slope soil nail wall.

Please see the attached materials. Note that our Scour Design profile (or Winter Profile) is shown to be where the interface with the Cemented Marine Terrace is at the various locations along our revetment. This depth is not typical and varies along our 400 foot design. This is what we used as our scour depth.

I have also attached our 2009 report that we initially did with Coastal. Please note that we were not required to perform or update another "Wave Run-up Analysis" in our final CDP.

Thank you,

Sean Finnegan



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sean.finnegan@aimco.com

From: Bart [<mailto:wavetool@earthlink.net>]
Sent: Friday, September 21, 2012 8:48 AM
To: Finnegan, Sean (Redev - West Coast)
Subject: Re: Answers for Esplanade

Good Morning, Sean:

In an effort to resolve the objection to the Aimco "immaterial amendment" quickly I need two items. Aimco Wave Uprush Calculations and Winter Profile Assumptions (worse case scour) at the Aimco location. Sean, I will be very forthright with you it appears to me that the public access easement may be useless. So I need these two items to complete my analysis.

Thanks,
Bart

Geisler, Karen@Coastal

From: Bart <wavetool@earthlink.net>
Sent: Sunday, September 23, 2012 5:07 PM
To: Geisler, Karen@Coastal
Cc: Cavalieri, Madeline@Coastal; Lester, Charles@Coastal
Subject: Aimco Immaterial Amendment Engineering Analysis (2-08-020)

Everyone,

Here is the engineering analysis from the engineering consultant that I hired in this instance. This information has been shared with Aimco.

Regards,
Bart Willoughby
----- Original Message -----

From: Bart
To: Finnegan, Sean (Redev - West Coast)
Sent: Sunday, September 23, 2012 3:12 PM
Subject: Re: Answers for Esplanade

Sean,

Here is the information from my engineering consultant on the information sent to me by Aimco.

Dear Bart:

At your request, we have reviewed the plans prepared by GeoSoils and the report prepared by TRC. This review was limited in scope to only issues for existing and future public access. There are several conflicts and discrepancies that it is not clear how GeoSoils arrived at their conclusions that the removal of the rip rap is warranted and yet allow for a public lateral access. Their findings and conclusions may be correct, but it is not evident in the data presented. The issues include but not limited to the following:

1. 1. Beach Modeling: The initial studies performed by TRC and the rock revetment assert that the revetment is placed into greenstone. The recent cross sections presented by Geosoils discuss "cemented marine terrace". This conflict presents a myriad of design issues and should be addresses.
2. 2. Scour and Design Profile: In the TRC report, the greenstone was the basis for the winter scour profile. This is a reasonable a prudent assumption. Page 4, they assumed greenstone at Elevation +2 to +4 and the toe to be constructed 4 feet into the rock. However, the Geosoils plans and depictions present the cemented marine terrace. No information and clarification as to the erodibility of this material is presented or susceptibility to long-term wear/softening is provided. Further, a design profile is provided on the Geosoils plans, and it is not clear the basis for this profile. The "weakly cemented sands" pointed out in the TRC report are highly erosive. It is unclear how any prudent design can conclude that the revetment would not be undermined. Additional data must be available to justify this design, that has not been provided to date.
3. 3. Beach Slope: The slopes between the Geosoils profile and the TRC analysis do not appear to be the same. This could have significant ramifications on the entire analysis.

4. 4. Headcutting/Outflanking: It is not clear how the design considers or tries to accommodate outflanking ? This is inevitable along this section of beach (due to property lines etc), but where possible measures and the shaping of the revetment and wall should occur to reduce the potential.
5. 5. TRC calculations: The TRC calculations used a sea level rise for 50 years of 0.5 to 1.0, which is lower than the recent requirements by Coastal staff and the latest research which are in excess of 1.5 feet. Further while we do not disagree with high tides being 4 feet in the area, it is not unusual for high tides to be on a much greater order. The use of 5 feet is too low for this area and generates unconservative small wave heights and consequently stillwater elevations that may have effects on the overtopping of the structure if the stone are removed per the approved plans (discussed in subsequent comments).
6. 5. Revetment Construction: The Geosoils plans provides no details and consideration to the construction of the revetment. If this revetment is to be considered permanent (temporally greater than a few years) then design specifications for drainage rock, B rock, cap rock etc., should be provided in accordance with US Army Corp of Engineers or other acceptable methods. Revetments are flexible structures that rely on the integrity of the individual members to form the strength of the whole unit. Improper construction of the unit will result in a shorter life expectancy and possibly failure, as we have seen on other sections of the beach. This would hinder or eliminate Coastal access.
7. 6. Wave Uprush: Still water uprush elevations provided by TRC is Elevation 20.7 for a 50 year design. This elevation, in our opinion is low given the lower parameters assumed in their analysis. We think this value may be too low by as much as 6 to 8 feet. Regardless, the issue is this revetment will be overtopped, but considered a "50 years of bedrock platform erosion condition" (Page 5).. The analysis performed by TRC did not consider an overtopping design. Therefore, it is unclear how Elevations of 14 to 18 (Areas 1 thru 7b) can be recommended other than to appease Coastal Commissions understandable desire to reduce rip rap on the beach.
8. 7. Soil Nail and Revetment Overlap: The plans shows an overlap but no specifications as to how much ? Given the discussion in Item 7, this revetment may and will be overtopped. If so, if the rip rap is not constructed properly, and with sufficient point contacts, the stones will be dislodged and/or not dissipate wave energy. This may result in the stones being used as battering rams against the wall. We could not find specific rock size callouts for the upper rock or if cap rock was designed and intended. Further, it is not clear if the 13 inch wall section was intended/ designed to withstand wave impact forces.
9. The plans lack certain specificity for construction. A few examples include but not limited to: a) TRC recommends the rip rap be placed at a 2:1. b) No such callout is presented on the plans. c) No provisions or callout are made for stability fabric or drainage. d) The keyway specification in TRC does not match Geosoils.
- 10 8. Peninsula Affect: The remaining issue is the location and geomorphic configuration of the Aimco revetment. It protrudes out into the ocean farther than any other structure in the immediate area. Over the past few years, access around the revetment has been limited but for a few dozen days out of the year. These plans and analysis have not addressed this impact and ramifications. Our concern is that the revetment was modeled and designed by TRC to be a structure subject to wave uprush and not direct impact and overtopping from structures. Further, the potential effects of scour, interruption of sediment transport, etc. may have serious adverse impacts. This condition should be further evaluated, at least qualitatively by Aimco and the Commission.

As mentioned in the introductory comments, this review was limited to issues related only to establishing and maintaining lateral beach access. We did not consider or evaluate the stability or reasonableness of the Aimco design for their property, nor do we think it appropriate to do so. This is an issue between the Commission and the property holder.

It is unclear how the proposed changes, let alone the current condition, allows for public access (or easement) except on already existing public lands. Based on our independent review we have many questions about the analysis, approach and the expectation that rip rap can be reduced in this area. Geosoils may have reasonable and prudent rationale for their plans to remove rock, other than for fee reduction, but the engineering logic is not present in the data provided for review. We suspect that there is more information and analysis.

END OF MESSAGE.

----- Original Message -----

From: Finnegan, Sean (Redev - West Coast)

To: wavetool@earthlink.net

Sent: Sunday, September 23, 2012 10:00 AM

Subject: Re: Answers for Esplanade

The rock in area 6a (mid-slope rock) and 7b has been completely removed thus allowing the restacking of the rock in area 7a. The removal of rock and restacking results in more sand area which results in a bigger public easement. The public access easement is the whole beach in front of 360. That is the only beach we own.

Area 6a by itself does not help or hurt the public easement dedication since it is mid slope and will simply be a soil nail wall. That is the best scenario to remove rock that was stacked not as steep then to replace with a soil nail wall that is the same profile as the bluff.

We should talk because I don't think you understand our areas that are on the plans I sent you. I would be happy to discuss this to clear up the confusion.

Sean

Sent from my Blackberry Smartphone.

From: Bart [<mailto:wavetool@earthlink.net>]

Sent: Sunday, September 23, 2012 11:10 AM

To: Finnegan, Sean (Redev - West Coast)

Subject: Re: Answers for Esplanade

Sean,

Frankly, I am focused and not sure why you are trying to suggest otherwise. Does the soil nail wall actually improve public access across that area and that is a valid question. Since there should be a reduction in the amount of rock used in that area. Additionally, there is the question of how much rock will be placed in front of the wall at that location and the reason for that rock buried or placed in front of the wall. So where is the public access in this area? I haven't seen the actual public easement drawn anywhere on the documentation. So how do we know where the public access exists at this location?

Regards,

Bart

----- Original Message -----

From: Finnegan, Sean (Redev - West Coast)

To: wavetool@earthlink.net

Sent: Saturday, September 22, 2012 1:17 PM

Subject: Re: Answers for Esplanade

Bart,

The mid slope rock that was installed in 1998 and then approved to be removed in our CDP I believe started at around EL 25 or 35 and up to EL 60 or 65. This area has absolutely nothing to do with the public easement or the revetment below.

At this point it is obvious that you are not looking into issues with simply going from a vegetative slope to a soil nail wall in the exact same location. All your interest and questions are focused on other elements of our project that have been approved and mostly constructed.

If we can't focus our discussion on the Immaterial Amendment then I have no choice but to limit my exchange of information to only the mid slope rock area.

It does not appear that you have any issues with our Immaterial Amendment. So if you and I could please focus on withdrawing your objection for that area only, that would be the community thing to do.

Sean

Sent from my Blackberry Smartphone.

From: Bart [mailto:wavetool@earthlink.net]

Sent: Saturday, September 22, 2012 10:23 AM

To: Finnegan, Sean (Redev - West Coast)

Subject: Re: Answers for Esplanade

Good Morning, Sean,

Working most of the day and weekend in review of the materials sent to me. Thank you, I appreciate receiving the information.

However, I do have some initial observations on the "scour profile" drawing sent. The indication is 35' to Mean High Tide from the outer edge of the revetment? Is that realistic or just an assumption/estimate? Also, I cannot tell from the drawing where state lands property begins and Aimco property ends. Also, given the change in engineered vegetated slope to soil nail wall where is the public easement exactly as it is not drawn on any document that Aimco has presented. Most easements have a legal description and drawing to show where the easement exist on the property.

Regards,

Bart

----- Original Message -----

From: Finnegan, Sean (Redev - West Coast)

To: Bart

Sent: Friday, September 21, 2012 11:59 AM

Subject: RE: Answers for Esplanade

Bart,

In an effort to be a good community member I am providing you with additional material at your request. However, as I have stated before, I don't see how this information you have requested has anything to do with your objection to our Immaterial Amendment which is solely focused on the Mid-slope soil nail wall.

Please see the attached materials. Note that our Scour Design profile (or Winter Profile) is shown to be where the interface with the Cemented Marine Terrace is at the various locations along our revetment. This depth is not typical and varies along our 400 foot design. This is what we used as our scour depth.

I have also attached our 2009 report that we initially did with Coastal. Please note that we were not required to perform or update another "Wave Run-up Analysis" in our final CDP.

Thank you,

Sean Finnegan



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From: Bart [mailto:wavetool@earthlink.net]
Sent: Friday, September 21, 2012 8:48 AM
To: Finnegan, Sean (Redev - West Coast)
Subject: Re: Answers for Esplanade

Good Morning, Sean:

In an effort to resolve the objection to the Aimco "immaterial amendment" quickly I need two items. Aimco Wave Uprush Calculations and Winter Profile Assumptions (worse case scour) at the Aimco location. Sean, I will be very forthright with you it appears to me that the public access easement may be useless. So I need these two items to complete my analysis.

Thanks,
Bart

----- Original Message -----

From: Finnegan, Sean (Redev - West Coast)
To: wavetool@earthlink.net
Sent: Thursday, September 20, 2012 8:31 PM
Subject: Re: Answers for Esplanade

I bet you have been there (obviously not your fault). Thanks for working with me. I look forward to hearing from you.
Sean
Sent from my Blackberry Smartphone.

From: Bart [mailto:wavetool@earthlink.net]
Sent: Thursday, September 20, 2012 11:29 PM
To: Finnegan, Sean (Redev - West Coast)
Subject: Re: Answers for Esplanade

Sean,

Understand that an idle crane is expensive (been there) believe me, this can be worked out!

Bart

----- Original Message -----

From: Finnegan, Sean (Redev - West Coast)

To: wavetool@earthlink.net

Sent: Thursday, September 20, 2012 8:24 PM

Subject: Re: Answers for Esplanade

I understand. If you get through it tomorrow or on Saturday please let me know so I can re-engage our crane contractor for Monday.

Thank you

Sean

Sent from my Blackberry Smartphone.

From: Bart [<mailto:wavetool@earthlink.net>]

Sent: Thursday, September 20, 2012 11:20 PM

To: Finnegan, Sean (Redev - West Coast)

Subject: Re: Answers for Esplanade

Sean,

Working on the review now give me till Monday and I should be able to fully give you an answer.

Thanks,

Bart

----- Original Message -----

From: Finnegan, Sean (Redev - West Coast)

To: wavetool@earthlink.net

Sent: Thursday, September 20, 2012 8:07 PM

Subject: Answers for Esplanade

Good evening Bart,

Can we talk tomorrow about your review? I really need to get this beach back to the community but have now lost almost 2 weeks by being on hold with the mid bluff soil nail wall. Please understand there is no ill will and have always felt we had the same intent regarding improvements along this coastline. I see no reason we can't work together to address your concerns.

Thanks

Sean

Sent from my Blackberry Smartphone.

Geisler, Karen@Coastal

From: Anne Blemker <ablemker@mccabeandcompany.net>
Sent: Wednesday, October 03, 2012 11:17 AM
To: Geisler, Karen@Coastal
Cc: Finnegan, Sean (Redev - West Coast)
Subject: Aimco Response to Bart Willoughby

Hi Karen,

Sean asked me to forward the substance of a message he sent to our project team when Bart first raised his questions. Please see below. In a subsequent e-mail, I'll also send you Sean's formal response to Bart dated 9/19. Unfortunately, we were unable to resolve Bart's issues to the point where he would rescind the objection. However, I think all of his questions and concerns have been properly addressed.

Let us know if you have any questions.

Thanks,
Anne

Answers:

- a. As previously addressed in the approved CDP, all the rock in Area 6 is being removed. Also as stated in the approved CDP, the rock in Area 7A below Area 6 is being removed and a soil nail wall is going in its place.
- b. As stated in the approved CDP and summarized in the answer above, only a portion of rock will remain below Area 6.
- c. A letter was sent by Aimco to address equipment crossing their property. We understand this was done to address liability concerns since they own the property. However, Aimco has offered to a permanent easement over their property which will allow the public lateral access in perpetuity.

Anne Blemker
McCabe & Company
Phone: 310-463-9888
10520 Oakbend Drive
San Diego, CA 92131

Geisler, Karen@Coastal

From: Anne Blemker <ablemker@mccabeandcompany.net>
Sent: Wednesday, October 03, 2012 11:22 AM
To: Geisler, Karen@Coastal
Cc: Finnegan, Sean (Redev - West Coast)
Subject: FW: Aimco CDP-2-08-020
Attachments: CDP Revised S1-S7 Shore Protection - S1-S7.pdf

Hi Karen,

Here is the e-mail message Sean sent to Bart on 9/19 along with the project plans. We'll send you two sets of 11"x17" plans as well. The draft letter addressing construction access issues is no longer valid and the terms of the public access easement approved by the Commission will continue to dictate how access is allowed on the site.

Again, let us know if you have any questions or want to discuss.

Thanks,
Anne

From: Finnegan, Sean (Redev - West Coast) [mailto:Sean.Finnegan@aimco.com]
Sent: Wednesday, September 19, 2012 3:42 PM
To: Bart
Subject: RE: Aimco CDP-2-08-020

Good afternoon Bart,
Please find my responses to your questions below. I have also attached a draft letter to address your construction access question. As I stated yesterday in my email, we need to make sure the letter does not trigger any issues with my permits. Once we confirm that and you are okay with the letter (and my responses below), I would respectfully ask that you withdraw your objection and we can finally complete this never-ending project. Please note that if our Immaterial Amendment continues to get held up, we will be delayed another 6 weeks which will obviously impact the community. I think you and I are on the same page with wanting to do the right thing for the community so the faster we can get done out there the better for all. I look forward to your review and I will follow up with a call.

As always, thanks for your open dialog.

Sean Finnegan



Vice President, Redevelopment
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From: Bart [mailto:wavetool@earthlink.net]
Sent: Sunday, September 16, 2012 10:07 PM
To: Finnegan, Sean (Redev - West Coast)
Subject: Aimco CDP-2-08-020

As shown in the CDP, it is not anticipated that the soil nail wall in Area 6 would need to be connected to the existing soil nail wall in Area 3.

Appreciate Aimco's responses,

Bart
415.238.8837 Cell

Geisler, Karen@Coastal

From: Bart <wavetool@earthlink.net>
Sent: Thursday, October 04, 2012 10:26 PM
To: Lester, Charles@Coastal; Cavalieri, Madeline@Coastal; Geisler, Karen@Coastal; Carl, Dan@Coastal
Subject: Aimco 2-08-020 Immaterial Amendment Objection (Part 1)
Attachments: 380 Problem020.JPG; Bluff 01-11-09013.JPG; Aimco-340.JPG; 12-20-10 Aimco 2.JPG; Aimco 380 Revet Lowtide 3 10.2.11.JPG; Aimco 380 Revet Lotide 10.2.11.JPG; Esplanade Beach 6.9.12.JPG

Dear Executive Director, Charles Lester,

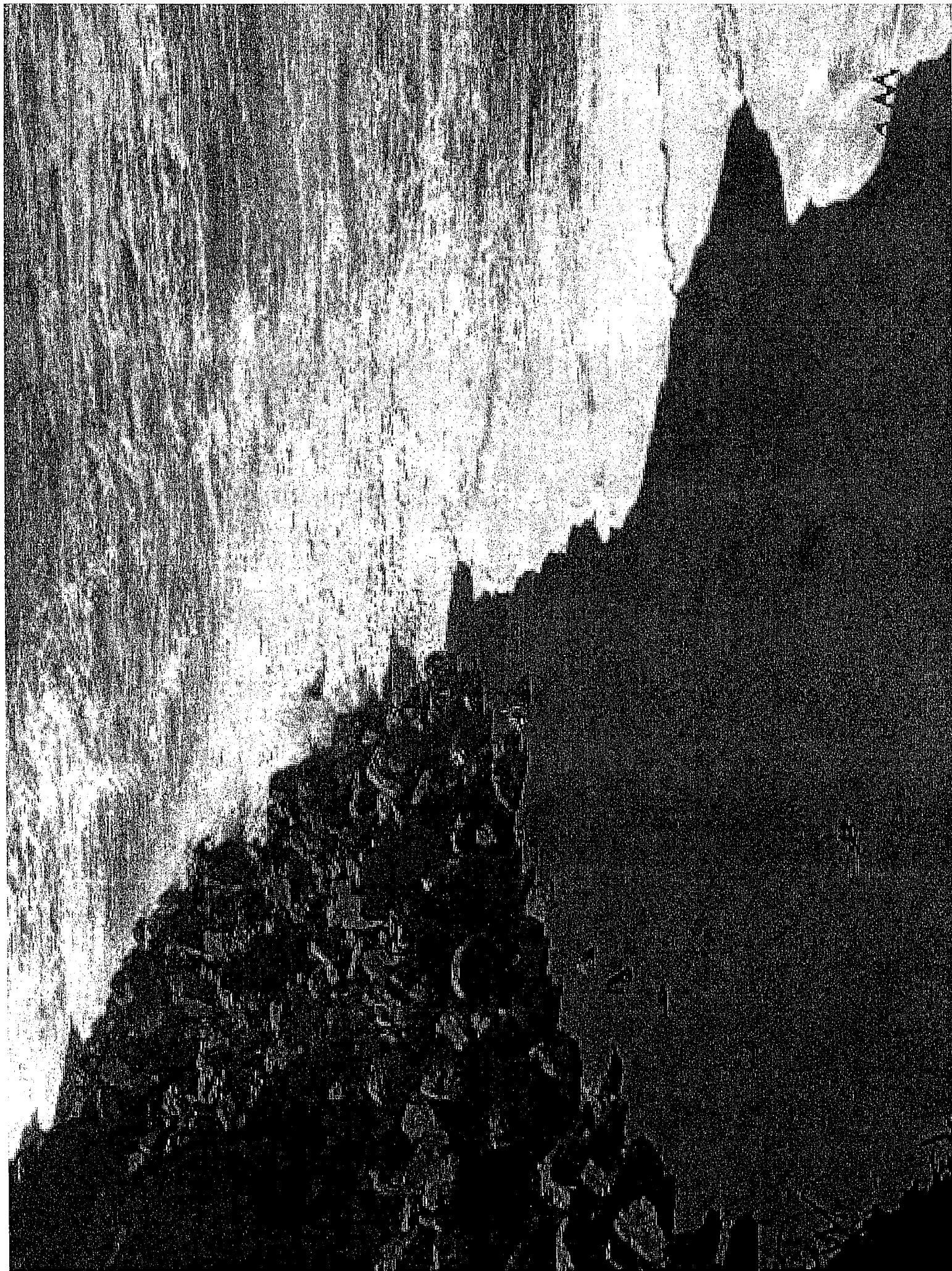
Attached, are various photos (over time) of the revetment located at 380 Esplanade that amply demonstrates that Aimco dedicated "public access" that simply is not viable and not useable by any member of the public in accessing Esplanade Beach North of the Aimco revetment. None of the documentation supplied to me by Aimco, supports where the Mean High Tide is located, does not show where Aimco property ends and state property begins and simply does not show where the "alleged" public has access around the proposed re-stacked revetment in **AREA 7a** and **7b** that supports the toe of the proposed soil nail wall in **AREA 6** (Drawing S-5).

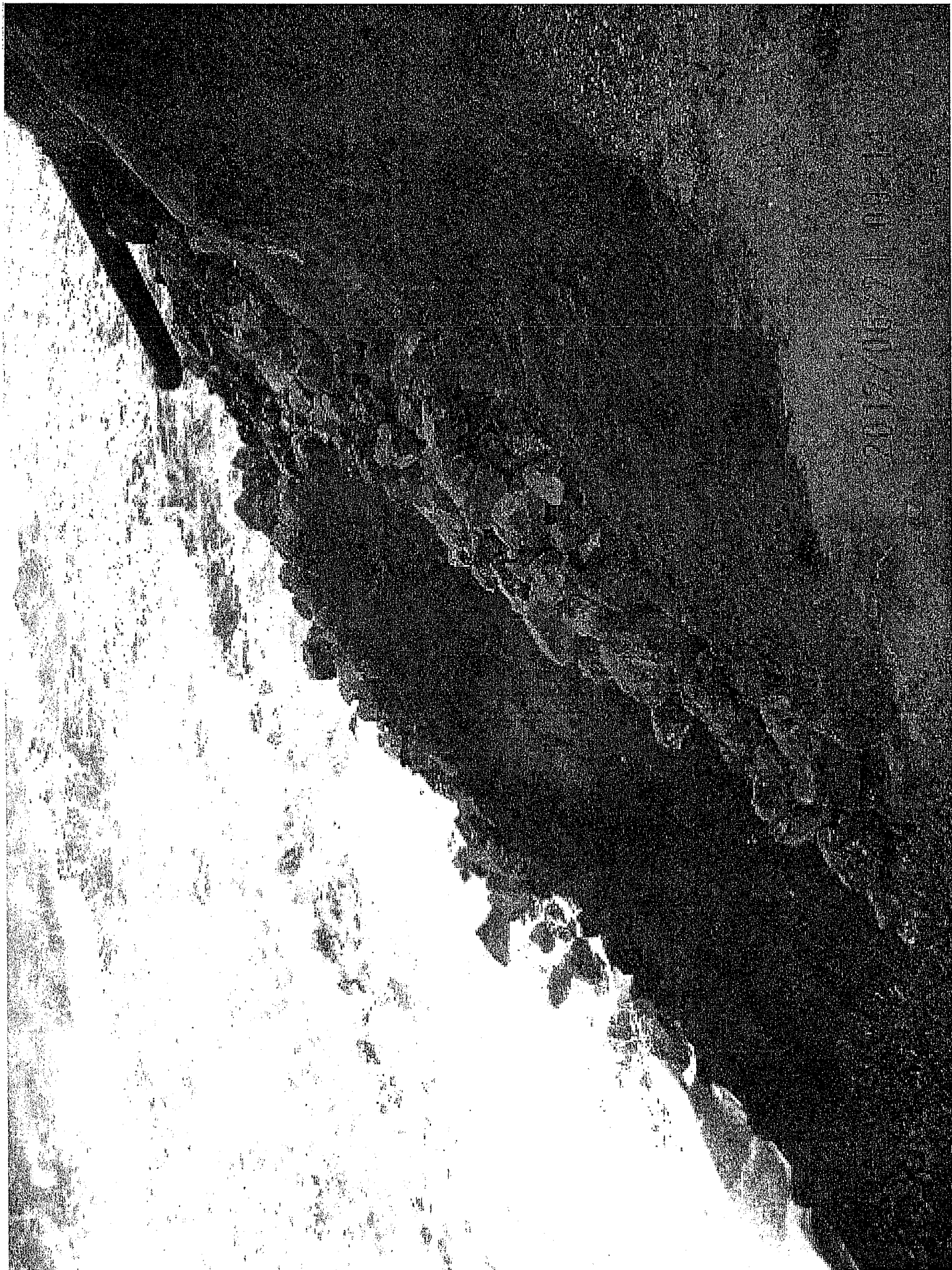
The wave up-rush calculations for this area are not accurate and does not represent the actual up-rush of wave energy during peak periods of scouring. There is a Peninsula Effect that happens at this location because of the land mass that exist at this location and has for several years and mores so since the construction of the revetment in the 1990's.

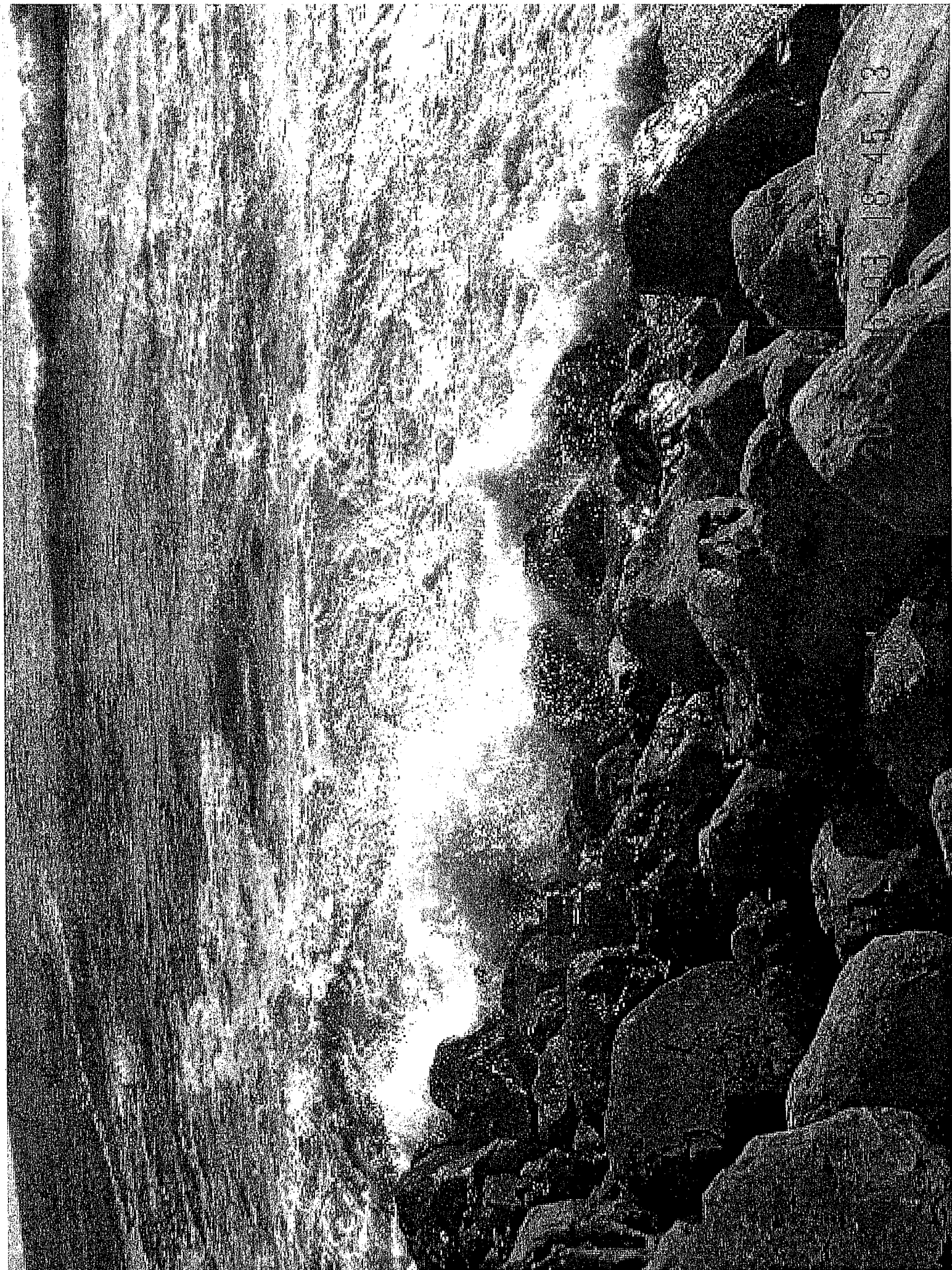
The Commission stresses that public access is of paramount importance. However, the Commission in this instance failed in the "due diligence" in the determination of the value to the public and whether the access was viable or usable. For all practical purposes the public access easement is useless at this location and can never be used! So far, the information that is available from the applicant is nothing more then a disingenuous attempt at reducing sand mitigation fees and/or in lieu of fees.

Due to the limitations of Coastal Staff email attachments I am sending Part 2 with additional photos documenting my concerns. Additionally, all previous emails with attachments that have been sent to Coastal regarding AIMCO as the applicant are part of the record in this matter.

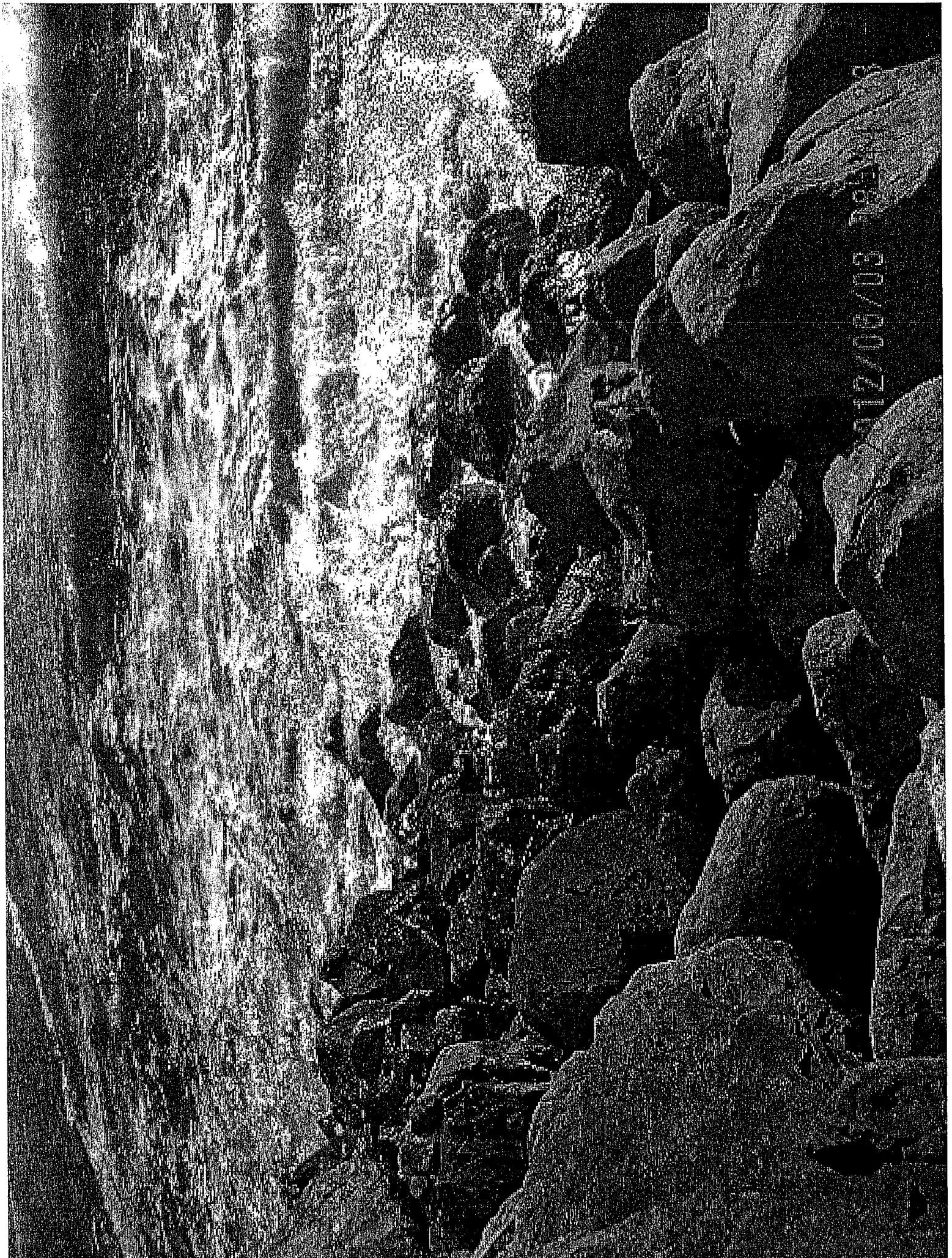
With kind regards,
Bart Willoughby

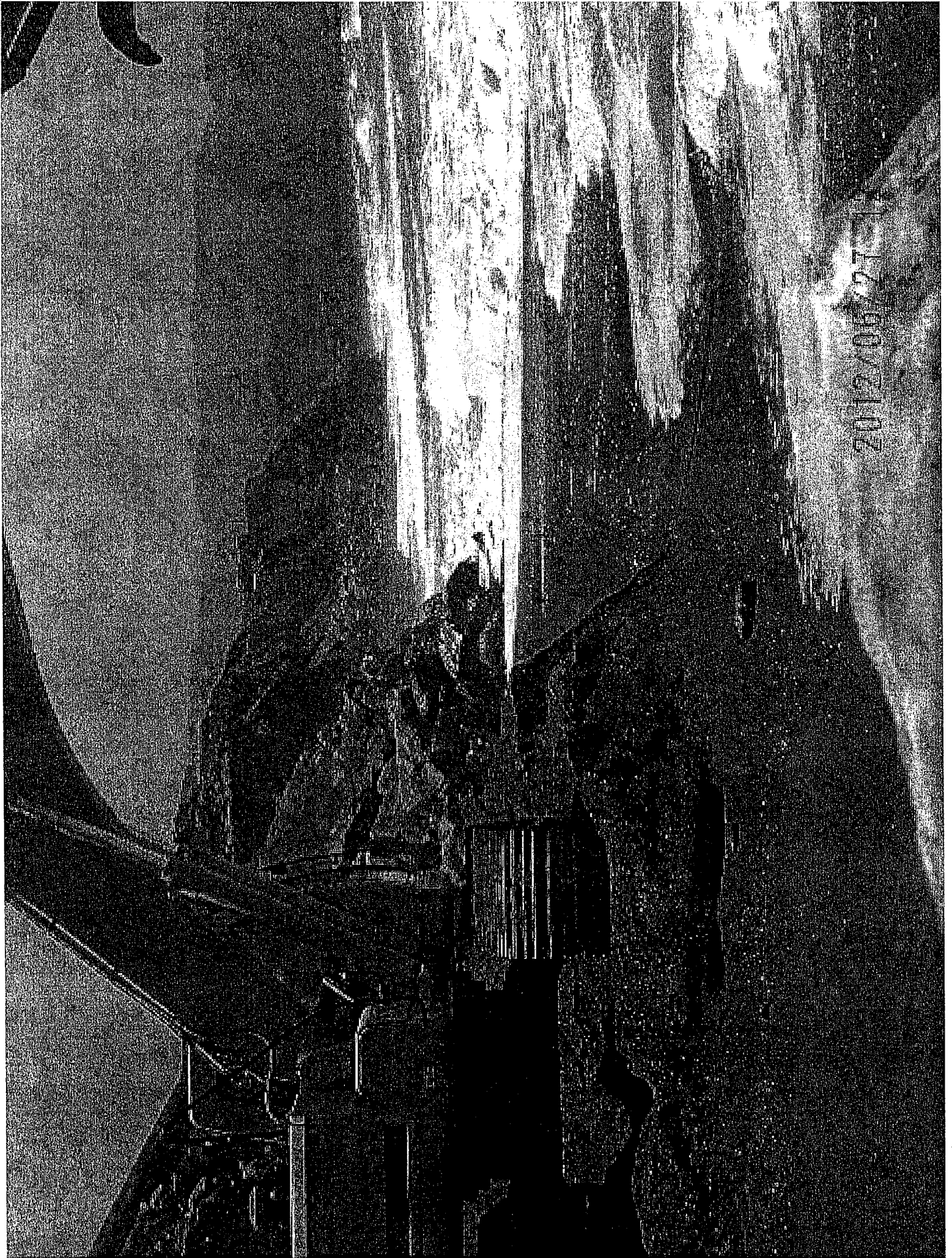






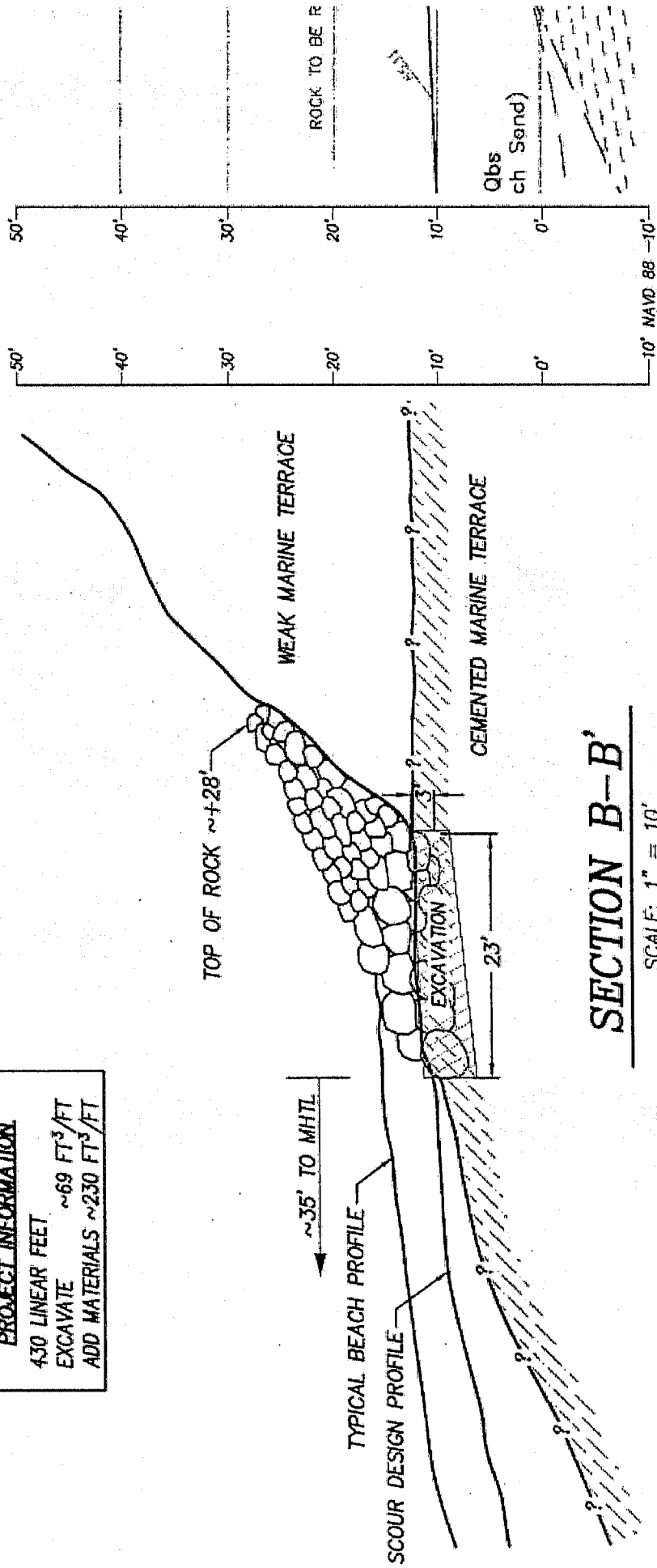
81-54-81-60-3
10-15-18





2013/06/27 14

360 & 380 ESPLANADE AVE
 PROJECT INFORMATION
 430 LINEAR FEET
 EXCAVATE ~69 FT³/FT
 ADD MATERIALS ~230 FT³/FT

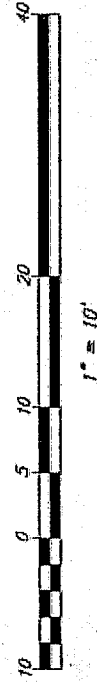


SECTION B-B'

SCALE: 1" = 10'

SHORE PROTECTION

GRAPHIC SCALE



WAVE UPRUSH STUDY

STATION NO. 1159+68

DESIGN WAVE: $H_o' = 11.7$ FT., PERIOD $T = 10$ SECONDS

DESIGN TIDE: +7.5 M.L.L.W. DATUM

$$H_o' / gT^2 = 11.7 / 32.2 (10)^2 = 0.0036$$

I. BREAKING WAVE HEIGHT

ASSUME B.W. DEPTH AT ELEV. -8.0 MLLW, $X_p = 55$ FT.
 BW SLOPE = 2.5' / 155' = 0.045

$$H_b / H_o' = 1.30, \text{ FIG. 7-3, SPM.}$$

$$H_b = 1.30 \times 11.7 = 15.2 \text{ FT.} \quad H_c = 0.78 \times 15.2 + 7.5 \text{ FT.} = 19.4 \text{ MLLW}$$

$$X_p = (4.0 - (9.25 \times 0.045)) \times 15.2 \text{ FT.} = 54.5 \text{ FT.}$$

II. BREAKING WAVE DEPTH

$$H_b / gT^2 = 15.2 / 32.2 (10)^2 = 0.0047$$

$$d_b / H_b = 1.025, \text{ FIG. 7-2, SPM.}$$

$$d_b = 1.025 \times 15.2 = 15.58 \text{ FT. (ELEV. } -8.08 \text{ MLLW)}$$

III. BREAKING WAVE VELOCITY

$$V_{max} = \sqrt{gd_b} = \sqrt{32.2 \times 15.58} = 22.4 \text{ FT./sec.}$$

IV. BREAKING WAVE UPRUSH LIMIT

ASSUME UPRUSH AT ELEV. +14.0 MLLW, THEN AVE. UPRUSH SLOPE = 444' / 116' = 28 TO 1

$$R / H_o' = 0.23, \text{ FIG. 7-11, SPM.} \quad K = 1.00, \text{ FIG. 7-13 SPM.}$$

UPRUSH ELEV. $R = (R / H_o' \times H_o' \times K) + \text{DESIGN TIDE}$

$$R = (0.23 \times 11.7 \times 1.00) + 7.5 \text{ FT. MLLW} = +10.2 \text{ FT. MLLW DATUM}$$

$$= +7.4 \text{ FT. MSL DATUM}$$

Geisler, Karen@Coastal

From: Bart <wavetool@earthlink.net>
Sent: Thursday, October 04, 2012 10:43 PM
To: Lester, Charles@Coastal; Cavalieri, Madeline@Coastal; Geisler, Karen@Coastal; Carl, Dan@Coastal
Subject: Aimco 2-08-020 Immaterial Amendment Object (Part 2)
Attachments: Aimco 380 Revet Lotide 10.2.11.JPG; Aimco6.21.12012.JPG; Aimco 380-6.JPG; Aimco 380-5.JPG; AIMCOPRemove 009.jpg; ScourProfile.jpg; RJR WAVE Uprush Calc..PDF

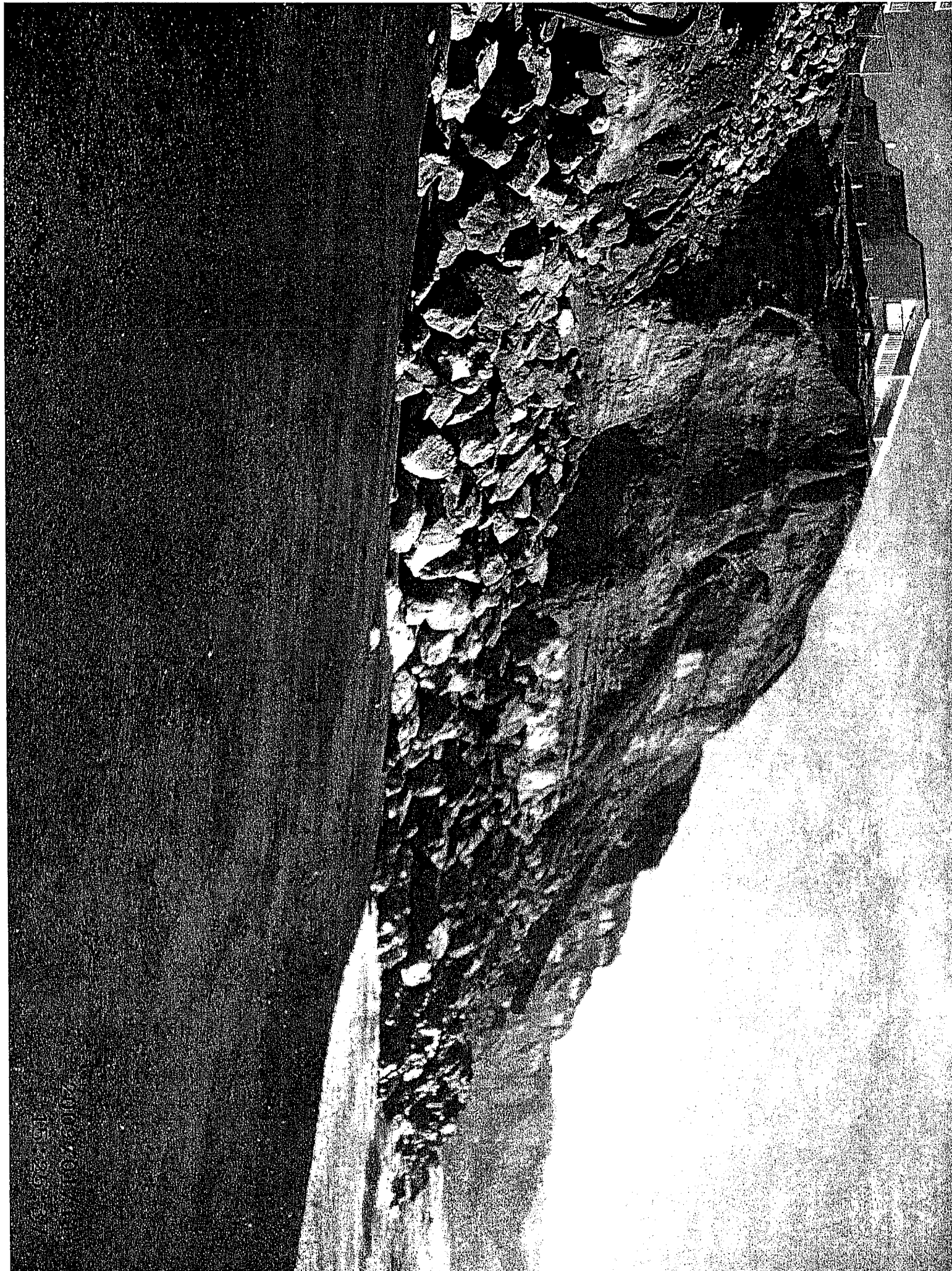
Dear Executive Director Charles Lester,

This email represents Part 2 of my objection to the Aimco Immaterial Amendment. I have included Aimco's Scour Profile and the RJR Wave Up Rush Calculations for the properties north of Aimco as part of the record in this matter.

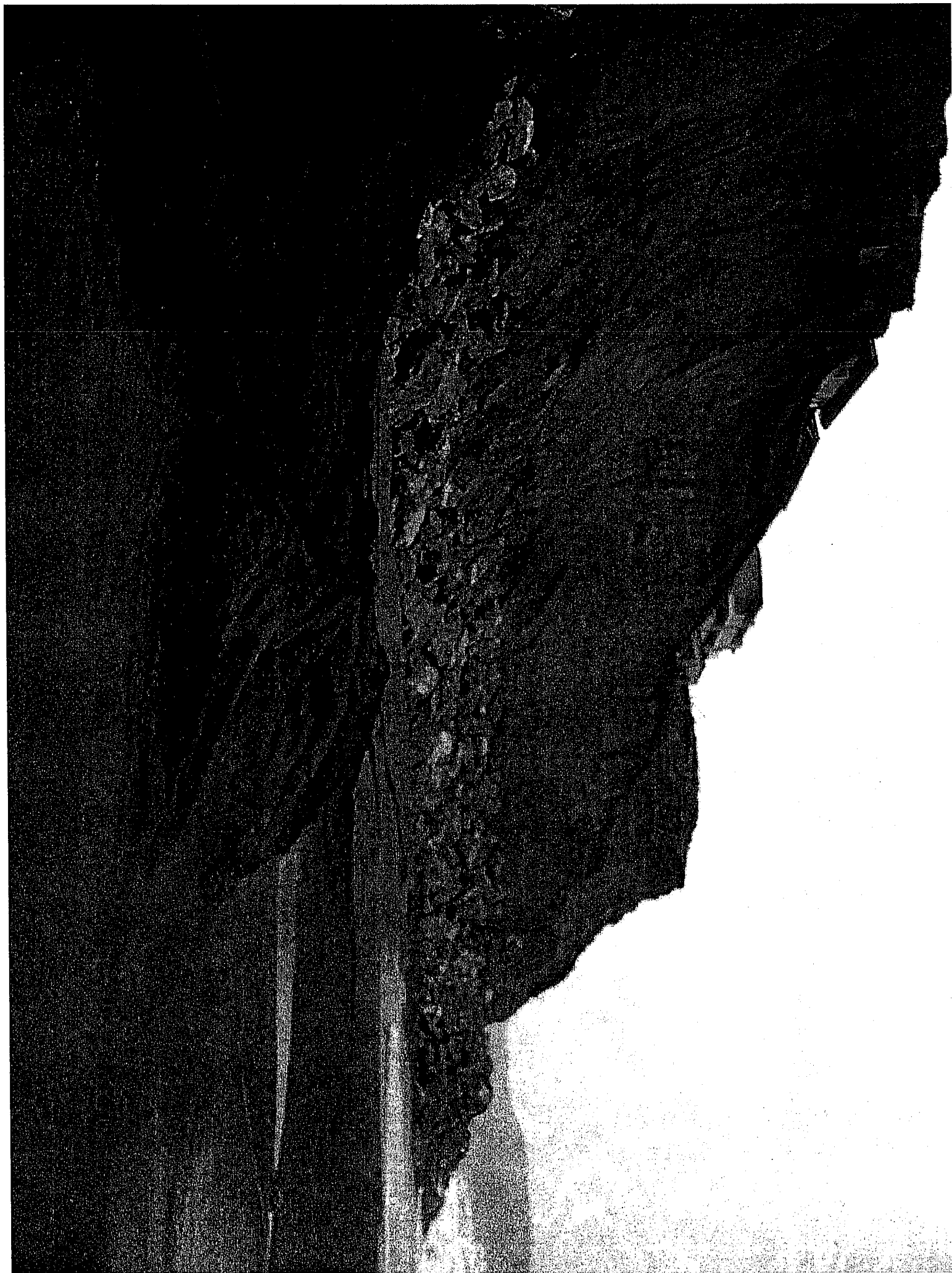
With kind regards,
Bart Willoughby

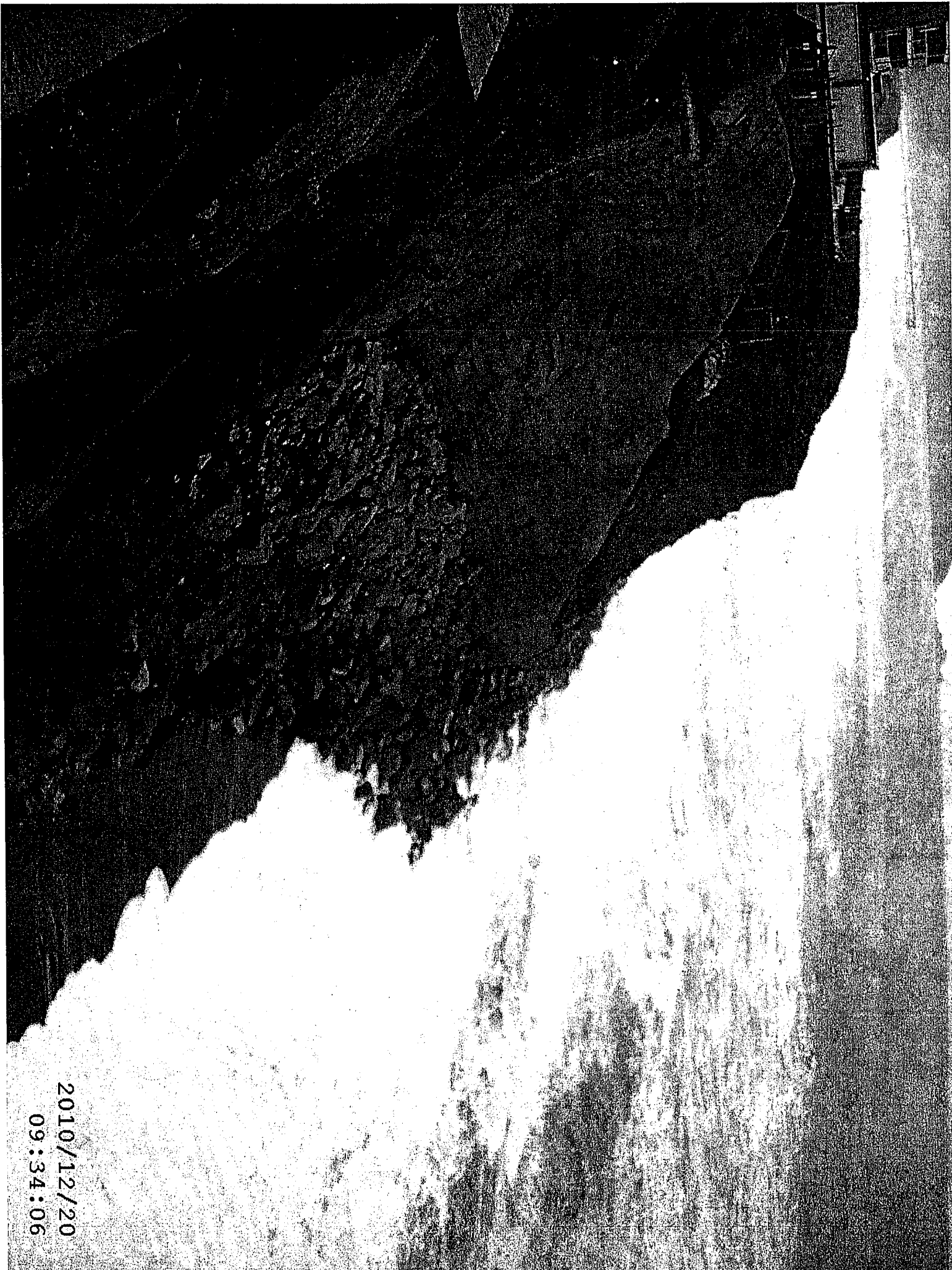


2008/12/28
15 42326

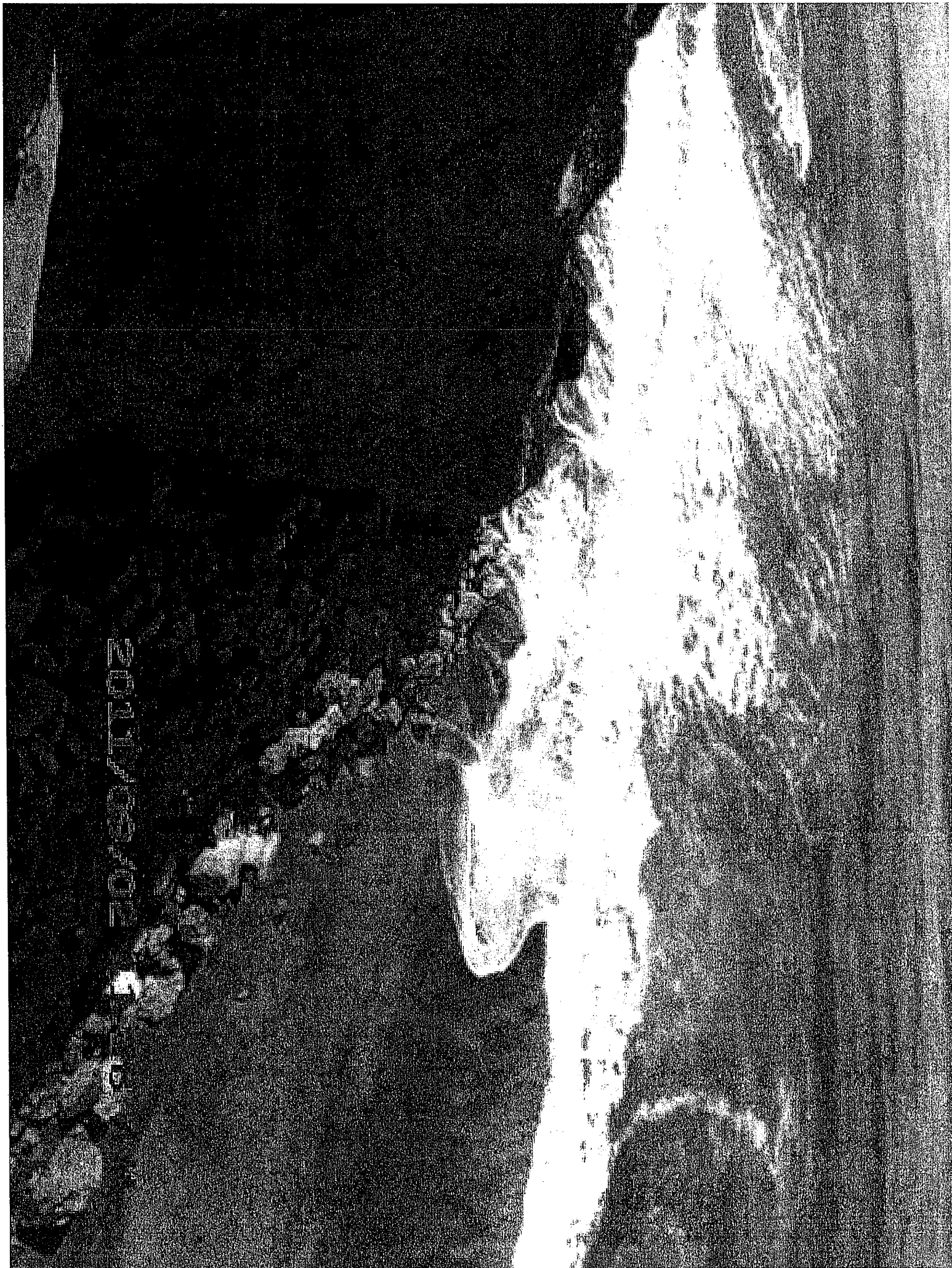


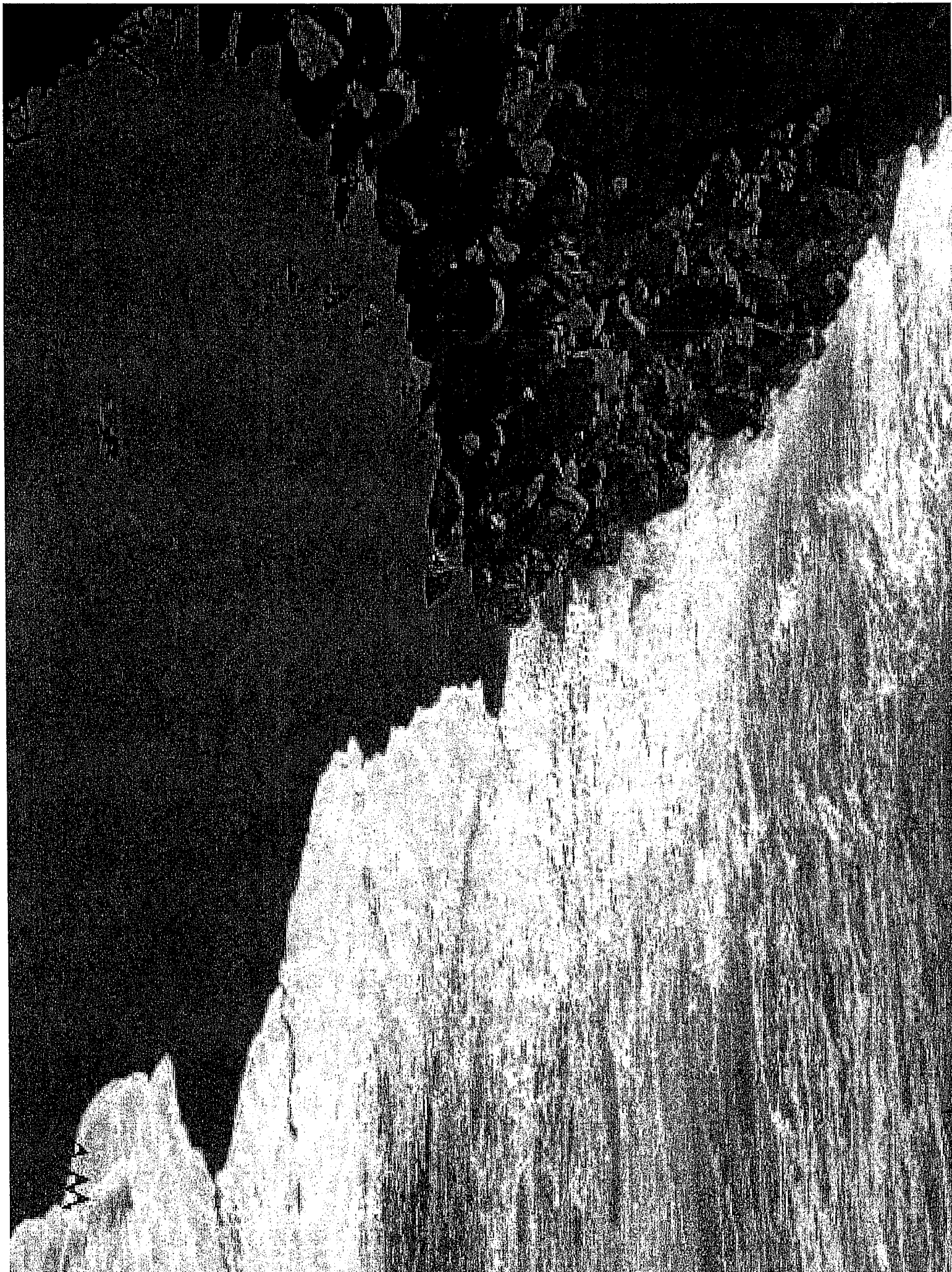
2005.09.15
15:30

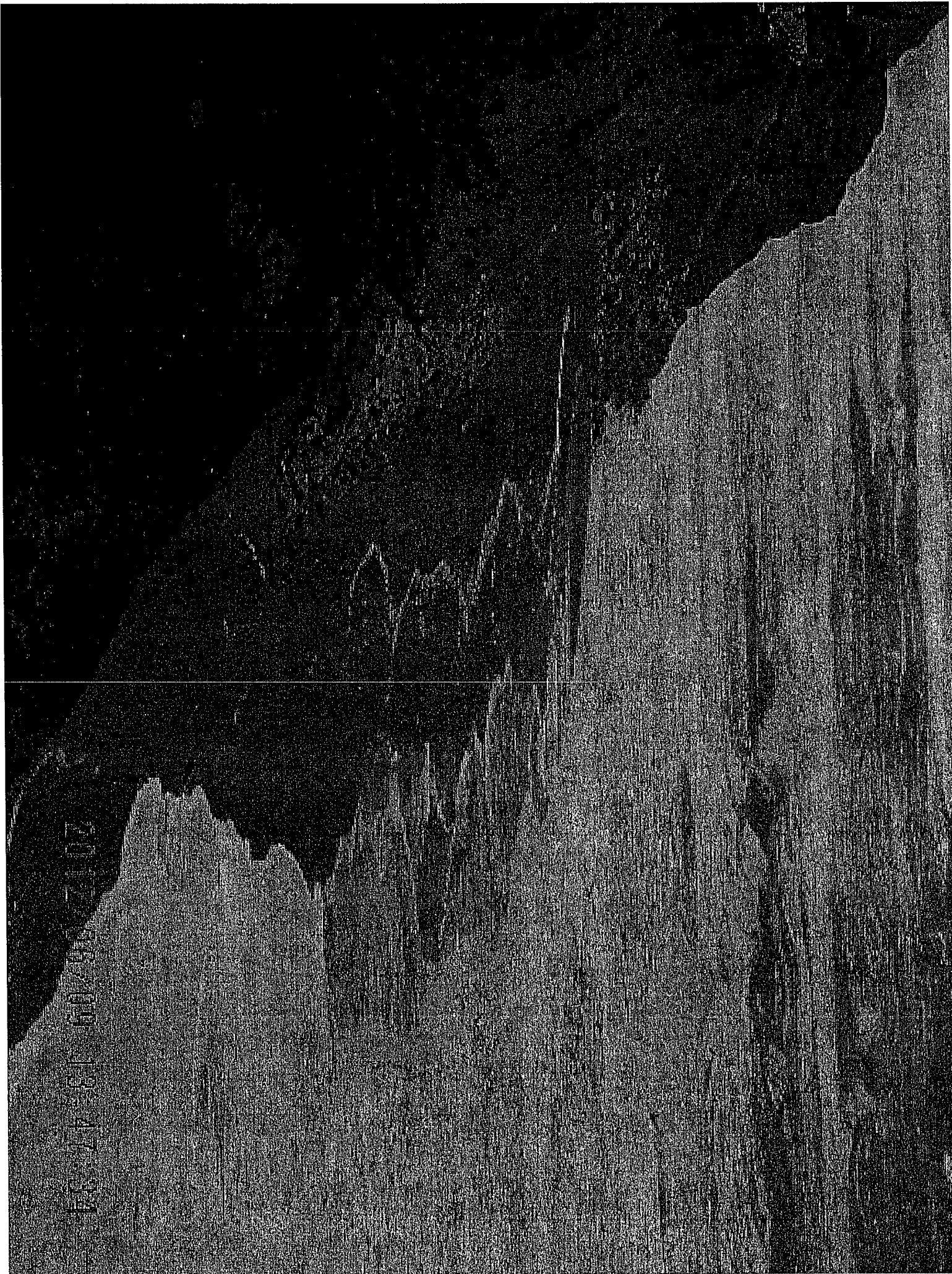




2010/12/20
09:34:06







2013-08-09 13:47:34

Geisler, Karen@Coastal

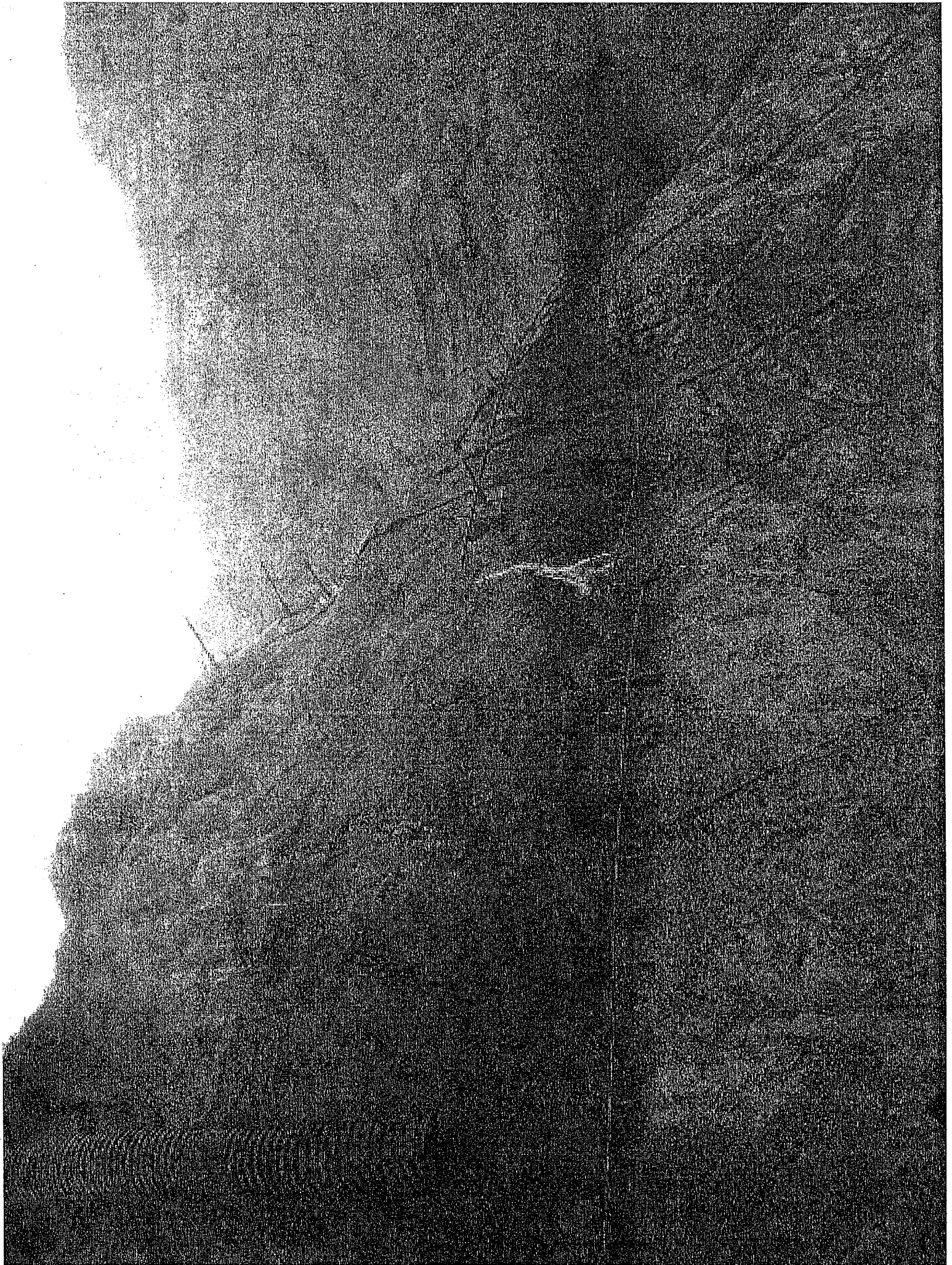
From: Bart <wavetool@earthlink.net>
Sent: Saturday, October 06, 2012 10:07 AM
To: Lester, Charles@Coastal; Coastal Enforcement; Cavalieri, Madeline@Coastal; Geisler, Karen@Coastal
Subject: Aimco Unpermitted Construction of Soil Nail Wall (2-08-020)
Attachments: AIMCO004.JPG; AIMCO003.JPG; AIMCO005.JPG; AIMCO006.JPG; AIMCO009.JPG

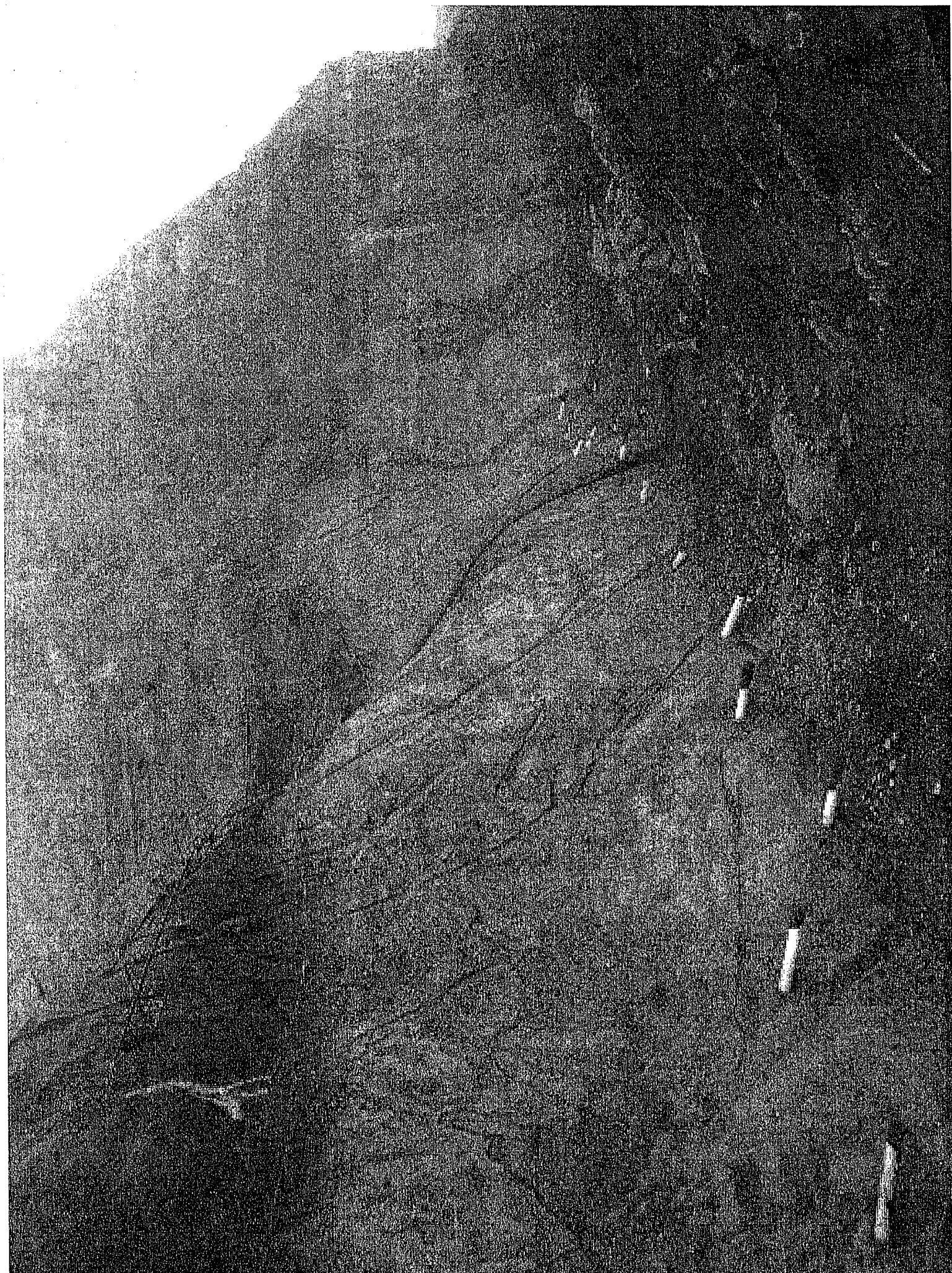
Dear Executive Director Charles Lester,

Attached, are photos of the recent construction that Aimco is currently engaged on the property. From the photos it is clear that Aimco is placing soil nails and wall in Area 6 the subject of the "immaterial amendment" that is not effective as of this date.

Accordingly, Coastal staff is not providing adequate oversight on this project. Lands End was under constant oversight and sight visits from Coastal Staff during construction of the Lands End project.

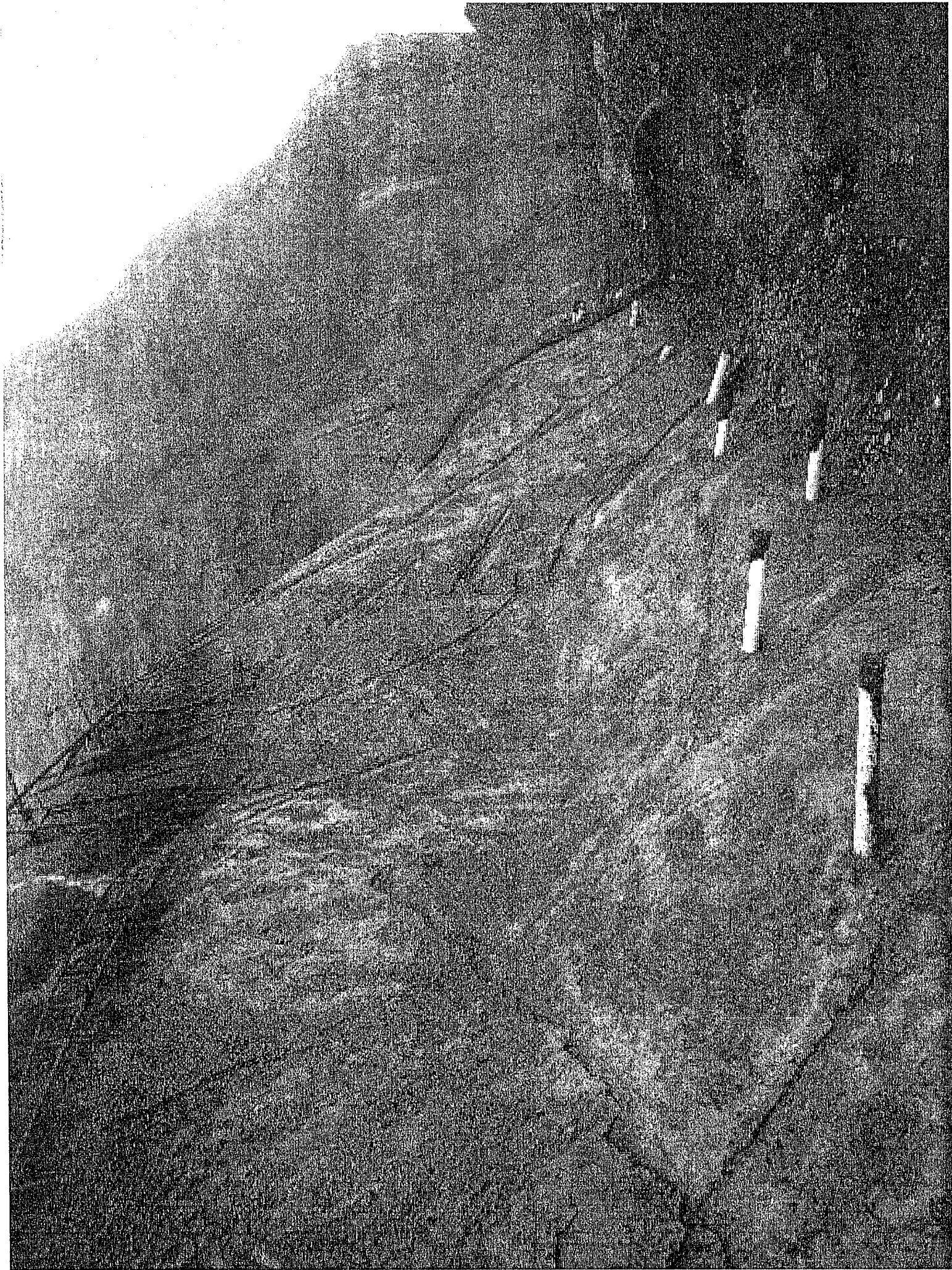
Kind regards,
Bart Willoughby











Geisler, Karen@Coastal

From: Finnegan, Sean (Redev - West Coast) <Sean.Finnegan@aimco.com>
Sent: Monday, October 08, 2012 3:48 PM
To: Geisler, Karen@Coastal
Cc: ablemker@mccabeandcompany.net
Subject: Fw:
Attachments: photo.JPG; ATT336831.txt

Karen,

You can see we have a big area still left exposed waiting for the soil nails. This is area 6.

Sean

----- Original Message -----

From: Van Sickle, James (Sonoma)
Sent: Monday, October 08, 2012 03:17 PM
To: Finnegan, Sean (Redev - West Coast)
Subject: Fw:

Sent from my Blackberry Smartphone.

----- Original Message -----

From: Jim Van Sickle [<mailto:jwvansickle@comcast.net>]
Sent: Monday, October 08, 2012 03:15 PM
To: Van Sickle, James (Sonoma)



CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE

45 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94105

PHONE: (415) 904-5260

FAX: (415) 904-5400

WEB: WWW.COASTAL.CA.GOV

**NOTICE OF PROPOSED PERMIT AMENDMENT****Date:** September 26, 2012**To:** All Interested Parties**From:** Madeline Cavalieri, North Central Coast District Manager *MC*
Laurel Kellner, Coastal Planner**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 2-11-011**
Applicant: Caltrans**Original CDP Approval**

CDP 2-11-031 was approved by the Coastal Commission on September 8, 2011 to install 115-feet of new rock slope protection, along Highway 1 between post miles 37.09 and 37.10, adjacent to the Tomales Bay, near Marshall, Marin County

Proposed CDP Amendment

CDP 2-11-011 would be amended to extend the timeframes in Special Conditions 8.A and 8.B, regarding public access mitigation requirements, to October 15, 2013. The Commission's reference number for this proposed amendment is **2-11-011-A1**.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed amendment would allow Caltrans sufficient time to develop a Cooperative Agreement with State Parks and the Department of Boating and Waterways, as required through the special conditions of the permit, and to fully address and plan for the specific circumstances of the project site, including previously existing underground storage tanks and ingress and egress from Highway 1 to the site. This additional time allows for the public access mitigation package to address all of these issues and to move ahead with the necessary environmental and permitting requirements for the implementation of the new State Park facilities, and will not change any aspects of the public access mitigation requirements, except for the timing of the Cooperative Agreement, which will establish the planning and permitting for the public access mitigation project.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the North Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on October 10, 2012, in Oceanside. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 2-11-011 (Caltrans)

Proposed Amendment 2-11-011-A1

Page 2

Laurel Kellner in the North Central Coast District office.