

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
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NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

November Meeting of the California Coastal Commission

MEMORANDUM

Date: **November 13, 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 **November 15, 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.

NO ITEMS TO REPORT THIS MONTH

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**Memorandum****November 13, 2012**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
North Central Coast District

Re: *Additional Information for Commission Meeting*
Thursday November 15, 2012

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th10a	A-2-MAR-11-29 Shea Freedomhowler	Email, John Wm. Bryant	1-3
Th11a	2-12-019 City of Pacifica	Email, Bill Collins Email, Sontian Morell-Stinson Email, Stan Zeavin	4-7 8-9 10-11

Th/Oa

From: John Wm. Bryant [<mailto:jwb@belvederelaw.com>]
Sent: Tuesday, November 13, 2012 12:18 PM
To: Cavalieri, Madeline@Coastal
Cc: 'Stacey Henderson'; Manna, Jeannine@Coastal
Subject: RE: Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.)

Please see our withdrawal of appeal attached – original will be mailed to you.
Thank you for your time.
John

John Wm. Bryant
~~~~~  
Attorney at Law  
118B Main Street  
Belvedere CA 94920  
(415) 435-4444  
(415) 435-9444 Facsimile  
[jwb@belvederelaw.com](mailto:jwb@belvederelaw.com)  
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**From:** Cavalieri, Madeline@Coastal [<mailto:Madeline.Cavalieri@coastal.ca.gov>]  
**Sent:** Tuesday, November 13, 2012 8:17 AM  
**To:** [jwb@belvederelaw.com](mailto:jwb@belvederelaw.com)  
**Cc:** 'Stacey Henderson'; Manna, Jeannine@Coastal  
**Subject:** RE: Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.)

Yes, a letter signed by Ms. Henderson requesting that the appeal be withdrawn will suffice. Please e-mail or fax a copy as soon as possible (preferably today) and then mail us the hard copy for our files. You could fax it to me 831-427-4877.

Thanks,  
Madeline

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**From:** John Wm. Bryant [[jwb@belvederelaw.com](mailto:jwb@belvederelaw.com)]  
**Sent:** Friday, November 09, 2012 9:28 AM  
**To:** Cavalieri, Madeline@Coastal  
**Cc:** 'Stacey Henderson'  
**Subject:** Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.)

Ms. Cavalieri:  
What is the process for withdrawing Ms. Henderson's appeal to the Coastal Commission?  
Would a letter prepared on my letterhead and signed by her suffice?  
Thank you,  
John

John Wm. Bryant

~~~~~

Attorney at Law

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JOHN WM. BRYANT
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November 13, 2012

CALIFORNIA COASTAL COMMISSION
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: 175 Poplar Road, Bolinas; Resolution 11-117, Marin CDA
Appeal No. A-2-MAR-11-29 (Freedomhowler, Marin Co.)

Dear Commissioners:

On behalf of appellant Stacey Henderson, I request that the appeal filed in opposition to resolution 11-117 of the Marin County Development be withdrawn.

Please let us know if you require anything further to accept our request for withdrawal.

Thank you for your time and consideration.

Sincerely,

Signature on File
John Wm. Bryant
Attorney for Appellant

Signature on File
Stacey Henderson
Appellant

From: Bill C [mailto:94116bc@gmail.com]
Sent: Monday, November 05, 2012 8:51 AM
To: Geisler, Karen@Coastal
Subject: from Bill Collins - (trying again, revised e-mail)

Thlla

Pacifica Shorebird Alliance

November 1, 2012

Karen Geisler
California Coastal Commission

Dear Ms Geisler:

Pacifica Shorebird Alliance advocates essential protections for the population of the threatened Western snowy plover, which seasonally rests and feeds at Pacifica State Beach. Despite our years of work for these birds, nothing has changed on the beach, which is managed by the City of Pacifica. There is no fencing, signage, or enforcement of the leash law to give the plovers a little safe space. Flushing the birds from their usual resting space in the dunes depletes essential fat stores.

City staff explain the failure to protect the plovers by telling the City Council that they're still waiting for input from the US Fish and Wildlife Service, (an imposition required by Council and bitterly resisted by staff). In reality, F&WS fully replied to Pacifica staff some thirteen months ago. Evidently that letter was not shared with our City Council.

PSA generally favors the application of the City of Pacifica for paid parking, provided that the revenues not disappear into the city's general fund. Pacifica is a chronically low-revenue city, and it continues to explore more budget cuts and new revenues. Without safeguards, it's not improbable that the paid parking revenues will only subsidize current city activities.

City staff have not been forthcoming with us as to the use of the parking revenues, but there has been talk of one or two full-time rangers. Would these positions be fungible with other city staff, particularly the police department? Would ranger staffing vary with beach usage, or be constant regardless of the number of beach visitors? Would the rangers have enforcement authority, to cite people who violate the rules for beach use, particularly the leash law, which is not presently enforced? (We regularly collect data as to the number of plovers sighted, as well as the number of dogs on/off leash).

Would any of the parking revenues be used for signage, an educational kiosk,

permanent scopes, or fencing, as recommended by the US Fish and Wildlife Service? (see attached letter).

If the revenues are expended for such tangibles, then we can be assured that parking revenues are used for additional beach enhancement. If not, a maintenance of effort requirement might be needed to ensure that parking revenues do not displace current beach expenditures.

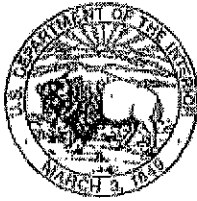
Also attached is a photo of a symbolic fence (recommended in the F&WS letter of 9/2012 but opposed by Pacifica staff) in place at Santa Barbara. If dogs will not be banned from PSB despite the policy of the California Dept. of Parks, we regard the symbolic fence as so essential that we have offered to raise the funds for its purchase.

We appreciate your consideration of our concerns.

Sincerely,

Bill Collins
VP, Pacifica Shorebird Alliance

531 Johnson Avenue
Pacifica, CA 94044
(650) 898-8990



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



In Reply Refer To:
81420-2011-TA-0318

SEP 27 2011

Michael J. Perez
Director - Parks, Beaches and Recreation
1810 Francisco Blvd
City of Pacifica, California 94044

Subject: Comments on the City of Pacifica Recommendations for Western Snowy Plover
Protections at Pacifica State Beach

Dear Mr. Perez:

The U.S. Fish and Wildlife Service's (Service), Sacramento Fish and Wildlife Office, is providing comments on the *City of Pacifica Recommendations for Western Snowy Plover Protections at Pacifica State Beach As Modified by City Council 4.25.11* (PRWSP) under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). At issue are the potential effects of the project on the federally threatened western snowy plover (*Charadrius alexandrinus nivosus*) (plover).

This letter is based on: (1) An electronic mail correspondence dated May 25, 2011 from the City of Pacifica (Pacifica) to the Service requesting comments on the PRWSP; (2) supplemental information on proposed signs provided by Pacifica; (3) the *Western Snowy Plover (Charadrius alexandrinus nivosus) Pacific Coast Population Recovery Plan* (Recovery Plan); and (4) other information available to the Service.

Comments

We appreciate the difficulties beach managers experience trying to balance beach use with conservation of the plover. The PRWSP is a good effort towards plover conservation; however, the Service believes the PRWSP, as proposed, does not meet the goals and objectives of the Recovery Plan and does not adequately reduce the potential effects of beach use on the plover. The Service believes that there are two overlying components of successfully managing a beach like Pacifica State Beach. They are: (1) a compliance-based management strategy which includes policy, enforcement, and monitoring; and (2) a comprehensive educational and outreach program. The implementation of such management strategy is an important component of any management plan and would instill confidence that Pacifica will manage Pacifica State Beach in compliance with the Act and in such a manner as to contribute to the recovery of the plover. The proposed



From: Sontian M-S [mailto:sontian@gmail.com]
Sent: Saturday, November 03, 2012 12:36 AM
To: Geisler, Karen@Coastal
Subject: Re: Pacifica parking fees

Thlla

Hello Karen,

I am enquiring about the new parking meter proposal. What is the reason that this is being implemented? Is it for maintenance of the facilities (rest rooms / showers) or extra tax revenue?

One of the reasons I am asking is that I feel it would significantly and negatively impact patronage to your community (Pacifica). As a surfer, I go to Pacifica for a number of reasons, it is a user friendly beach good conditions usually, access to plenty of amenities, shops and restaurants for after surfing, and importantly, because parking is free. One of the reasons I surf is that it is a sport that I can make a reasonable initial investment in, and then no longer have to keep paying to partake in it.

Here are some arguments against introducing parking fees:

In Half Moon bay, there are a number of beaches some paid, some free, the free ones sometimes having no assigned parking. I have only once been to one of the pay-beaches, and that was when the meter was broken so that I could park freely. Thus, I believe, that putting a parking meter in would reduce visitors to Pacifica and its beach.

Part of why I like Pacifica is that there are plenty of shops right next to the beach. The last two times I went surfing there I went to the local stores to get lunch (not just the Taco Bell), visited the local surf shop, and went and got a coffee in town where I met some great people. Should a parking fee be instituted and other surfers and I no longer surf in Pacifica, these businesses would lose patronage and thus money.

Also, when I visit the beach I like to spend several hours to the whole day there. If I have to come out of the water to keep feeding the meter, I will definitely go elsewhere, and having to constrain myself to a particular time limit would take some of the enjoyment out of being there.

Should I still decide to surf in Pacifica, I would simply park elsewhere, even if I had to walk a decent distance. This would mean I am parking in residential areas most likely, and taking up the parking of the locals. If enough surfers do this, this could become an issue.

This is how I feel, and I believe that many other surfers would feel similarly.

That being said, should you need extra funds for the maintenance of the facilities, then at least provide an option of a reasonably priced season pass that one can buy, spanning say, six months? This way it doesn't feel like such a constant bother, and it would encourage carpooling.

Thank you for your time and consideration.

Sincerely,
Sontian Morrell-Stinson

On 2 November 2012 16:39, Geisler, Karen@Coastal <Karen.Geisler@coastal.ca.gov> wrote:

Hello: I understand you left a voice mail regarding the above referenced project. I am the coastal planner assigned to this so if you have any questions or would like to submit comments before the hearing, please feel free to contact me.

Thanks!

Best

~Karen

Karen J Geisler, Coastal Program Analyst

California Coastal Commission, Central Coast District

725 Front Street, Suite 300, Santa Cruz, CA 95060

Phone: (831) 427 4863 Fax: (831) 427 4877

Karen.Geisler@coastal.ca.gov

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Th11a

From: stan zeavin [mailto:margstan@sbcglobal.net]
Sent: Friday, November 09, 2012 11:57 AM
To: Geisler, Karen@Coastal
Cc: 94116bc@gmail.com; aprilrandol@gmail.com; charadrius1@gmail.com; Clark Natwick; dyercrouch@yahoo.com; Ed Geer; Greg Hirsch; lazar keitelman; mary keitelman; noelblincoe@msn.com; sjhagen@sbcglobal.net; Victor Carmichael
Subject: CCC Thursday, Item TH11a

Hi Karen,

Thanks for speaking with me on Monday.

After reading through the staff report I have several concerns, the most important of which is the incorrect location identified for the plovers. Condition 3 Dune Protection does not protect the plovers from walkers, dogs, etc. and needs to be expanded or other conditions added. The fencing east of the dunes will not prevent regular disturbance to the plovers because they do not use that area as it is not useable habitat.

The Analysis Section E Sensitive Habitats on page 17 states:

"The snowy plover habitat area is concentrated in the back dunes at the northern end of Pacifica State Beach (to the north of Crespi Drive) (Exhibit 2 page 4) where approximately 3.5 acres of active dunes serve as foraging and potentially future nesting habitat for this shorebird species."

In fact, our wintering Snowy Plovers never use the back dunes unless they have been chased from their preferred habitat west of the fore dunes. The plovers actually forage and rest on the relatively flat area of the beach extending from the seaward edge of the dunes down to the wrack line. Occasionally they also are found foraging out on the area of wet sand still closer to the water's edge. When the plovers are pushed up into the dunes by people and dogs, they rarely go more than about 25 or 30 feet into that area. This is in large part because as you move east across the dunes, they quickly become too heavily vegetated for the plovers.

The following FWS Recovery Plan Vol. 1, Section III Narrative Outline of Recovery Actions provide crucial information:

#2 (page 160) states "Wintering and migration habitats should...be monitored and managed to maximize survival and recruitment of western snowy plovers into the breeding population."

#2.1 (page 161) defines habitat requirements, advising managers to "Maintain natural coastal processes that contribute to ...wide, flat, sparsely-vegetated beach strands preferred by western snowy plovers..."

Special Condition 3 begins to address protection of the plovers, but by defining the back dunes as plover habitat and focusing on "monitoring the trail area to help prevent dune/plover impacts" the true habitat is unprotected. While the city has proposed permanent fencing along the multi-use trail east of the dunes, this must not be confused with seasonal symbolic fencing west of the dunes, which would provide a measure of protection for the plovers and their actual habitat.

Is it possible to further condition the permit to correctly identify the plover habitat and require that it be monitored and protected. I hope that you can help focus attention on real protection for our ESA listed plovers.

Additionally, to be of any real use, rangers must be qualified to educate and enforce existing rules and those recommended by USFWS. Rangers also must be certified as public officers with enforcement and citation authority since the 1/3 police officer is unlikely to be immediately available when needed.

The Condition 4 Annual Project Reports is absolutely necessary. A detailed report of actions taken pursuant to Special Condition 3) must be based on accurate information about plover habitat location.

Thanks so very much for your dedication to the coast and its creatures human and otherwise,

Margaret Goodale

650-355-9654