

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
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Th9

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

December Meeting of the California Coastal Commission

MEMORANDUM

Date: **December 11, 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 **December 13, 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****December 11, 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 December 13, 2012

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th12a	A-2-SMC-11-32 (Cattermole, San Mateo Co.)	Staff Report Addendum	
Th12a	A-2-SMC-11-32 (Cattermole, San Mateo Co.)		
		Emails, George Cattermole	1-18
		Email, Lynn Ross	19-21
		Email, Deirdre Conley	22-23
		Email, Nirmala Dillman	24-25
		Email, Gary Weinberg	26-27
		Email, Diana O'Neill	28
		Email, David Rhodes	29-36
		Email, Kathleen Armstrong	37-39
Th12b	A-2-SMC-11-044 (Gerardo-Lietz, San Mateo Co.)		
		Correspondence, Ann Forrister & Casey Schaufler	40-41
		Email, Ted Harris	42-46
Th12.5a	2-06-017 (Daniel Altman and Avi Atid, Marin Co.)		
		Correspondence, Scott Miller	47
	AIMCO	Bart Willoughby Materials	

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Th12a



Prepared December 11, 2012 (for December 13, 2012 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Deputy Director
Madeline Cavalieri, District Manager
Nicholas Dreher, Coastal Planner

Subject: STAFF REPORT ADDENDUM for Item Th12a
Coastal Development Permit Appeal no. A-2-SMC-11-032 (Cattermole, San
Gregorio, San Mateo County)

The purpose of this staff report addendum is to add additional emails that were previously unintentionally omitted from the Applicant Correspondence Exhibit to the report (**Exhibit 6**). The addendum does not alter the conclusions of the report.

1. **Insert the attached five (5) pages of email correspondence to the end of Exhibit 6 of the November 29, 2012 Staff Report.**

From: [Mary Cattermole](#)
To: Dreher_Nicholas@Coastal
Subject: found email
Date: Wednesday, December 05, 2012 5:04:48 PM

Dreher, Nicholas@Coastal <Nicholas.Dreher@coastal.ca.gov>
to me, George

May 22   

Good Afternoon George and Mary,

The issues you have raised are exactly the issues that we are working to evaluate and we will demonstrate our objective analysis of those issues in our staff report. The San Mateo County certified LCP provides the legal framework for this analysis and Coastal Commission staff must rely upon the exact wording of the certified policies as they are the legal standard in this appeal. Moreover, as planners, we are doing our best to analyze this project within the context of San Gregorio as it exists within the framework of San Mateo County's certified LCP.

I expect we will be discussing your below concerns and other aspects of your property further during our upcoming meeting. Please hold off on sending additional concerns or analysis of the project, so we can discuss it all together in person.

Thank you,

Nicholas B. Dreher

Coastal Program Analyst

California Coastal Commission

[\(415\) 904-5251](tel:(415)904-5251)

nicholas.dreher@coastal.ca.gov

From: [Cavalieri, Madeline@Coastal](mailto:Cavalieri.Madeline@Coastal)
To: [Dreher, Nicholas@Coastal](mailto:Dreher.Nicholas@Coastal)
Subject: FW: Cattermole Project
Date: Tuesday, December 11, 2012 12:18:52 PM

From: George Cattermole [mailto:georgecattermole@earthlink.net]
Sent: Wednesday, October 24, 2012 9:48 AM
To: Cavalieri, Madeline@Coastal
Cc: Dreher, Nicholas@Coastal; Carl, Dan@Coastal
Subject: Cattermole Project

October 24, 2012

Dear Coastal Commision staff:

Section 3.1 of the Housing Component of the LCP provides:

1. Through both public and private efforts, protect, encourage and, where feasible, provide housing opportunities for persons of low and moderate income who reside, work or can be expected to work in the Coastal Zone.

This section and those that follow in the Housing Component encourage the development of **moderate** income housing as well as low income housing.

Little moderate income housing has been built in the South Coast primarily because there are few, if any, small parcels or property which a moderate income family could afford. Most development has consisted of mega-mansions on ranches consisting of many acres.

Three of the parcels created by our proposed development will create *relatively* small parcels. These will be *relatively* affordable and, therefore, allow for the construction of *relatively* moderate income housing.

We would also like to point out that, other than cattle grazing, **all** agriculture taking place in the San Gregorio valley is located on property which has access to water from the San Gregorio Creek. Our property does not.

George Cattermole

From: [Mary Cattermole](#)
To: Dreher_Nicholas@Coastal
Subject: Re: Cattermole project
Date: Tuesday, December 04, 2012 6:21:28 PM

Dear Mr. Dreher:

I could not find the email either. I guess I was mistaken and that you never said you would address the issue of the violation of 5.2 by the Coastal Commission.

However, I request that you do so.

Mary Cattermole

On Tue, Dec 4, 2012 at 3:39 PM, Dreher, Nicholas@Coastal
<Nicholas.Dreher@coastal.ca.gov> wrote:

Hello,

We are happy to attach these emails to the report. Can you please forward a copy of the email I sent to you on May 22, 2012 (the one you reference in point 3 below)? We are having trouble locating it at the moment. Otherwise I will be sure to include this email exchange and work with Madeline to make sure the 10/24/12 email is attached as well.

Sincerely,

Nicholas Dreher

From: Mary Cattermole [mailto:joeycatt@gmail.com]

Sent: Sunday, December 02, 2012 6:40 PM

To: Dreher, Nicholas@Coastal

Subject: Re: Cattermole project

Dear Mr. Dreher:

I do not believe that this email was included in the staff report. A number of other emails were also omitted. Could you please issue a supplemental report which includes:

- 1) this email exchange
- 2) an email from George to Ms Cavalieri dated 10/24/12 (sent to her because you were out of town, you should have received a copy)
- 3) An email dated May 22, 2012 and your reply in which you assured me that you

would address the issue of the violation of LCP section 5.2 by the Coastal Commission. You did not do so.

Please reply to this email so that I have evidence that you received it.

Mary Cattermole

On Tue, Oct 30, 2012 at 1:15 PM, Dreher, Nicholas@Coastal
<Nicholas.Dreher@coastal.ca.gov> wrote:

Hello Ms. Cattermole,

Thank you for your email. I will make sure this is included in an exhibit to the future report.

Nick Dreher

From: Mary Cattermole [mailto:joeycatt@gmail.com]
Sent: Tuesday, October 30, 2012 9:56 AM
To: Dreher, Nicholas@Coastal
Subject: Cattermole project

Section 30241 Prime agricultural land; maintenance in agricultural production

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands **where the viability of existing agricultural use is already severely limited by conflicts with urban uses** or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

Dear Coastal Commission staff:

We are not "converting" agricultural land because the Local Coastal Program already provides us with the right to construct one residence on our agricultural land through the use of one density credit. Nevertheless, we believe that the Coastal Act section cited above provides further authority for construction of a residence on our property.

In the case of our property in San Gregorio, we see a conflict between agricultural land and urban uses. Our property is

cut off from its natural source of surface water for agricultural use, the San Gregorio Creek, by the following urban uses:

1. Highway 84 and
2. The creation of residential lots on the south side of Highway 84. These lots have access to water from San Gregorio Creek which could be used for agriculture. Instead, this water is used to maintain residential lawns.

The lack of water severely limits the viability of agricultural on our property.

We believe that the above section of the Coastal Act provides guidance for our property. The Coastal Act recognizes and approves the conversion of agricultural land to other uses in cases, like ours, where the viability of agricultural land is limited by conflicts with urban uses.

Mary Cattermole

Th/2a

Dreher, Nicholas@Coastal

From: George Cattermole <georgecattermole@earthlink.net>
Sent: Tuesday, December 04, 2012 12:32 PM
To: Dreher, Nicholas@Coastal
Subject: Re: Meeting request

Hello Staff members - we have a proposal that I believe will satisfy all of us. It involves us redrawing our proposed boundaries so that only one house could be built on the commercial land which would be on the same parcel as the PAD1 and selling our density credit rather than using it on our PAD land. We would rather not go to court over our density credit, but shall if need be, and I think we have a good chance of prevailing. Water distribution would also need to be worked out. We are currently having our well tested and it is highly likely that they are hydrologically connected. We may need to postpone the hearing, but would rather not. George Cattermole

On Dec 3, 2012, at 2:01 PM, Dreher, Nicholas@Coastal wrote:

Hello Mr. Cattermole,

I received your voicemail messages regarding a possible meeting. I will discuss this with Dan and Madeline and see if we can arrange for something this week.

Sincerely,

Nick Dreher
415 904 5251

Th/2a

Dreher, Nicholas@Coastal

From: George Cattermole <georgecattermole@earthlink.net>
Sent: Thursday, December 06, 2012 8:46 AM
To: Dreher, Nicholas@Coastal; Cavallieri, Madeline@Coastal; Carl, Dan@Coastal
Subject: Cattermole Project

Follow Up Flag: Follow up
Flag Status: Flagged

Nick,

Got your message and we will be there 9am Friday. We would like to discuss our recent proposal, the issues raised in your staff report, our density credit, Section 5.2 of the LCP and the following Sections of the Coastal Act as they pertain to our project:

Coastal Act:

Section 30231 Biological productivity; water quality

*The biological productivity and **the quality of coastal waters**, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and **for the protection of human health shall be maintained** and, where feasible, restored **through**, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, **preventing depletion of ground water supplies** and substantial interference with surface water-flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. (Emphasis mine.)*

Section 30108 Feasible

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors

Water on Our Property

The San Gregorio Rural Service Center is served by a well on Parcel #1. This is a good, long standing well that has served our store since 1889 and our home since 1928. The well has been monitored closely by the County and State. Most existing development in our area takes place close to the San Gregorio Creek on land with water rights to and wells adjacent to San Gregorio Creek. Parcels which do not have water rights to the creek or a well that benefits from creek underflow have difficulty finding and maintaining a potable water supply and must use water sparingly.

We are willing to allow the well on Parcel #4 to be used for serving farm labor housing and/or the limited residential use we have proposed. ("Limited" = restricted size and location of residence). We originally drilled the well on Proposed Parcel #4 as an agricultural well because we were pursuing legalizing the barn as farm labor housing.

We are **not willing to have either of our wells used for feasible commercial agriculture**. For 123 years our well has met the needs of a rural service center providing toilets, hand washing, drinking water, food preparation. The use of our exiting water for commercial agriculture threatens the quality and quantity of water that is needed to serve our rural service center.

We now propose converting the well on Parcel #4 to a domestic well. We have not yet written the water sharing agreement for use of the well, but are considering specifically restricting the water use to domestic use only.

George Cattermole

From: George Cattermole <georgecattermole@earthlink.net>
Sent: Sunday, December 09, 2012 12:16 PM
To: Carl, Dan@Coastal; Cavaliere, Madeline@Coastal; Dreher, Nicholas@Coastal; James Castaneda
Subject: Cattermole Project

Follow Up Flag: Follow up
Flag Status: Flagged

San Gregorio

December 8, 2012

To: California Coastal Commission Commissioners:

My family and I moved to San Gregorio thirty three years ago when we purchased the San Gregorio General Store. Since that time we have removed three old deteriorating houses and the gas station which involved a major environmental cleanup. In 1984 the County and Commission zoned our property into roughly two halves, the eastern half store parcel was zoned commercial and the western half was zoned PAD. After determining that we could not afford to renovate our barn on our commercial parcel as a residence, we moved it to our ag parcel.

It is clear from the staff report that the primary issues involve what we intend to do with our agricultural, PAD parcel and whether or not the designation of that parcel created a density credit that we can use on it.

Density credits are units in a currency developed to be used only on lands which are designated as "Open Space" which includes Public Recreation, Private Recreation, General Open Space, and Agriculture. The currency cannot be used on lands which are zoned commercial. At the same instant a portion of our land was zoned PAD, the remaining portion was zoned commercial. The density credit that was created in that instant cannot then travel to lands zoned commercial in which such currency is neither needed nor permitted.

We have indicated that we are willing to minimize the impact of using our density credit in either one of two ways, both of which involve compromises on our part which benefit agriculture.

Option One:

We have agreed with the staff's opinion that conformity with the LCP could be achieved were our subdivision "be reconfigured to enlarge parcel 3 sufficiently to allow for a building site that is not on prime agricultural land."

We have informed staff that we would be willing to do this - to join parcels 3 and 4 rather than split them. Note that this "enlargement of parcel 3" involves our attaching our commercial land to our PAD land which in all likelihood results in our taking an economic hit. We have also indicated that we would be willing to restrict the size of the single family dwelling that would go on our ag land. Because the LCP had been interpreted in a way which permits 15,800 square ft. single family homes, this also represents a willingness on our part to compromise to meet the staff's concerns.

Option Two:

We would agree to not use our density credit on our ag land. This would expose us to the vagaries of the density credit market and it is near certain that it will result in our obtaining less economic benefit than the conditioned use of our density credit in option two. This would resolve the major issue identified by the Commission staff, and avoid litigation costs for both of us.

Staff has acknowledged that our situation is "unique and particular" and that is primarily because our land is, as far as the county and we know, the only parcel in San Mateo that is split zoned. To make the point clearer: any future subdivision that comes before you that involves density credits will involve density credits that were generated by and General Open Space Land and must be used on them. There is thus no danger that approval of our project will set a bad precedent.

Staff objects that a road leading to a residence in the northwest corner of our property would require a road which would cover ag soil. When staff visited, we walked the land and showed them where we would be willing to site the home on our ag land - a site that utilizes the maximum amount of non-prime soils and the least amount of prime soils. They did not realize we were always walking on "ranch roads" because they are not paved. We walked from our store to the barn driveway, then crossed it on a "ranch road" leading to our Eucalyptus grove. That "ranch road" is used for transporting firewood we harvest from our Eucalyptus grove for heating our store and by an employee who is a falconer who uses it to access his coops in the grove. It is just as much a ranch road as large portions of Commissioner Blanks driveway which covers acres of ag land and was determined to be part of an existing ranch road.

Any honest evaluation of the two staff reports - Commissioner Blank's and ours-will reveal that there are different standards of fairness employed. We sincerely believe that most of the staff's concerns could have been resolved were they to have been as available and cooperative as they were in Commissioner Blank's case.

Th12a

Dreher, Nicholas@Coastal

From: George Cattermole <georgecattermole@earthlink.net>
Sent: Sunday, December 09, 2012 10:31 AM
To: Carl; Dan@Coastal; Cavalleri; Madeline@Coastal; Dreher, Nicholas@Coastal; James Castaneda
Subject: Cattermole Project: Density Credit Analysis
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Coastal Commission staff:

The zoning of our property creates two zoning areas.

The LCP did not anticipate the creation of parcels with split zoning. The only way to understand the LCP in conjunction with the split zoning is to understand that the word "parcel" means "zoning area" or "zoning parcel".

The issue is the number of structures (the density) allowed in each zoning area.

Table 1.2 Line (8) Neighborhood Commercial/Rural Service Center/Urban Area and C1/S7 zoning area:

Table 1.2 of the LCP applies to the rural service center. Under line (8) Neighborhood Commercial the columns Urban Area and Rural Service Center are checked indicating that this line applies to our property. **The column for "Density" is blank.**

To determine the density for this zoning area, we must turn the Basic Zoning Development Standards table of the Zoning Ordinances (the S-7 Table). This table determines the number of structures allowed (the density) by the column entitled "Minimum lot area per dwelling unit". In the S-7 area for every 5,000 sq. ft. of land, you are allowed one dwelling unit.

In conclusion, the density of development in the Line (8) Neighborhood Commercial zoning area is determined by the Basic Zoning table.

Table 1.2, Line (18) Agricultural/Rural Area:

In the Agricultural/Rural Area, the density of development is controlled by a system of "density credits". The only zoning areas which use density credits are lines (15), (16) (17) and (18) of Table 1.2 of the LCP.

Line (18) Agriculture under column "Density" refers to a system of density credits. Table 1.2 refers by footnote #1 to Table 1.3 to determine the number of "density credits" for each parcel.

Table 1.3 states that "all legal parcels shall accumulate at least one density credit." Because Table 1.3 is setting out zoning rules, the words "legal parcel" mean, in this context, the "zoning area" or "zoning parcel".

Even if the words "legal parcel" refer to entire larger parcel and the larger parcel generates the density credit, that does not mean that the density credit can be **used** on any portion of the larger parcel. It cannot. ~~Table 1.2 controls the "Land Uses and Development Densities"~~ of the density credit. The density credit must stay and be used on the line (18) Agricultural/Rural zoning area in accordance with Table 1.2.

The density credit cannot be used on the Line (8) Neighborhood Commercial area because, the "Density" column for line (8) is blank because Neighborhood Commercial does not use density credits. The only "Land Uses" which use density credits are Lines 15, 16, 17 and 18.

In conclusion, **the Agricultural portion of our property has one density credit which can only be used on it.** It is true that this zoning area consists almost entirely of prime soil. Nevertheless, the LCP allows the use of a density credit on prime soil when there is no other building site on the parcel.

The County and Commission created and approved this Agricultural "zoning parcel".

Creation of a zoning parcel whose only building site is on prime soil or subdivision which requires a density credit

The LCP requires a that a subdivision have a density credit for each parcel created. We have a density credit for the Agricultural parcel. The Neighborhood/Commercial parcel does not require one.

The LCP prohibits the "creation" of a parcel whose only building site is on prime soil. We submit that the word "parcel" here means "zoning area" or "zoning parcel". The Commission already "created" the "zoning parcel" when it created the split zoning. Putting this "zoning parcel" on its own "property parcel" does not change the nature of the parcel. We are not "creating" the zoning parcel". It was created by the Commission. Therefore, our proposed subdivision does not violate the LCP.

Mary Cattermole

RECEIVED

DEC 10 2012

Th/2a

To: Coastal Commissioners

From: George Cattermole, Applicant

Re: Cattermole Project. 1213/2012, Line 12a

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

My family and I moved to San Gregorio thirty three years ago when we purchased the San Gregorio General Store. Since that time we have removed three old deteriorating houses and the gas station which involved a major environmental cleanup. In 1984 the County and Commission zoned our property into roughly two halves, the eastern half store parcel was zoned commercial and the western half was zoned PAD. After determining that we could not afford to renovate our barn on our commercial parcel as a residence, we moved it to our ag parcel.

It is clear from the staff report that the primary issues involve what we intend to do with our agricultural, PAD parcel and whether or not the designation of that parcel created a density credit that we can use on it.

Density credits are units in a currency developed to be used only on lands which are designated as "Open Space" which includes Public Recreation, Private Recreation, General Open Space, and Agriculture. The currency cannot be used on lands which are zoned commercial. At the same instant a portion of our land was zoned PAD, the remaining portion was zoned commercial. The density credit that was created in that instant cannot then travel to lands zoned commercial in which such currency is neither needed nor permitted.

We have indicated that we are willing to minimize the impact of using our density credit in either one of two ways, both of which involve compromises on our part which benefit agriculture.

Option One:

We have agreed with the staff's opinion that conformity with the LCP could be achieved were our subdivision "be reconfigured to enlarge parcel 3 sufficiently to allow for a building site that is not on prime agricultural land." We have informed staff that we would be willing to do this - to join parcels 3 and 4 rather than split them. Note that this "enlargement of parcel 3" involves our attaching our commercial land to our PAD land which in all likelihood results in our taking an economic hit. We have also indicated that we would be willing to restrict the size of the single family dwelling that would go on our ag land. Because the LCP had been interpreted in a way which permits 15,800 square ft. single family homes, this also represents a willingness on our part to compromise to meet the staff's concerns.

Option Two:

We would agree to not use our density credit on our ag land. This would expose us to the vagaries of the density credit market and it is near certain that it will result in our obtaining less economic benefit than the conditioned use of our density credit in option two. This would resolve the major issue identified by the Commission staff, and avoid litigation costs for both of us.

Staff has acknowledged that our situation is "unique and particular" and that is primarily because our land is, as far as the county and we know, the only parcel in San Mateo that is split zoned. To make the point clearer: any future subdivision that comes before you that involves density credits will involve density credits that were generated by and General Open Space Land and must be used on them. There is thus no danger that approval of our project will set a bad precedent.

George Catttermole

RECEIVED

DEC 10 2012

To: Coastal Commissioners

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: Mary Cattermole, Applicant

Re: Cattermole Project, 12/13/2012, Line 12a

***5.2 Designation of Prime Agricultural Lands**

Designate any **parcel** which contains **prime agricultural lands** as Agriculture on the Local Coastal Program Land Use Plan Map, **subject to the following exceptions:** State Park lands existing as of the date of Local Coastal Program certification, urban areas, **rural service centers**, and solid waste disposal sites necessary for the health, safety, and welfare of the County.

***5.7 Division of Prime Agricultural Land Designated as Agriculture**

- a. Prohibit the division of parcels consisting entirely of prime agricultural land.
- b. Prohibit the division of prime agricultural land within a parcel, unless it can be demonstrated that existing or potential agricultural productivity would not be reduced.
- c. Prohibit the creation of new parcels whose only building site would be on prime agricultural land.

Section 30519.5 Periodic review of certified local programs; recommendations; reports

(a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being *effectively implemented* in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it *shall* submit to the affected local government *recommendations of corrective actions* that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.

From: George Cattermole <georgecattermole@earthlink.net>
Subject: Cattermole Project: Density Credit Analysis
Date: December 9, 2012 10:30:53 AM PST
To: "Dan@Coastal Carl" <dan.carl@coastal.ca.gov>, "Madeline@Coastal Cavalieri" <madeline.cavalieri@coastal.ca.gov>, "Nicholas@Coastal Dreher" <Nicholas.Dreher@coastal.ca.gov>, James Castaneda <jcastaneda@co.sanmateo.ca.us>

Dear Coastal Commission staff:

The zoning of our property creates two zoning areas.

The LCP did not anticipate the creation of parcels with split zoning. The only way to understand the LCP in conjunction with the split zoning is to understand that the word "parcel" means "zoning area" or "zoning parcel".

The issue is the number of structures (the density) allowed in each zoning area.

Table 1.2 Line (8) Neighborhood Commercial/Rural Service Center/Urban Area and C1/S7 zoning area:

Table 1.2 of the LCP applies to the rural service center. Under line (8) Neighborhood Commercial the columns Urban Area and Rural Service Center are checked indicating that this line applies to our property. **The column for "Density" is blank.**

To determine the density for this zoning area, we must turn the Basic Zoning Development Standards table of the Zoning Ordinances (the S-7 Table). This table determines the number of structures allowed (the density) by the column entitled "Minimum lot area per dwelling unit". In the S-7 area for every 5,000 sq. ft. of land, you are allowed one dwelling unit.

In conclusion, the density of development in the Line (8) Neighborhood Commercial zoning area is determined by the Basic Zoning table.

Table 1.2: Line (18) Agricultural/Rural Area:

In the Agricultural/Rural Area, the density of development is controlled by a system of "density credits". The only zoning areas which use density credits are lines (15), (16) (17) and (18) of Table 1.2 of the LCP.

Line (18) Agriculture under column "Density" refers to a system of density credits. Table 1.2 refers by footnote #1 to Table 1.3 to determine the number of "density credits" for each parcel.

Table 1.3 states that "all legal parcels shall accumulate at least one density credit." Because Table 1.3 is setting out zoning rules, the words "legal parcel" mean, in this context, the "zoning area" or "zoning parcel".

Even if the words "legal parcel" refer to entire larger parcel and the larger parcel generates the density credit, that does not mean that the density credit can be **used** on any portion of the larger

parcel. It cannot. Table 1.2 controls the "Land Uses and Development Densities" of the density credit. The density credit must stay and be used on the line (18) Agricultural/Rural zoning area in accordance with Table 1.2.

The density credit cannot be used on the Line (8) Neighborhood Commercial area because, the "Density" column for line (8) is blank because Neighborhood Commercial does not use density credits. The only "Land Uses" which use density credits are Lines 15, 16, 17 and 18.

In conclusion, **the Agricultural portion of our property has one density credit which can only be used on it.** It is true that this zoning area consists almost entirely of prime soil. Nevertheless, the LCP allows the use of a density credit on prime soil when there is no other building site on the parcel.

The County and Commission created and approved this Agricultural "zoning parcel".

Creation of a zoning parcel whose only building site is on prime soil or subdivision which requires a density credit

The LCP requires a that a subdivision have a density credit for each parcel created. We have a density credit for the Agricultural parcel. The Neighborhood/Commercial parcel does not require one.

The LCP prohibits the "creation" of a parcel whose only building site is on prime soil. We submit that the word "parcel" here means "zoning area" or "zoning parcel". The Commission already "created" the "zoning parcel" when it created the split zoning. Putting this "zoning parcel" on its own "property parcel" does not change the nature of the parcel. We are not "creating" the zoning parcel". It was created by the Commission. Therefore, our proposed subdivision does not violate the LCP.

Mary Cattermole

TABLE 1.2 LAND USES AND DEVELOPMENT DENSITIES						
LAND USE	DENSITY	URBAN AREA	RURAL SERVICE CENTER	RURAL RESIDENTIAL AREA	FARM LABOR HOUSING AREA	RURAL AREA
RESIDENTIAL						
(1) Very Low	(0.0-0.2 d.u./ac.)		X	X	X	X
(2) Low	(0.3-2.0 d.u./ac.)	X	X		X	
(3) Medium Low	(2.1-6.0 d.u./ac.)	X	X		X	
(4) Medium	(6.1-8.0 d.u./ac.)	X	X		X	
(5) Medium High	(8.1-16.0 d.u./ac.)	X				
(6) High	(16.1-32.0 d.u./ac.)	X				
COMMERCIAL						
(7) General Commercial	-----	X	X			
(8) Neighborhood Commercial	-----	X	X			
(9) Coastside Commercial Recreation	-----	X	X			
(10) Offices	-----	X				
INDUSTRIAL						
(11) General	-----	X				
(12) Heavy	-----	X				
OTHER						
(13) Institutional	-----	X	X			
(14) Transportation	-----	X				
OPEN SPACE						
(15) Public Recreation	(1 d.c./40 ac.- 1 d.c./160 ac.) ¹	X	X			X
(16) Private Recreation	(1 d.c./40 ac.- 1 d.c./160 ac.) ¹	X	X			X
(17) General Open Space	(1 d.c./40 ac.- 1 d.c./160 ac.) ¹	X	X		X ²	X
(18) Agriculture	(1 d.c./40 ac.- 1 d.c./160 ac.) ¹	X	X		X ²	X

¹ See Table 1.3 for explanation of computation of maximum density of development for compatible conditional uses.

² Maximum density permitted is eight dwelling units per acre.

***TABLE 1.3**

MAXIMUM DENSITY CREDITS

In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits to which any legal parcel is entitled by using the method of calculation shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations. All legal parcels shall accumulate at least one density credit. Except as provided in Policy 5.11, the sum of the density credits on parcels created by a land division shall not exceed the total credits on the original parcels or parcels divided.

A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Policy 5.1 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

***TABLE 1.3 (continued)**

MAXIMUM DENSITY CREDITS

E. Land With Slope 30% But Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

F. Land Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active Faults, Probably Active Faults, and Associated Fracture Zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

G. Lands Within 100-Year Floodplain

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

I. Land Within Agricultural Preserves or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

J. All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

San Mateo County Planning and Building Division

Basic Zoning Development Standards

District	Minimum building site		Minimum lot area per dwelling unit	Minimum yards required			Maximum height		Maximum coverage permitted %
	Lot width (ft.)	Minimum area (sq. ft.)		Front (ft.)	Side** (ft.)	Rear (ft.)	Stories	Feet	
S-1	50	5,000	500	20	5	20	3	36	50
S-2	50	5,000	1,000	20	5	20	3	36	50
S-3	50	5,000	1,250	20	5	20	3	36	50
S-4	50	5,000	1,650	20	5	20	3	36	50
S-5	50	5,000	2,500	20	5	20	3	36	50
S-6	50	5,000	3,500	20	5	20	3	36	50
S-7	50	5,000	5,000	20	5	20	3	36	50
S-8	50	7,500	7,500	20	5	20	3	36	40
S-9	50	10,000	10,000	20	10	20	3	36	30
S-10	75	20,000	20,000	20	10	20	3	36	25
S-11*	100	1-5 ac.	1-5 ac.	50	20	20	3	36	15
S-17*	50	5,000	5,000	20	5-10	20	*	28	35-50
S-50*	50	5,000	2,500	20	5	20	2	28	50
S-71	50	5,000	5,000	20	5	20	*	30	50
S-72*	50	5,000	5,000	20	5	*	*	*	50
S-82*	50	7,500	7,500	20	5	*	*	*	50
S-90	50	10,000	10,000	40 ^①	10	20	*	30	30
S-91	50	10,000	10,000	20	10	20	*	28	30
S-92*	50	10,000	10,000	20	10	*	*	*	50
S-100	75	20,000	20,000	40	10 ^②	20	-	30	25
S-101	75	20,000	20,000	20	10	20	-	28	25
S-102	75	20,000	20,000	20	10	20	-	30	25
SS-104	*	*	*	*	8	20	2.5	35	*
RH*	50	*	*	20	20 ^③	20	-	28 ^③	25
RM	*	*	*	50	20	20	3	36	-
RM-CZ	*	*	*	50	20	20	3	36	-
PAD	*	*	*	30/50 ^④	20	20	3	36	-

Maximum coverage limitations shall apply to all structures except structures in C, H, M or P districts in which there are no dwelling facilities.

*See planner for additional requirements including possible floor area ratio (FAR), daylight plane and design review.

** Side yard setbacks on corner lots shall be 50% of the required front yard setback in the respective district.

① 40 feet on corner lots - refer to zoning maps

② combined total - both sides, 7.5 feet minimum on any one side

③ from natural grade

④ agricultural/non-agricultural development

⑤ combined total - both sides, 5 feet minimum on any one side

⑥ 40 feet on Bay/Ringwood Roads

Section 6300, Land Use Districts Index and Development Standards

**Districts established by Section 6110
are as follows:**

A-1	Agricultural District
AO	Airport Overlay District
C-1	Neighborhood Business District
C-2	General Commercial District
CCR	Coastside Commercial Recreation District
COSC	Community Open Space Conservation District
H-1	Limited Highway Frontage District
M-1	Light Industrial District
M-2	Heavy Industrial District
O	Office District
P	Parking District
PAD	Planned Agricultural District
PUD	Planned Unit Development District
R-1	One-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
R-3-A	Affordable Housing District
R-E	Residential Estates District
RH	Residential Hillside District
RM	Resource Management District
RM-CZ	Resource Management-Coastal Zone District
TPZ	Timberland Preserve District
TPZ-CZ	Timberland Preserve-Coastal Zone District
W	

County Government Center • 590 Hamilton Street • Redwood City, California 94063

(415) 363-4161 • FAX (415) 363-4849

Coastal Act:

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water-flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. (Emphasis mine.)

Section 30108 Feasible

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors

Water on Our Property

The San Gregorio Rural Service Center is served by a well on Parcel #1. This is a good, long standing well that has served our store since 1889 and our home since 1928. The well has been monitored closely by the County and State. Most existing development in our area takes place close to the San Gregorio Creek on land with water rights to and wells adjacent to San Gregorio Creek. Parcels which do not have water rights to the creek or a well that benefits from creek underflow have difficulty finding and maintaining a potable water supply and must use water sparingly.

We are willing to allow the well on Parcel #4 to be used for serving farm labor housing and/or the limited residential use we have proposed. ("Limited" = restricted size and location of residence). We originally drilled the well on Proposed Parcel #4 as an agricultural well because we were pursuing legalizing the barn as farm labor housing.

We are not willing to have either of our wells used for feasible commercial agriculture. For 123 years our well has met the needs of a rural service center providing toilets, hand washing, drinking water, food preparation.

8

The use of our exiting water for commercial agriculture threatens the quality and quantity of water that is needed to serve our rural service center.

We now propose converting the well on Parcel #4 to a domestic well. We have not yet written the water sharing agreement for use of the well, but are considering specifically restricting the water use to domestic use only.

George Cattermole

Dreher, Nicholas@Coastal

Th/2a

From: George Cattermole <georgecattermole@earthlink.net>
Sent: Tuesday, December 11, 2012 8:40 AM
To: Dreher, Nicholas@Coastal
Subject: Cattermole project

Dear Coastal Commission staff:

We are not asking for the moon here. If the County had not designated about 6 acres of our property as "Agriculture" in violation of LCP 5.2, they could have designated it as Table 1.2, line (1) residential in the rural area. This would have given us the right to build one residence for every .2 acres. Since we are talking about 6 acres, this would equate to one residence. That is all we are asking for, the right to build one residence on that 6 acres.

George Cattermole

Th 12a

Dreher, Nicholas@Coastal

From: Lynn Ross <lthinkgreen@gmail.com>
Sent: Friday, December 07, 2012 4:58 PM
To: Dreher, Nicholas@Coastal
Subject: Support for Denial of Cattermole subdivision: CCC file A-2-SMC-11-32

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Honorable Commissioners:

Thank you for your thoughtful consideration of the Cattermole proposed subdivision in San Gregorio.

I support the California Coastal Commission Staff recommendation to deny the project.

I support the reasons described in the staff report.

My additional concerns are:

The illegal residences that they have added by installing illegal septic and water systems, including the historic "blacksmith shop" within yards of the Cattermoles' residence.

On the tentative map they submitted to SMC the shop was described as a "shop" ---- yet they have changed it as recently as the 1990s and very currently to a residence.

Is it legal to change a building from commercial use to residential use within the rural Service Center and how does their illegal water and septic system they installed affect the proposed subdivision and the environment?

Attached - faxed to Mr. Dreher- is a photo of the commercial shop that never served as a home.

Thank you. As a 5th generation resident of San Gregorio, its protection is in your hands, but the residents hope the town is protected with all its it's visual beauty.

Sincerely,

Lynn Ross
PO Box 26 San Gregorio 94074
650 747 0004
Sent from my iPhone

(1) Over Page / FAX

Re: Cattermole
Subdivision
CCC File # A-2-
SMC-11-32
Recommendation
to Deny the
Subdivision

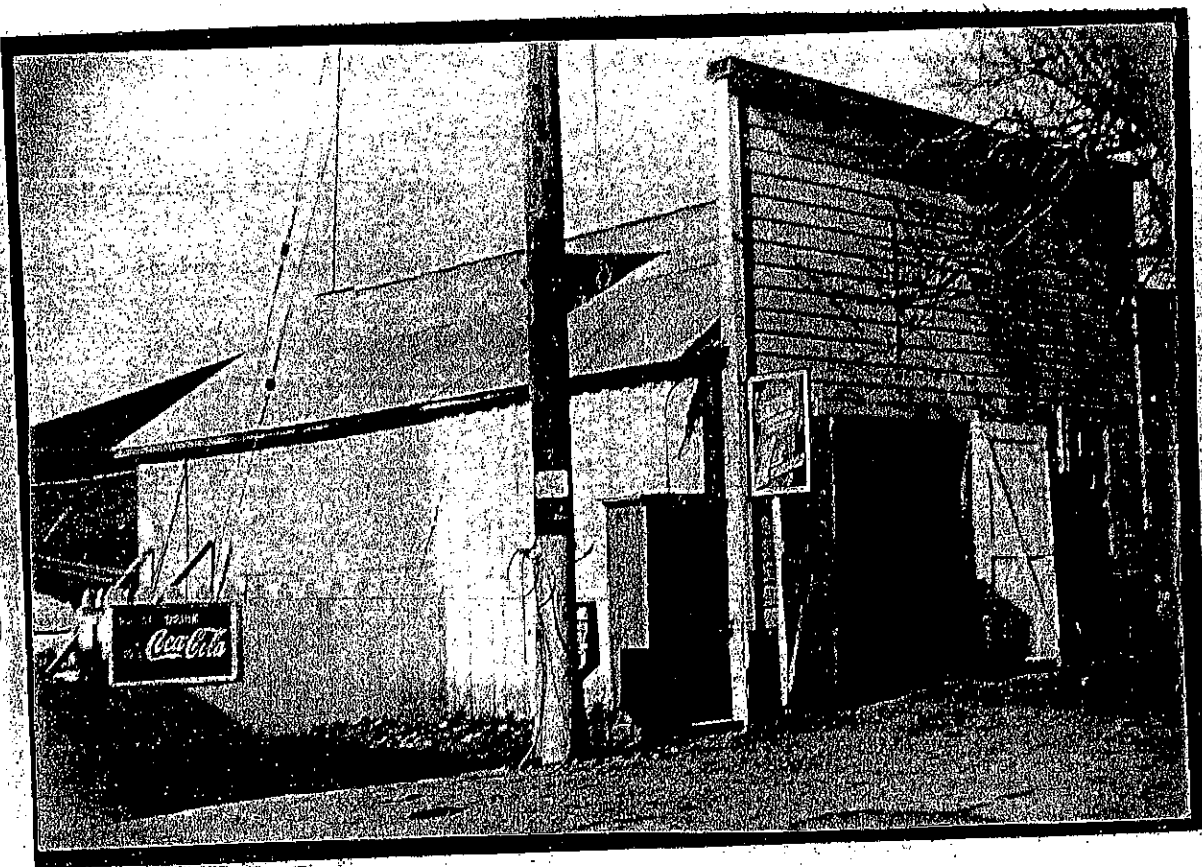
Nick Decher
California Coastal Comm.
Fremont St.
San Francisco

FAX # (415) 904-5400

Dear Nick:
This photo relates to my support of denial.
This is a photo from the
SMC Historical Society which
shows that the Blacksmith Shop
was a commercial building of
the Rural Service Center of
San Gregorio. This photo
accompanies my letter I am
e-mailing you regarding the
water/septic installed by the
Cattermole to change it to a residence.
Sincerely, Lynn Ross
650.747.0004

From: Lynn Ross
650. 747.0004

To: Nick Dreher
Calif. Coastal Comm.



(second)
Former Levy Bros. store, now a blacksmith shop.

→ Lynn Ross recommends denial of the Cattermole subdivision. Is it legal to "grandfather" this shop (as seen above) to a residence — although the Cattermoles turned it into a residence only recently + how does that affect water + septic?

Dreher, Nicholas@Coastal

Th/2a

From: Deirdre Conley <dd242a@gmail.com>
Sent: Thursday, December 06, 2012 11:29 PM
To: Dreher, Nicholas@Coastal
Subject: Letter re A-2-SMC-11-032
Attachments: Letter re Cattermole A-2-SMC-11-032.docx

Dear Mr. Dreher:

Attached is my letter concerning California Coastal Commission appeal scheduled to be heard on Dec 13, 2012 : A-2-SMC-11-032.

I support the staff recommendation to deny the Cattermole development proposal.

Unfortunately I cannot be at the Commission meeting on the 13th because I will be traveling. I have written the attached letter in the hopes that it can be considered as part of the record. I will send the letter by regular mail as well.

Thank you,
Deirdre L. Conley
29 Capay Circle
South San Francisco, CA 94080
email: dd242a@gmail.com

By Mail and Email

December 6, 2012

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

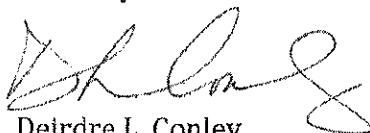
Subject: December 12-13 Hearing **Appeal No. A-2-SMC-11-032**

Honorable Commissioners:

I support the Commission staff recommendation to deny the Cattermole proposed development.

I have been a San Mateo County resident for 57 years. I believe the Commission staff analysis was very thorough and accurate. Their recommendation to deny the proposed development is correct in view of the purpose and guidelines of the California Coastal Commission to protect and conserve irreplaceable California coastal areas. This San Gregorio property is a unique, historical, scenic and environmentally sensitive area. Exceptions to the rules should not be made to allow the Cattermole proposed development to go forward. I respectfully urge you to uphold the staff recommendation to deny.

Sincerely,



Deirdre L. Conley
29 Capay Circle
South San Francisco, CA 94080

Th 12a

Dreher, Nicholas@Coastal

From: Nirmala Dillman <ndillman@smcoe.k12.ca.us>
Sent: Thursday, December 06, 2012 5:43 PM
To: Dreher, Nicholas@Coastal
Subject: Letter re A-2-SMC-11-032
Attachments: Ltr_Dillman_re A-2-SMC-11-032.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Dreher:

Attached is my letter concerning California Coastal Commission appeal scheduled to be heard on Dec 13, 2012 : A-2-SMC-11-032.

I support the staff recommendation to deny the Cattermole development proposal.

Unfortunately I cannot be at the Commission meeting on the 13th because of a required work meeting in Sacramento on that day. I have written the attached letter in the hopes that it can be considered as part of the record. I will put it in the mail as well.

Thank you,
Sheila Dillman

--
Sheila Moore Dillman

ndillman@smcoe.k12.ca.us
Work Tel (650) 802-5443
FAX (650) 802-5322
Cell (650) 678-6294

By Mail and Email

December 5, 2012

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


Subject: December 12-13 Hearing Appeal No. A-2-SMC-11-032

Honorable Commissioners:

I support the Commission staff recommendation to deny the Cattermole proposed development

I was a San Mateo County Coastside resident for 25 years before moving to San Francisco and I continue to work full time in San Mateo County. I believe the Commission staff analysis was very thorough and accurate. Their recommendation to deny the proposed development is correct in view of the purpose and guidelines of the California Coastal Commission to protect and conserve irreplaceable California coastal areas. This San Gregorio property is a unique, historical, scenic and environmentally sensitive area. Exceptions to the rules should not be made to allow this type of development to go forward. I respectfully urge you to uphold the staff recommendation to deny.

Sincerely,



Sheila Moore Dillman
3971 26th St.
San Francisco, CA 94131

Dreher, Nicholas@Coastal

Th/2a

From: Gary Weinberg <gntango@mindspring.com>
Sent: Friday, December 07, 2012 10:19 AM
To: Dreher, Nicholas@Coastal
Subject: Appeal A-2-SMC-11-032 being heard on Dec 13, 2012
Attachments: CCC ltr -Weinberg.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Dreher,

I have written a letter in support of the Commission staff recommendation to rule against the property development proposal for the Cattermole property in San Gregorio. My letter is attached. I am also mailing the signed original.

Sincerely,

Gary L. Weinberg
1029 Carolina St.
San Francisco, CA 94107

December 6, 2012

CA Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

**Re: Appeal A-2 SMC 11-032 (Cattermole) – Support Staff
Recommendation to Deny**

Dear Commission Members:

I am writing to express my support for the Commission staff recommendation to deny the Cattermole property development proposal, at least in its present form. It does not comply with the Coastal Commission's guidelines for appropriate development projects for our Coast and should not be permitted to go forward. I am well acquainted with the location and the issues involved as a long time visitor to San Mateo County's South Coast.

Sincerely,

Gary L. Weinberg
1029 Carolina St
San Francisco, CA 94107

Dreher, Nicholas@Coastal

Th/29

From: Dana O'Neill <dlondoc@yahoo.com>
Sent: Friday, December 07, 2012 10:27 AM
To: Dreher, Nicholas@Coastal
Subject: Hearing 12-13-12, CCC Staff Report File #A-2-SMC-11-32 Cattermole Modified Application

Dear California Coastal Commission Members,

This email is in support of the CCC Staff Report for the Cattermole A-2-SMC-11-32 modified application. We support the proposed Parcels 3 & 4 as agricultural lands designated as PAD per LCP Policies 5.8 and 5.10. This ensures the preservation and protection of agricultural lands in the rural hamlet of San Gregorio.

We also support the Farm Link and San Mateo County's Agricultural Advisory Committee's recommendations for the protection of agricultural land for agricultural purposes.

We respectfully support the Cattermole's modified application for the proposed Parcels 3 & 4 as agricultural lands and are grateful to them for their reconsideration. We also support their environmental and sustainable housing proposal for Parcel 1, on land which has previously had various residential/commercial uses.

Cordially,
Dana O'Neill and Doc Jepsen
San Gregorio Residents (across from proposed Parcel #4)

Hard copy sent in US Mail

Dreher, Nicholas@Coastal

Th 12a

From: greywolf@batnet.com
Sent: Friday, December 07, 2012 10:28 AM
To: Dreher, Nicholas@Coastal
Subject: Two Attached Comments from Appellants McKenna/Rhodes (A-2-SMC-11-032)
Attachments: A-2-SMC-11-032 appeal letter Rhodes.doc; CCC Catermole letter 12-13-12.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nick,

Thanks for today's updated info re: emailed comments (please disregard my voice message form this morning).

Please find attached two statements from Shauna and myself.

Thanks for all your work on this!

David Rhodes

CA Coastal Commission
~~45 Fremont Street, Suite 2000~~
San Francisco, CA 94105-2219

December 7, 2012

A Statement from Appellant David Rhodes regarding Appeal No. A-2-SMC-11-032 (Cattermole Development)

Commissioners,

I am sorry that I will not be there for the hearing next Thursday so I appreciate the chance to be able to submit these comments ahead of time.

I support denial of Cattermole subdivision and the negative change that approval would precipitate on water, septic and drainage conditions in San Gregorio. In addition, harmful impact on visual resources would become apparent and this is counter to the LCP.

Since the LCP does not allow the conversion of an agricultural well to residential, the plans do not conform to LCP policy. I concur with the notion of small-scale agriculture use for the Western parcel and would consider the Farm Link suggestion a viable economic alternative for future consideration.

Thank you and your staff for this work and deliberation.

David Rhodes

December 7, 2012

Subject: **Support for denial of Cattermole subdivision and overdevelopment of San Gregorio**
CCC file # A-2-SMC-11-32

Dear Honorable Commissioners,

I support the staff recommendation to deny the Cattermole's extensive request to change the nature of San Gregorio. There are numerous reasons to deny the project that are covered in the staff report. **The Cattermole's have extensively used their property over the years with adverse impacts to the surrounding properties in the area including over burdening their septic systems that have leached onto adjacent properties from their numerous buildings including illegal units.** Also the **commercial use has created traffic and parking congestion** that should be accommodated on site and not disturb and interrupt the existing neighbors in the San Gregorio community.

Listed below are my additional concerns with this project:

1. The **Cattermole's already have subdivided once in 1981**, their remaining property can't support another subdivision per the LCP rules or due to water, septic and drainage issues.
2. The proposed commercial parcel 2 for the store is too small and does not allow for the required off street parking. **Off street parking for the existing commercial uses should occur** in the location the proposed additional residences on the **only non-prime soils on their land.**
3. The LCP policy 5.22 **does not allow creation of a new Planned Agricultural parcel** that does not have an **adequate water source on each individual parcel.**
4. The **former "dairy barn" building was illegally converted to 3 living units approximately 25 years ago** and the Cattermole's have **enjoyed the rental income for those illegal units for decades.** This illegal residential use without approved septic and water needs to be abated.
5. In the staff report described Parcel 4 as a "commercial lot" however the Cattermole Tentative map appears to show the **future use as residential development, not commercial use since no off street parking area is shown** on that parcel as required by the zoning.
6. **If any new buildings or uses are approved** on the Cattermole property additional **hydrology reports, biological reports and drainage studies are required** to ensure that they will not adversely impact the surrounding neighbors so we can maintain the quality of our environment.

Approval of this project would change and harm San Gregorio forever.

Currently there are multiple uses and buildings on the property that are not supported by the existing water sources and septic systems. Why create additional strain and trauma on this and other parcels?

Please deny this ill-conceived, avaricious project.

Sincerely,

Shauna McKenna

P. O. Box 683, Half Moon Bay, CA 94019

Dreher, Nicholas@Coastal

From: greywolf@batnet.com
Sent: Friday, December 07, 2012 11:11 AM
To: Dreher, Nicholas@Coastal
Subject: Attached photos RE: A-2-SMC-11-032 Cattermole appeal
Attachments: CIMG2203.jpg; CIMG2263.jpg; CIMG2276.jpg; IMG_0245.JPG

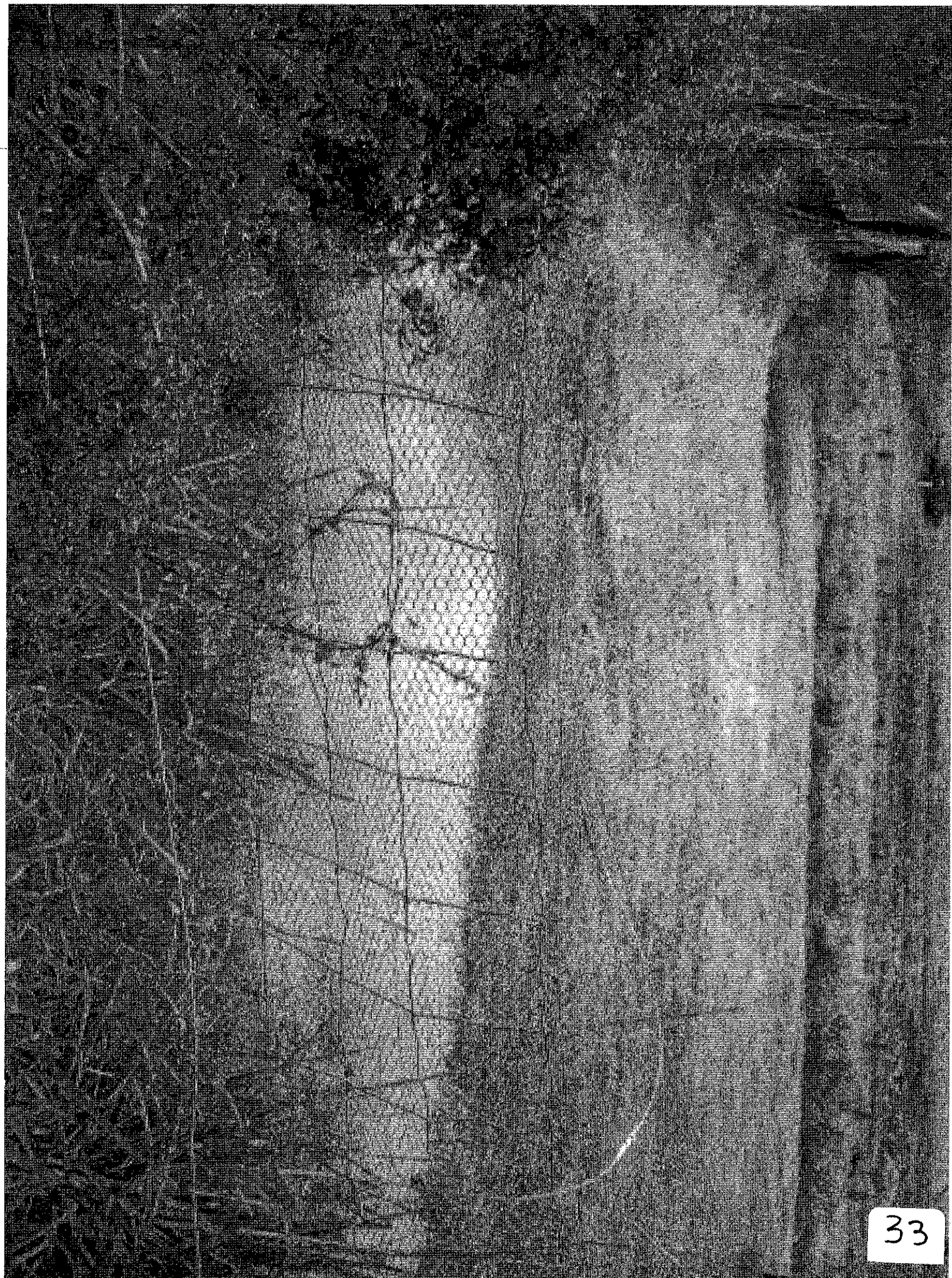
Follow Up Flag: Follow up
Flag Status: Flagged

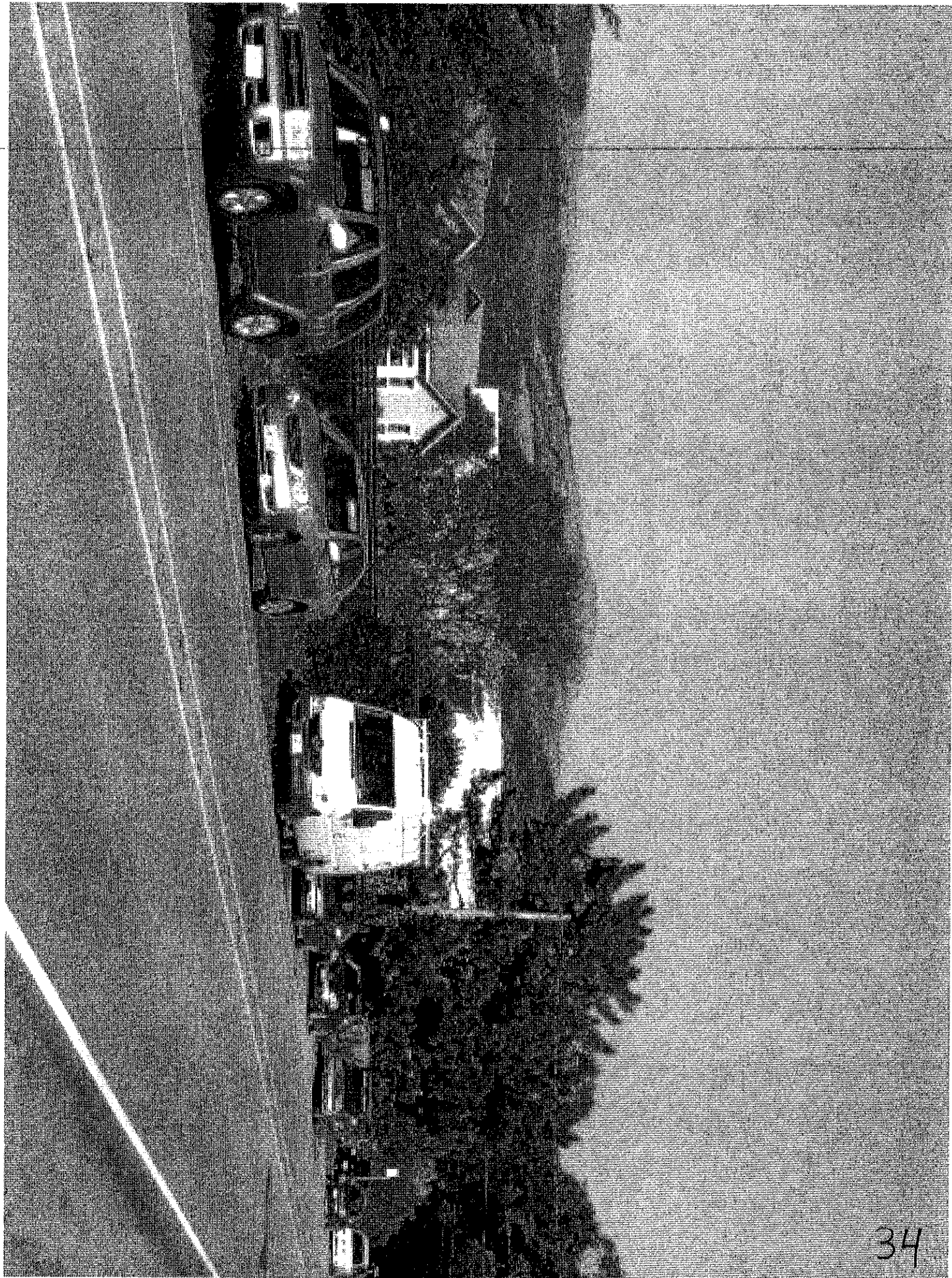
Nick,

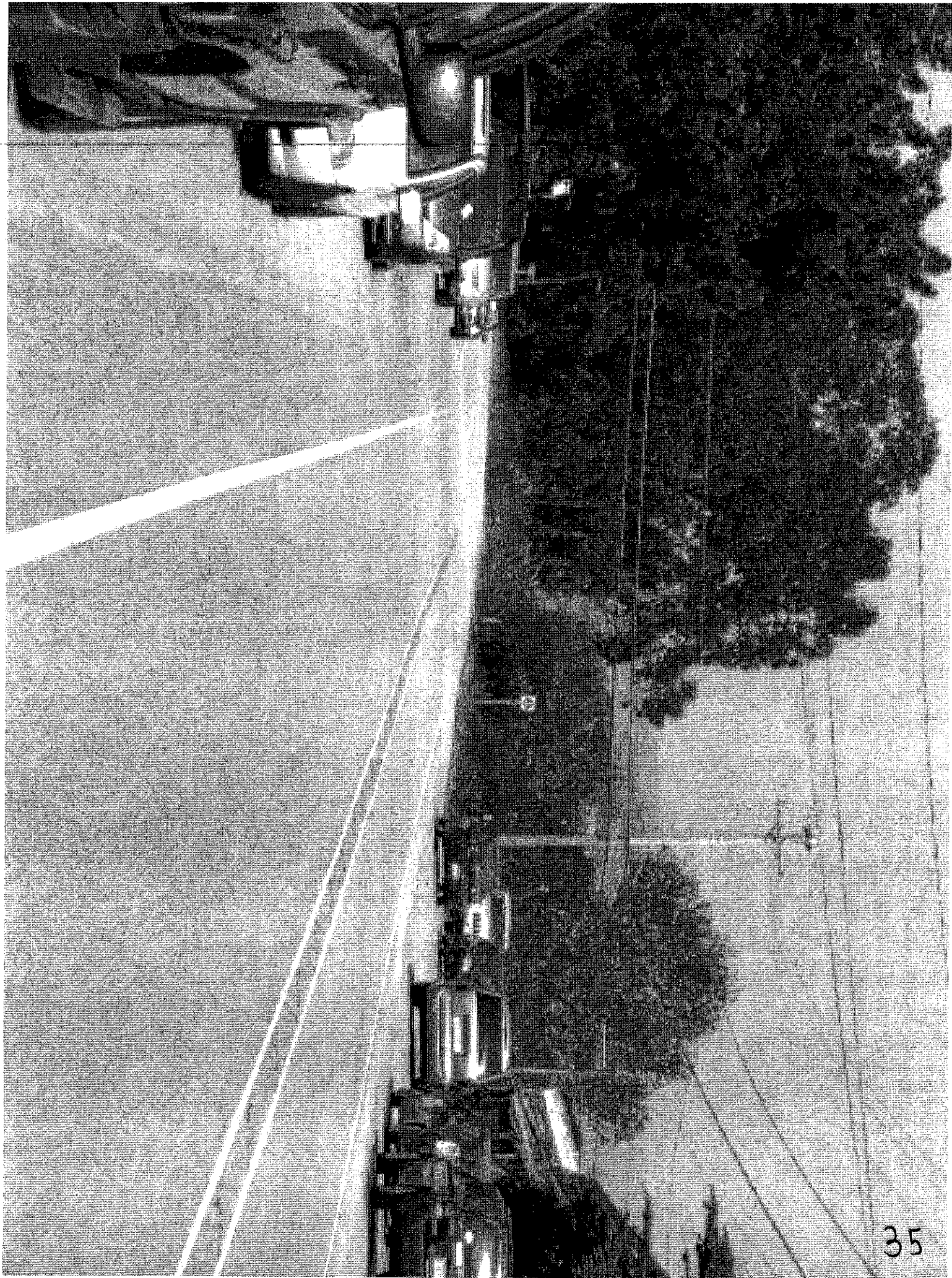
Please find attached photos that help show some of our concerns regarding our appeal.

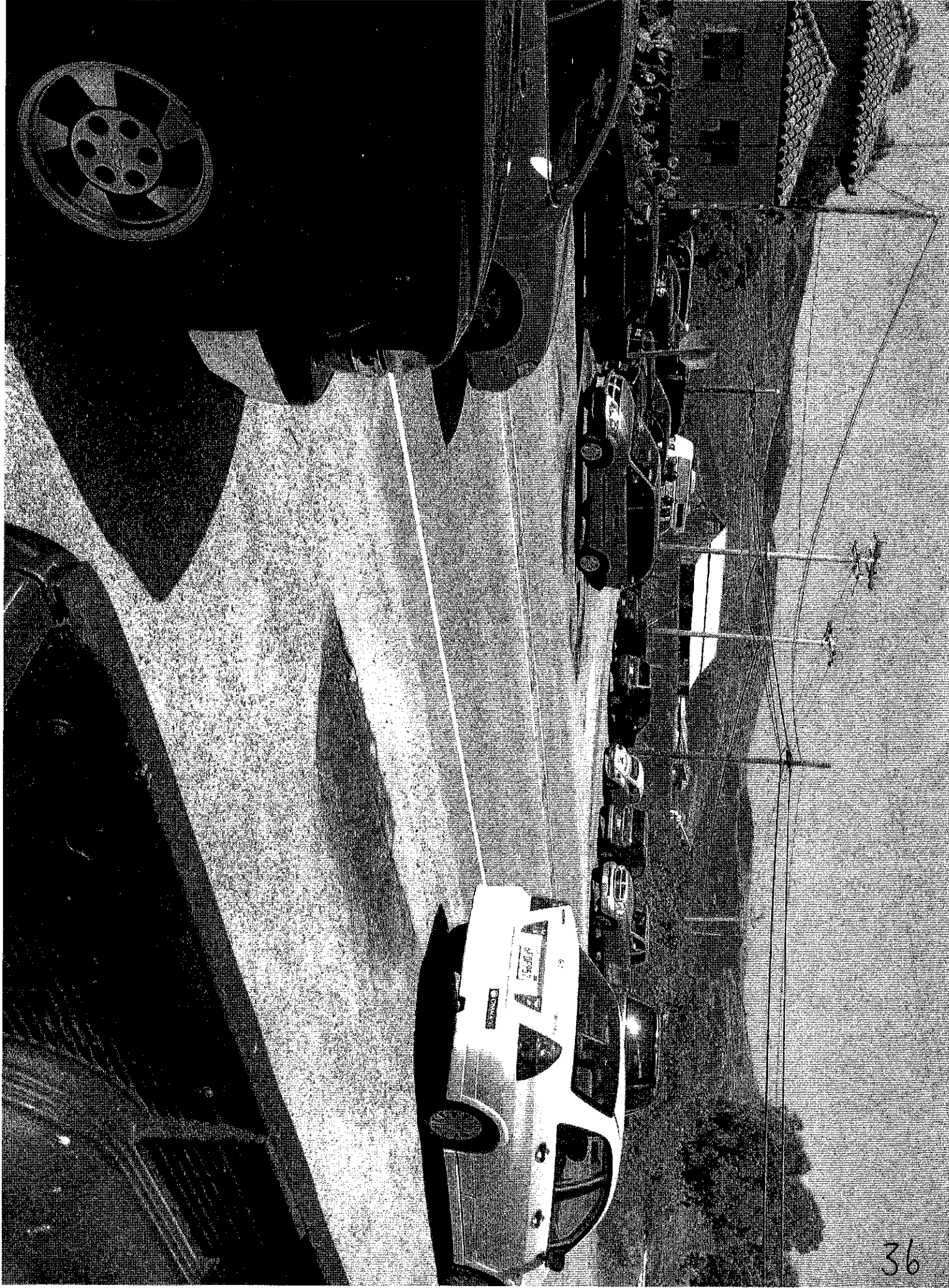
The first photo shows standing water from last Spring's (May 2012) heavy rain in the Rhodes/McKenna backyard.

The other three photos show the parking situation around the commercial area that occurs on some weekends.









Th/2a

Dreher, Nicholas@Coastal

From: Kathleen Armstrong <kathleenaarmstrong@hotmail.com>
Sent: Friday, December 07, 2012 8:49 AM
To: Dreher, Nicholas@Coastal
Subject: Letter on behalf of Appeal #A-2-SMC-11-032
Attachments: CoastalCommissionLetterScan_12.60001.bmp

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Nicholas:

Attached please find my letter to be submitted at the upcoming hearing for Appeal#A-2-SMC-11-032. This is a signed copy. Please advise if I need to have a postmarked hardcopy sent to your offices today and I will mail it timely.

Thank you very much.

Sincerely,

Mrs. Thomas H. (Kathleen)Armstrong, III
PO Box 44
San Gregorio, CA 95338
209/966-6559

December 6, 2012

Mr. Nick Dreher, Coastal Program Analyst II

California Coastal Commission

45 Fremont Street

Suite 2000

San Francisco, CA 94105

RE: Cattermole Development Project- San Gregorio, CA Appeal #A-2-SMC-11-032

Dear Mr. Dreher and Members of the Coastal Commission Board:

For the past few years, the rural character of San Gregorio has been the subject of scrutiny and debate over a proposed subdivision in what residents understood to be both a rural service area and dedicated prime agricultural lands. The development of the property owned by George and Mary Cattermole immediately adjacent to the San Gregorio store, much of which is zoned prime agricultural land and designated in part as a "rural service area", is a critical issue in the future of the community of San Gregorio. It is for this reason, that I support the appeal filed by Shauna McKenna and David Rhodes and feel obligated to underscore certain conditions which I believe are urgently important in regards to this project.

1. Portions of the subject property is properly zoned PAD and has never been contested by the owners until this proposed development.
2. A portion of the subject property is a rural service area and has never been contested by the owners until this proposed development.
3. Owners have acknowledged the agricultural value of their land in participating in the Williamson Act for the duration of their ownership.
4. The proposed subdivision does not comply with San Mateo County's LCP Policy 1.12a and LCP Policy 5.22
5. There is neither adequate water source or county infrastructure to support the addition of 4 residences to this parcel. It is questionable that there is sufficient water to support 1 residence. Substandard water has been an issue for patrons of the existing commercial operation, "The San Gregorio Store" and was a serious, undisclosed issue after the sale of the single family residence which was sold to Ms. McKenna and Mr. Rhodes. Therefore, important details with regards to potable water and supply should be addressed before approving any single family residential development.
6. The owners have shown blatant disregard of County law by offering numerous non-conforming, illegal, and non-permitted habitations for over 20 years(in some instances posing health and

safety issues for the tenants of these structures). There is supporting documentation and photos submitted at one point during this process by the appellants.

7. The history of prior use on the parcels indicates productive agricultural concerns which could be conducted again in compliance with the zoning. In so much as agriculture may not represent the greatest return as opposed to the construction and sale of 4 residences, the developers have attempted to imply that agricultural is simply not viable at this location. This is a deception as there are many agricultural operations located adjacent to and very close to these parcels.

It is my hope (as is a majority of residents in the San Gregorio Valley and neighboring communities) that the highest and best use for this property as a rural service area and local resource as an agriculturally zoned property continue, if at all possible, to preserve the culture, character, and rurally compatible potential that it represents rather than become an "estate subdivision".

Farmland on the San Mateo Coast is a priceless commodity and once developed it is negligible that we shall see its return in many generations, if at all. San Gregorio is a precious cultural resource with an obvious historical corridor adjacent to Hwy 84 and leading to Hwy 1 which could be preserved in the future to include the "rural service area".

My husband's family has farmed in this valley since 1892. We have seen the loss of local agriculture to both well-intentioned private land trusts as well as to real estate developers. While change is inevitable, the unopposed residential development of these last agricultural lands is simply incompatible with our nature and heritage. If, for instance, the possibility of a fire station in the rural service area existed, it would gladly go unchallenged as it represents support for the community as a whole and the transient tourist needs that actually exist here.

It is my greatest hope that you will consider my statement as you make your decision and uphold the Staff recommendation. The communication and effort of your staff has been invaluable and most greatly appreciated.

Most sincerely,

Signature on file

Mrs. Thomas H. (Kathleen) Armstrong, III

PO Box 44

San Gregorio, CA 94074

Th 126

Comments from appellants Ann Forrister and Casey Schaufler for the California Coastal Commission hearing regarding permit A-2-SMC-11-044 (263 Nevada Avenue, Moss Beach) December 13, 2012.



RECEIVED

DEC 07 2012

CALIFORNIA
COASTAL COMMISSION

South facing elevation superimposed on the existing structure. This picture was taken facing north from the northernmost bluff view point at the Fitzgerald Marine Reserve. The picture was taken October 13, 2012.

We would like to thank the California Coastal Commission staff for their report and recommendations. We are especially pleased by the recommendations regarding bluff setback and restriction of future potential coastal armoring. We have concern that one particular section of the local coastal program has not been adequately addressed. The relevant section from the Local Coastal Program is 8.13.a.4:

STRUCTURAL AND COMMUNITY FEATURES--URBAN AREAS AND RURAL SERVICE CENTER

8.13 Special Design Guidelines for Coastal Communities

The following special design guidelines supplement the design criteria in the Community Design Manual:

a. Montara-Moss Beach-El Granada

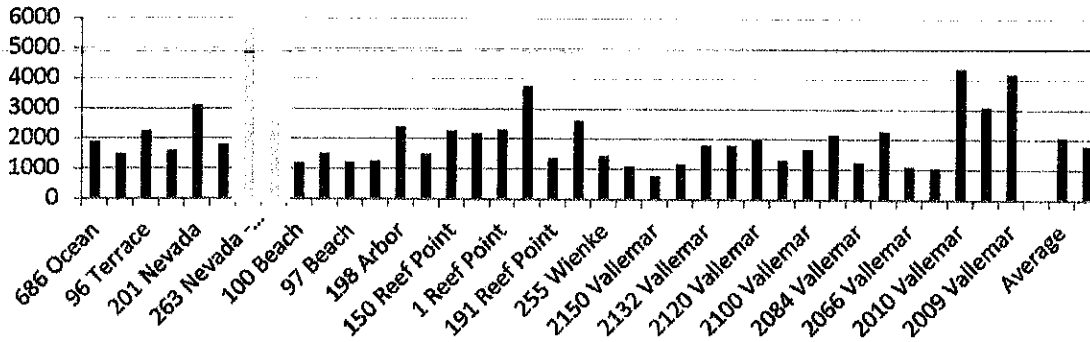
(4) Design structures which are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban scape.

It is our belief that the staff recommendation does not address this section of the LCP satisfactorily. In particular, the scale of the proposed addition is out of character with the existing urban scape. Three graphs are offered in support of this position.

The resulting structure would be 2.7 times the average size of bluff top houses in Moss Beach. It would be 1,325 ft² larger than the next largest bluff top house. The fact that the house is situated on a large parcel changes the comparison slightly. The proposed expansion would be 2.1 times the average size of houses on large lots in the existing urban scape. The existing house at 263 Nevada already has the largest Floor Area Ratio (FAR) of any large lot structure, and after expansion would have an FAR of 3.1 times the average of large lot houses on the bluff top in Moss Beach.

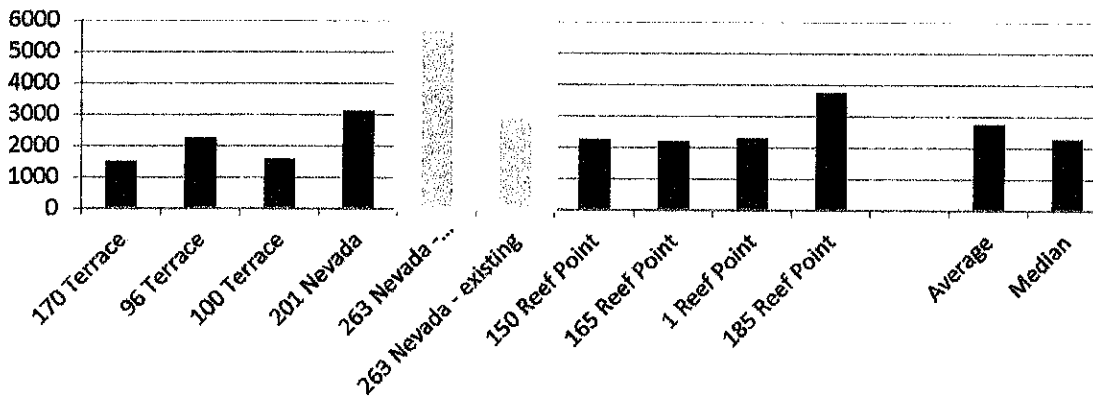
We ask that you deny a permit for the structure as designed or stipulate that you will permit only a smaller expansion of the current structure. The proposed house would be thoroughly out of character with the existing urban scape. If a permit is granted we would request that it be for a structure that is in keeping with the size of other structures in the urban scape. We base this request on the objective characteristics of absolute and relative sizes of structures.

House Size - All Bluff Top Houses in Moss Beach



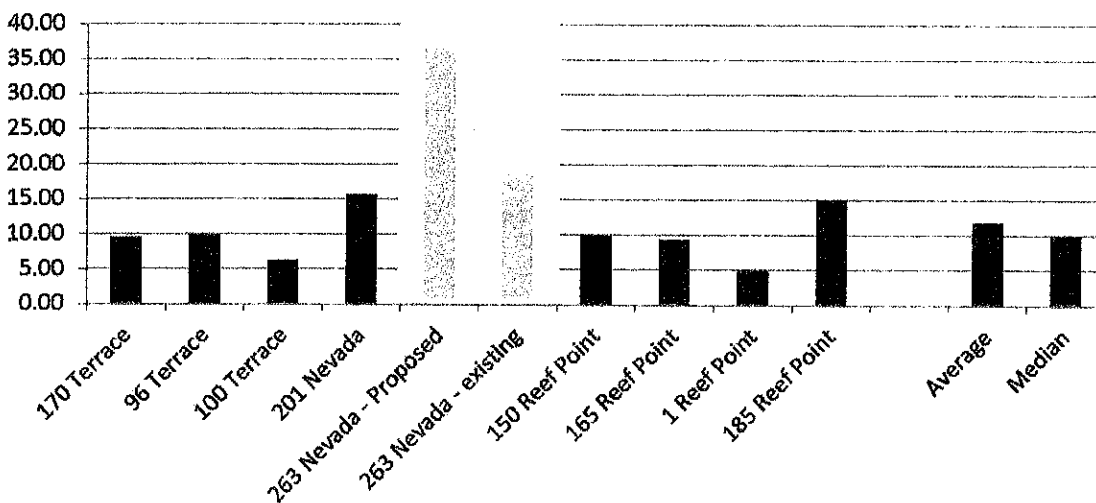
The proposed structure would be 2.7 times the 2,085 ft² average for bluff top houses in Moss Beach. It would be 1,325 ft² larger than the next largest house, 2010 Vallemar.

House Size - Large Lot Bluff Top Houses



Comparing only against other large lot (15,000 ft² or larger) properties shows the proposed structure would be 2.1 times the 2,769 ft² average. It would be 1,935 ft² larger than the next largest house, 185 Reef Point.

Floor Area Ratio - Large Lot Bluff Top Houses



The proposed project expands the house with the largest current FAR for similar lots by 48%. The new FAR would be 3.1 times the average for similar large lot (15,000 ft² or larger) bluff top properties in Moss Beach.

Th12b

From: **Ted Harris** <tharris@calstrat.com>

Date: Tue, Dec 11, 2012 at 3:22 AM

Subject: Th12b – 263 Nevada Avenue, Moss Beach - Existing Home Infill

To: "zimmerccc@gmail.com" <zimmerccc@gmail.com>

Commissioner Zimmer,

Hope you are doing well.

This Thursday a remodel and infill addition to the existing home and garage/coach house at 263 Nevada Ave, Moss Beach, San Mateo County will be before you. Please see the attached summary below.

We've worked with staff to address issue raised in the appeal and we are glad to report that staff is recommending approval with conditions <http://documents.coastal.ca.gov/reports/2012/12/Th12b-12-2012.pdf>, which we support.

Since the appeal to the Coastal Commission, the applicant has agreed to every request from CCC staff to address each item, including:

1. Conducted final geotechnical evaluations that demonstrate the home addition will be safely sited for its design life and will not rely on future shoreline protection.
2. Removed all proposed patio improvements seaward of existing home.
3. The applicant has agreed to no future shoreline protection
4. Provided supplemental visual impact simulations that show proposed improvements are consistent with the LCP and not visible from the beach or any public road, and barely visible and minimized from the Fitzgerald Marine Reserve Bluff.
5. This additional visual analysis and exhibits show that the project will not dominate or distract public viewpoints and will complement the character of the community and blend with the overall urban landscape and natural vegetation; see Exhibit 6 in the staff report.
6. The blended design and complementary landscaping are consistent with the community character.
7. The removal of the proposed patio improvements further minimizes visual impacts.
8. The agreement to prohibit future shoreline armoring permanently avoids potential future visual and biological impacts of rock revetment or other shoreline protections.

Hope you will support staff's recommendation to approve CDP A-2-SMC-11-044 on Thursday.

Please let us know if you have any questions.

My cell number is below and I'd love to connect beforehand if you can spare the time.

Thank you again!

Ted

Ted Harris, Principal
California Strategies, LLC
980 9th Street, Suite 2000
Sacramento, CA 95814
office: 916.266.4575
cell: 916.997.7715
tharris@calstrat.com

Th/2b

From: Ted Harris [mailto:tharris@calstrat.com]

Sent: Tuesday, December 11, 2012 2:09 AM

To: Dreher, Nicholas@Coastal

Subject: 263 Nevada Ave Summary

Hi Nick,

Thank you again for the well-prepared staff report and all of your time and work on this.

Please see a project summary below that I'm sharing with Commissioners FYI.

Please let me know if you have any comments or suggestions and anything further I can do to help.

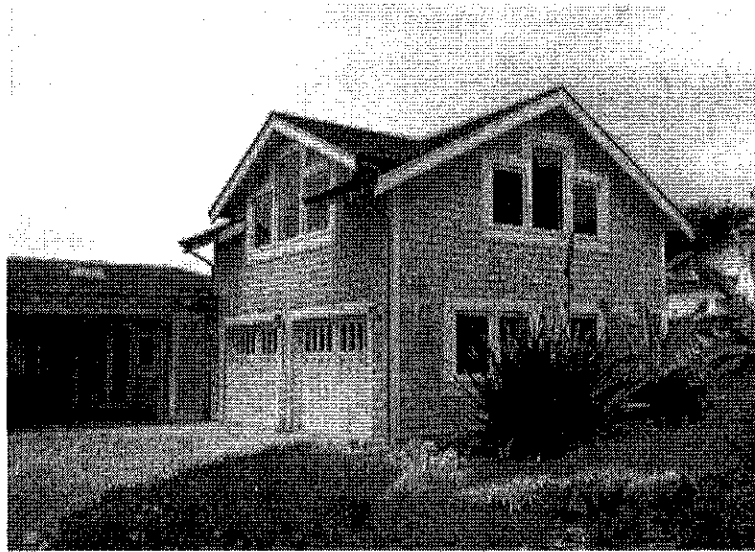
My cell is below. Please feel free to call anytime.

Thanks,

Ted

Ted Harris, Principal
California Strategies, LLC
980 9th Street, Suite 2000
Sacramento, CA 95814
office: 916.290.6152
cell: 916.997.7715
tharris@calstrat.com

**Th12b – 263 Nevada Avenue, Moss Beach
Existing Home Improvement**



Hearing Date:	December 13, 2012
Project Appeal No.:	A-2-SMC-11-044
Staff Recommendation:	Approval with Conditions
Request:	Support Staff Recommendation

Background

The project is the remodel and addition to the existing home and garage/coach house at 263 Nevada Ave, Moss Beach, San Mateo County.

The existing home at 263 Nevada Ave. includes living and dining rooms, 2 bedrooms, 2 baths, rear patio facing the ocean, and a front porch on the first floor and a two-car garage with a second floor level office space (a “coach” house) directly over the garage in front of the home, shown above. The proposed project adds a family room on the grade floor in the gap connecting the existing main house with the existing detached garage/coach house. A new second floor is added over the main house with a master bedroom, bath, office guest bedroom and bath and balcony.

Proposed design utilizes the existing structural foundation of the house and garage and:

- Does not expand the existing foundation toward the ocean or the street.
- Only slightly increases the footprint for the proposed infill connection between the existing house and existing clustered two-story garage/coach house.
- Does not impact existing views through the property from the street.
 - Existing second-story coach house already is in the view from the street
 - Proposed second-story improvements will be directly behind the existing second-story garage coach house.

The San Mateo Coastside Design Review Committee Findings state that:

- The location "is setback from the bluff's edge to mitigate negative view impacts,"
- "Public views to and along the shoreline from public roads and other public lands are not impacted by the proposed addition."
- The project "harmonizes with the adjacent buildings"
- The setback design "blends with the natural vegetation and landforms of the site and insures adequate space for light and air to itself and adjacent properties,"
- The setback and blended design, including the proposed scale and massing, "harmonizes with the adjacent buildings" and was found consistent with all applicable community character and visual policies in the LCP.

The project will be one of the first LEED certified homes in the Half Moon Bay area, and the exterior of the proposed project includes a natural color pallet and a non-reflective roof.

Blending with the landscape and complementing the character of community were primary considerations throughout the design process. The shingled architectural style, site location, natural and varied materials, setback design elements, varied massing and scale, and natural colors designed for the site were continuously evaluated by the project team. Additional analyses, project changes, and conditions were achieved by working with local planners and agreeing to every request from Coastal staff.

Key Project Changes and Conditions

Since the appeal to the Coastal Commission, the applicant has worked with Coastal staff to fully address issues raised in the appeal, including:

Geotechnical evaluation and related project reductions and conditions:

1. Conducted final geotechnical evaluations that demonstrate the home addition will be safely sited for its design life and will not rely on future shoreline protection.
2. Removed all proposed patio improvements seaward of existing home.
3. The applicant has agreed to no future shoreline protection.

Visual resource design, landscaping, and project reduction and conditions:

4. Provided supplemental visual impact simulations that show proposed improvements are consistent with the LCP and not visible from the beach or any public road, and barely visible and minimized from the Fitzgerald Marine Reserve Bluff.
5. This additional visual analysis and exhibits show that the project will not dominate or distract public viewpoints and will complement the character of the community and blend with the overall urbanscape and natural vegetation; see Exhibit 6 in the staff report.
6. The blended design and complementary landscaping are consistent with the community character.
7. The removal of the proposed patio improvements further minimizes visual impacts.
8. The agreement to prohibit future shoreline armoring permanently avoids potential future visual and biological impacts of rock revetment or other shoreline protections.

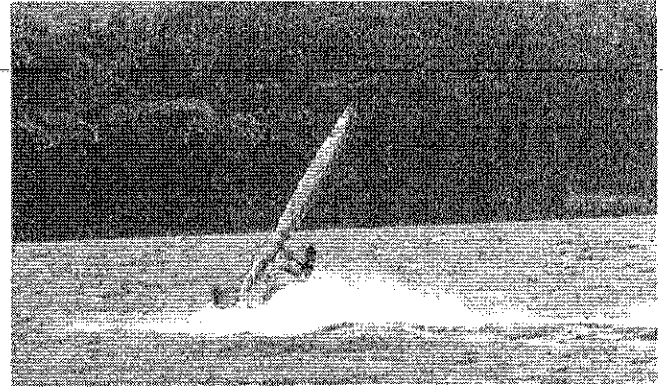
Request

We respectfully request a yes vote for staff's recommendation to approve CDP A-2-SMC-11-044.

Scott Miller
P.O. Box 145
Dillon Beach, CA. 94929
(707) 878-2167

December 5, 2012

California Coastal Commission
45 Fremont St., suite 2000
San Francisco, Ca. 94105-2219



Re: Application # 2-06-17 (Altman, Marin Co.),
Marshall Tavern Renovation

Dear Staff and Commissioners,

Thank you for a second opportunity to comment on this project, and for your continuing work to improve it.

Special conditions 1b, 1d, 3, and 4 will create permanent public access to Tomales Bay that was not part of the county permit process.

A public pier in the historic location will be more useful than one on the hotel site, as previously proposed. The hotel site would have been more of a deck, suitable for picnicking and looking at the water. This will be an actual pier. It will provide access to the water for small boats at lower tides than the hotel site, as well as walking, viewing, and fishing opportunities.

Thank you for clarifying that the public will have access 24 hours a day. Since this location is not bordering the parcel to the North (like the hotel site), it should not cause problems for that landowner. Because this is more of a pier than a picnic deck, it makes sense to allow access at all hours. I'm sure some will enjoy a moonlight paddle on the bay.

The basic layout in Exhibit 4 looks great. Moving the public walkway to the west of the private parking area and continuing it south to the informal public parking area provides a clear, unobstructed path for people to carry their kayaks from their cars to the pier. The private parking layout depicted in Exhibit 3 (page 7 of 11) may need to be reconfigured to avoid damage to cars parked in spaces 5, 6, and 7 as people make the turn onto the pier while carrying their boats.

Thank you again for adding public access to this project. It is an important part of the Coastal Act.

Sincerely, Signature on file

Scott Miller

COPY #4

BART WILLOUGHBY

December 8, 2012

Priority Mailing with Confirmation of Delivery

The Honorable Mary K. Shallenberger
Chair Person, California Coastal Commissioners
Post Office Box 354
Clements, CA 95337-0354

Re: Coastal Staff

Dear Commissioner Shallenberger:

Enclosed, please find communications to Charles Lester, Executive Director, dated September 23, 2012, re: *Disturbing Trends (North Central Coast Division)* and dated June 11, 2012 re: *Lands End 2-10-039 Report F20a*. Additionally, communications to Mr. Dreher dated September 12, 2012, *AIMCO Permit 2-08-020* including several photos of the AIMCO revetment located at 360 & 380 Esplanade respectively. Including letters from AIMCO dated September 26, 2013 and October 11, 2013 (*rescinding lateral access at 360 Esplanade*).

The above communications and documentation was provided to Coastal Staff and therefore, in substantial compliance with the Commissions "Ex Parte Communication Requirements".

To date, Executive Director Charles Lester has not addressed the serious concerns outlined in the letters of September 23, 2012 and June 11, 2013. Additionally, the AIMCO permit process including the recent "immaterial amendment" (2-08-020) presents serious concerns that AIMCO dedicated a useless public access in exchange for a reduction of the sand mitigation or in-lieu fees. The District Director's Report to the Commission on the AIMCO "immaterial amendment" failed to address the issue that coastal staff lacked due diligence in confirming the viability of the AIMCO dedication of public access around the revetment at 360/380 Esplanade.

The Coastal Commission places "public access" to beaches and to the coast as a paramount condition for approval of most coastal development permits. In the AIMCO permit and as the photographs (taken over a period of two years at low tide) amply demonstrate the public will not benefit from AIMCO dedication of public access around the revetment at 360/380 Esplanade. The documentation presented by AIMCO did not indicate where the public access easement is located. Moreover, all easements have a legal and physical description none of which AIMCO has provided. Personally, I would invite each Commissioner to the Esplanade Beach at low tide and try to navigate around the dedicated AIMCO public access.

December 8, 2012

The AIMCO documentation provided as indicated above, indicate two letters written by AIMCO providing lateral access September 26, 2013 and then rescinding any lateral access October 11, 2012, to projects north of AIMCO (310-340 Esplanade, Lands End, Pacific View Villas and Dollaradio, Historical Landmark). Obviously, a childish response by AIMCO in rescinding lateral access as indicated in the letter.

In the letter to Charles Lester June 11, 2012, I indicated that the North Central Coast District has employed six different analysts on various projects here in Pacifica from 2007-2012 and provided the names of each. This constant change in analysts has unfortunately, created a huge disparity between various applicants here in Pacifica where the bluff erosion and coastal conditions are identical. A classic example of this disparity recently surfaced in the Lands End CDP process in F20a staff report. Seawalls located along Beach Blvd and Shoreview enjoy rock revetments in front of them to help slow the acceleration of wave energies before the wave hit the wall. Staff allowed AIMCO a rock revetment in front of the soil nail wall to slow the acceleration of wave energies. Lands End on the other hand buried rock in front of the seawall for the day when that rock will be necessary to provide the same protection of accelerated wave energies striking the seawall.

Commissioner, while the lack of experienced analyst contributes to the disparity in staff reports and conditions between applicants in Pacifica there is a more disconcerting issue. Engineers working on coastal project must have the requisite license from the State of California. Additionally, the Commission requires these engineers to have some experience in designing with or working with coastal conditions. What is bothersome Commission Staff are second guessing licensed engineers requiring changes to highly technical projects. The Commission, to my knowledge does not have a licensed engineer with the requisite experience in review of and requiring changes to armoring projects. Furthermore, I could not find an exemption that would allow a non-licensed engineer to make such analysis or review of such projects.

In closing Commissioner, a complete copy of this letter is forwarded to Vice-Chair Steve Kinsey, Dr. William A. Burke, Wendy Mitchell, Jana Zimmer, Martha McClure and Carole Groom. While I have the utmost respect for the "quasi-judicial" nature of the Coastal Commission proceedings, this does not give coastal staff carte blanche authority to operate with impunity. As I stated in my letter to Charles Lester of September 23, 2012, *"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,

11511

Bart Willoughby

Enclosure:

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.

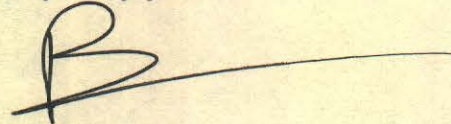
Frankly Charles, I could write a book on the differences between the Lands End and Aimco staff reports and the disparity created between applicants. More disturbing is over the past few years; I have heard (and this is hearsay) that staff disparages engineers on projects who do not conform to the coastal 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,

A handwritten signature in black ink, consisting of a large, stylized capital 'B' followed by a long horizontal line extending to the right.

Bart Willoughby

BART WILLOUGHBY

June 11, 2012

First Class Mail and Facsimile to (415) 904.5400

Charles Lester
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Lands End 2-10-039 Report F20a

Dear Executive Director Charles Lester:

When the Coastal Commission ("Coastal") authorized the emergency permit to build the seawall at Lands End, I took a sabbatical from my regular job and spent the entire summer of 2011 and into the fall observing the construction of the seawall. Charles, I cannot remember a period (even during media coverage of Esplanade 2009-2010) when I observed Coastal staff at the Lands End site on a regular basis. Clearly, Coastal had their fingers on this project and provided substantial oversight during the construction phase of the project.

To Lands End credit, they are clearly a "community player" here in Pacifica. The reports generated by Lands End engineering staff (RJR Engineering) have supplemented the Collins and Sitar reports and have benefited all of Esplanade Beach properties (Dollaradio, Pacifica View Villas, Tong, Samsami, Thomas and Aimco) with analysis to assist in future mitigation plans.

Two properties have benefited directly from Lands End community attitude in that Dollaradio (a Pacifica Historical Landmark) received 3000 tons of excess rock riprap to help support the lower bluff at Dollar. Without the generous gift of riprap from Lands End, Dollaradio would have to be abandon and torn down. Dollar now a non-profit would like to eventually open up and become a coastal day use area.

Pacific View Villas ("PVV")¹ has benefited directly from Lands End community attitude. Lands End provided additional rock to help shore up (to the required height) the revetment built under a waiver permit after the collapse of 2010. What staff at Coastal fails to realize or understand is that the revetment at PVV is holding back a former landfill area and keeping hazardous materials from entering the Esplanade Beach. Given the complete lack of over-sight by the Commission on this hazardous issue to the Esplanade Beach is extremely perplexing.

The F20a staff report for the Lands End project is disproportional to several projects approved by Coastal here in Pacifica (Beach Blvd and Shoreview Drive). The comparison of the Aimco staff report to the current Lands End report is revealing just how arbitrary these staff report have become, in treating one applicant against another, when it comes to sand mitigation fees or fees in lieu of. The bizarre difference, between the two reports is reflected in the fact Aimco has a horribly built revetment in front of their wall. Lands End does not have a revetment built at all and has buried rock at the base of the wall to help protect the wall from accelerating waves that may scour the lower portion of the wall. However, when that time comes I will probably be some spirit that roams the Esplanade Beach.

What I get from the comparison of the Aimco and Land End report is a complete pass by Coastal to Aimco and the reverse for Lands End. The Lands End report lacks the requisite alternative analysis for the findings by staff and this letter would be at least ten pages if I were to pick apart all the arbitrary findings that I could quote in the 119 pages that comprise F20a. Separately, I will provide your office with the numerous errors, unfounded assumptions and the erroneous analysis located in the F20a Lands End staff report.

Since 2007, the North Central Coast has employed six different analyst (Zhang, Jespersen, Madeline, Tauber, Anada & Geisler) that equates to one analyst changing and leaving their respective position between 2007-2012. Hardly enough time to become a seasoned analyst and become familiar with any given project, especially the complexity of the Lands End project. The soil nail wall at 330 was an example of Coastal staff not understanding the complexity of the project and missed several details. As a result, the soil nail wall collapsed and is now in litigation.

¹ PVV original revetment was built under an amendment to the CDP and authorized 33K tons across the property. The main reason for the revetment was to help stabilize the bluff that was filled-in the early 1970's and where the Pacifica LUP references the property was a landfill area. There was a complete lack of oversight by the Commission on this property in how the revetment was built and no "as built" plans submitted after the project was completed and no 33K tons placed there. The Commission erroneously believed the revetment at PVV was never authorized and issued Coastal Act Violation to PVV.

June 11, 2012

Lands End and I have had our differences as amply demonstrated in the report Th10A September 14, 2006. Lands End is not compensating me and I am not employed by Lands End in any fashion, as it relates to my writing to you regarding my concerns over staff reports for Esplanade Beach. However, I believe that Coastal has an obligation to treat Lands End as equally as Coastal treated Aimco, Beach Blvd and Shoreview here in Pacifica. Moreover, Coastal should recognize and take into consideration the community effort Lands End has given both directly and indirectly to the Esplanade Beach that includes the fabulous beach access.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Bart Willoughby', with a stylized, cursive 'B' and 'W'.

Bart Willoughby

CC: Assemblyman Jerry Hill, Assembly Pro Tem Fiona Ma, Mark Matthews KGO Channel 7 Political Reporter, Steve Rhodes City Manager Pacifica, Kathryn Farbstein Asst. Planner, Pacifica.

BART WILLOUGHBY

September 12, 2012

First Class Mail with Confirmation

Mr. Nicholas B. Dreher
Coastal Analyst
California Coastal Commission
North Central Coast District
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: AIMCO Coastal Development Permit (2-08-020)

Dear Mr. Dreher:

This letter is the written response and public comment on the above referenced permit, for the AIMCO properties located at 360 and 380 Esplanade Avenue, Pacifica, California. Moreover, this response is a coordinated effort, as the authorized agent on behalf of the Millard Tong Properties (310 & 320 Esplanade) and Dollaradio Station¹ at 100 Palmetto Avenue, Pacifica, CA. Both properties are directly affected by the AIMCO permit request. Additionally, while I am the authorized agent for Tong and Dollaradio, I am resident of the area and live along the Esplanade Bluff (approximately 12 years).

My knowledge of the facts in this instance is based upon daily observations of the construction of the AIMCO revetment and soil nail wall, and the conditions along the entire Esplanade Beach.

The Esplanade Beach General Information

On the Esplanade Beach Bluffs, north of the AIMCO revetment, located at 380 Esplanade are several properties. Dollaradio Station (a historical landmark) 100 Palmetto Avenue; Pacific View Villas Condo Association (13 individual condo owners) 200-220 Palmetto Avenue; Lands End Apartment Complex (260 units) 100 Esplanade Avenue; La Esplanade Apartment (Tong properties with 40 units) 320 & 320 Esplanade; Samsami (red tagged 13 units) 330 Esplanade; San Mateo Real Estate (13 units) 340 Esplanade and 13 units located a 350 Esplanade Avenue, Pacifica.

¹ Dollaradio Station is the northern most property located along the Esplanade Beach and has a pending ATF (2-11-031G). Dollaradio is ultimately affected by AIMCO permit request.

As indicated above Dollaradio has a pending permit. Pacific View Villas has a partial revetment under Coastal Permit 3-82-228 and Waiver Permit 2-10-012-W². Lands End currently is constructing a seawall with a public access provision under permit 2-10-007 G. Tong Properties 310 & 320 revetment was built under emergency permit 2-09-002G and currently has a pending permit 2-03-018³

The Samsami property 330 Esplanade was subject to severe erosion in 2009 & 2010 that prompted evacuation of the 13 residents of the property. The City of Pacifica "red tagged" the property and it remains vacant as of this date. Moreover, the Samsami property was issued an emergency permit 2-09-021 G for rock riprap at the toe of the bluff and next to the AIMCO property. Additionally, the Commission issued permit 2-10-004G for a soil nail wall at 330 (similar to the current AIMCO soil nail wall) that failed miserably due to the fact there was no drainage behind the partially built soil nail wall. The 330 property is currently involved in several litigations in the San Mateo County Superior Court in consolidated matters 496610 (Drill Tech same Soil Nail Contractor for AIMCO) and 496988 Engineered Soils Repairs.

340 and 350 Esplanade are listed in AIMCO Plan View on S1 Area 1 & 2 and subject of the current AIMCO permit request.

Ocean Shore Railroad Easements

The Ocean Shore Railroad ("OSRR") before the 1906 earthquake had several easements on the various properties listed above (Dollaradio, PVV and Lands End) and laid track bed across the sandy bluffs at those properties. After the 1906 earthquake, the OSRR abandon the line around Mussel Rock leaving the track bed with thousands of tons of 1-3 ton riprap along the upper bluff, at the properties indicated. As time elapsed, the track bed along with the thousand of tons of rock riprap, ended up on the Esplanade Beach. Currently, there is several thousand tons of rock on the Esplanade Beach from the OSRR that is not naturally occurring at this location.

This also explains, in some degree, to written reports of Franciscan Greenstone Bedrock being located on the Esplanade Beach. The majority of auger reports for the Esplanade were done by hand augers that ran into a large part the OSRR rock riprap littered on the beach. In May 2009 as part of the analysis for the Tong project, a search for Franciscan Greenstone Bedrock was undertaken with a power auger at a depth of 40 feet (Exhibit A).

² Pacific View revetment collapsed in the El Nino storms of 2009 & 2010 and was rebuilt under the waiver permit. Recently discovered, the revetment is partially protecting a public landfill on the PVV properties and a lateral sewer line is located on the upper bluff 27' away from the bluff edge. There now exist, two gaps between PVV at the northern portion of the PVV revetment to Dollaradio and the southern portion of the PVV revetment to Lands End seawall. Moreover, there was a complete lack of oversight by the Commission on the PVV original revetment (made by immaterial amendment) that authorized 30K tons of rock to protect the landfill. There is an estimated 3K-ton protecting the landfill.

³ The Tong revetment at 310 & 320 is subject to litigation in San Mateo Superior Court Case No. 494786 naming the contractor Engineered Soils Repairs Inc., as a cross-defendant for the negligent design and construction of a substandard revetment at the toe of the bluff at 310 & 320. Tong will be submitting a request to the Commission to make the revetment at 310 & 320 temporary, as a rock riprap revetment at this location is simply not a long-term solution.

Each red dot on the location plan (EX-A) indicates where the continuous flight auger probed. This included the AIMCO area listed on the AIMCO PLAN REVIEW at AREA 1, 2, 3, 4, 5 and portions of 7a and 7b. According to the auger reports, NO Franciscan Greenstone Bedrock was located at the AIMCO locations.

The AIMCO Proposed Plan as Defined by Staff Report

Accordingly, AIMCO proposes a +12 MSL at AREA 1 & 2 leaving 1,567 tons of rock and removal of 1,233 tons of riprap from this location. A +18 MSL at AREA 3, 4 & 5 leaving 527 tons of rock and removing 643 tons of rock riprap from this location. Additionally, a new soil nail wall will be constructed at AREA 4 and 7b. At AREA 6 there is the potential for a soil nail wall, if a vegetated process does not work. Additionally, 531 tons of rock will be removed from the middle bluff at this location.

At AREA 7b +18 MSL leaving 1500 tons of rock and removing 1400 tons of rock riprap from this location. AREA 8 will be raised to +25 MSL leaving 2,620 tons of rock and removing 1,280 tons of riprap from this location.

For the reasons herein listed below the following is contended:

1. The current revetment at locations AREA 2, 5 and 7b are substandard.
2. There is no upper drainage system where a swimming pool still resides on the upper bluff at AREA 1 & 3 that is currently causing the soil nail wall northern portion at AREA 3 & 4 to be outflanked. Additionally, the revetment at AREA 2 & 5 are severely affected by the erosion behind the revetment caused by the pool.
3. While the revetment at AREA 7b and 8 will be moved uniformly inland about 2-4 feet (staff analysis at page 22) is not sufficient to provide lateral access across the revetment for public access. Additionally, given the properties to the north of the revetment (as listed above with continuing problems) lateral access across the revetment, with any machine to work or make emergency repair is problematic.

The AIMCO Revetment at AREA 2, 5 & 7 is Substandard

As indicated in Exhibit A attached, there is absolutely no Franciscan Greenstone Bedrock at the locations of the AIMCO revetment referenced above. As of June 10, 2009, AIMCO was aware, through Sean Finnegan that there was no Franciscan Greenstone Bedrock on the AIMCO properties at beach level, (Exhibit B). Mr. Finnegan ignored the analysis and findings, continuing to contend, that the revetment built by emergency permit in 2009, would be keyed into Greenstone Bedrock.

The contractor that built the AIMCO revetment, Michael Roberts to my knowledge, never built a revetment along the coast before the AIMCO revetment. Attached as (Exhibit C) is a photo of the keyway being built at the AREA indicated above. Additionally, a whole series of photos in PDF format was uploaded to the Coastal Commission ftp site shortly after the construction of the revetment, showing the entire

construction of the AIMCO keyway at this location. The rock was end dumped at the AREA was not interlocked (Exhibit D). The Esplanade Beach Area is a high-energy wave action location and it imperative that appropriate size rock be utilized in the keyway and cap rock. From the entire photos, uploaded into the Commission's ftp site and the construction of the keyway, it is clear, the current revetment "as built" will continue to move toward the ocean. The rock is not keyed into competent material. The rock "end-dumped" and not interlocked, will move in times of high tide and storm swells with large high energy waves. Thus, requiring continuous maintenance and eventually, the revetment will encroach on state property.

As discussed below the swimming pool located on the upper bluff in the low lying area is causing the revetment at this AREA to further deteriorate.

AIMCO has No Upper Bluff Drainage Plan. The Buried Swimming Pool is Causing Continue Bluff Erosion behind the Revetment & Soil Nail Wall.

At AREA 1, 3 & 4 there is a buried swimming pool still located on the upper Bluff on the AIMCO property (Exhibit E). There is nothing in the staff report, nor in the AIMCO plans, that address the problem with the low lying area where the swimming pool is buried and continues to cause erosion behind the revetment, at AREA 2, 5, 7 and the soil nail wall, at AREA 3, 4 & 5. (Exhibits F, G & H)

From the recent photos, it can be seen in EX-F, that the area is low lying and that all water from 330, 340 & 350 all run into the buried pool and area whenever there is a rainstorm. See the former sidewalk at the right of the photo EX-F. Then look at EX-E the upper properties that drain into this area.

From photos EX-G (beach and upper bluff views) it is clear that the pool area is causing a major problem behind the current existing revetment at AREA 1. The bluff erosion is beginning to outflank the northern portion of the current soil nail wall at AREA 3 & 4. As can be seen in EX-H the poorly constructed revetment at AREA 1 and the continued upper bluff erosion behind the current revetment at AREA 1 is problematic.

AIMCO has to deal with the drainage problem on the upper bluff that comes from 330, 340 & 350 and the swimming pool that is buried under the bluff at the AIMCO property and the water that accumulates there.

The Revetment at 380 will Continue to Block Lateral Access Public & Otherwise

AIMCO proposes and staff report suggests, that removal of some rock at the 380 revetment, will improve lateral access across the revetment by 2 to 4 feet (*Id at page 22 of 56*). Accordingly, the access will improve "*during times when beach sand levels are high.*" This unfortunately, is an unobserved analysis by AIMCO and Commission Staff. Exhibit I shows the current conditions at low tides. Moreover, this year, as in last year (2010) the beach accumulation of sand along the Esplanade Beach has been almost, non-existent. This summer, (2011) there was more scouring of the Esplanade Beach. This was due primarily because of large swells generated by winds (from the low pressure

September 12, 2012

center north of California and located in Oregon) that continued to eat away sand from the beach. Given the Commission's studies on sea level rise on global conditions there is expected 2-4 foot rise in sea level between now and the next decade.

Lateral access to the northern portion of Esplanade Beach at 380 is paramount for public access. Additionally, for Dollaradio, PVV, Lands End, Tong & Samsami to make needed repairs or respond to an impending emergency. I personally, have been caught on the 380 revetment and it is extremely difficult, to navigate as a pedestrian, across the revetment. The process for public lateral access should include, building a small single person pedestrian bridge across the 380 revetment. Additionally, AIMCO should be required to give lateral access across the 380 revetment, to property owners north of the revetment to make repairs or respond to an emergency.

Finally, the general corporate attitude of AIMCO and Mr. Finnegan is one of coarseness, as it relates to the Esplanade Beach Community. This coarseness is apparent in several email exchanges between Mr. Finnegan and I, on several important issues. However, the inexperienced contractor Michael Roberts, engaged with track equipment in the surf along Esplanade Beach was serious (**Exhibit J**). Mr. Finnegan appeared to be deliberately indifferent as to the seriousness of the issue.

Very truly yours,

Bart Willoughby

CC: City of Pacifica, Lands End, PVV.









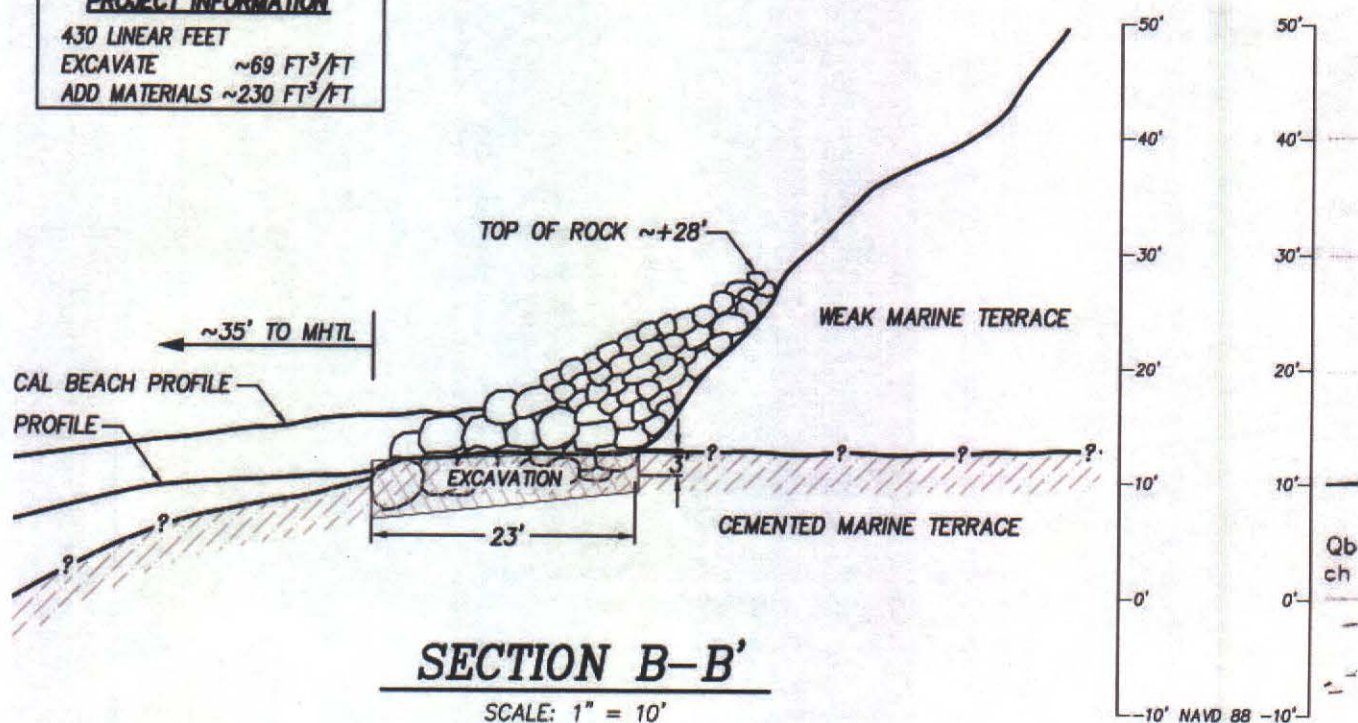




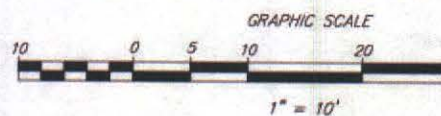


**360 & 380 ESPLANADE AVE
PROJECT INFORMATION**

430 LINEAR FEET
EXCAVATE ~69 FT³/FT
ADD MATERIALS ~230 FT³/FT



SHORE PROTECT





October 11, 2012

Bart Willoughby
735 Hickey Blvd., #545
Pacifica, Ca 94044-1214

Re: Lateral Access at 360 Esplanade Avenue, Pacifica, CA

Dear Mr. Willoughby:

We are disappointed that you did not respond and withdraw your objection to our work at the Bluffs. Therefore we are withdrawing our letter of September 26, 2012 and any prior drafts that agreed to allow:

...any property owners, including their agents and contractors, who need to traverse this same beach area (Aimco owned beach) to move equipment, transport materials, or engage in similar construction-related activities...to do so after receiving from that property owner a written request, evidence of proper permitting, and the execution of a written access agreement (which would include an indemnity and release of liability to Aimco).

We are pleased that the Coastal Commission approved the immaterial amendment and look forward to finishing our work on the Bluffs.

Sincerely,

Sean Finnegan
Aimco Esplanade Avenue Apartments, LLC
26 Executive Park, Suite 125
Irvine, CA 92677



September 26, 2012

Bart Willoughby
735 Hickey Blvd., #545
Pacifica, Ca 94044-1214

Re: Lateral Access at 360 Esplanade Avenue, Pacifica, CA

Dear Mr. Willoughby:

Per CDP 2-08-020, AIMCO Esplanade Avenue Apartments, LLC ("Aimco") has offered to dedicate a permanent easement in favor of the California Coastal Commission over its beach area at 360 Esplanade Avenue in Pacifica, CA for lateral public access per the terms of that easement.

Aimco, as owner of this beach area, agrees that it will allow any property owners, including their agents and contractors, who need to traverse this same beach area to move equipment, transport materials, or engage in similar construction-related activities not anticipated in the terms of the aforementioned public access easement, to do so after receiving from that property owner a written request, evidence of proper permitting, and the execution of a written access agreement (which would include an indemnity and release of liability to Aimco). Although this access may be agreed to by Aimco, it will remain subject to all regulatory requirements of federal, state, and local law. Any written access agreement will be subordinate to the public access easement described above. Notwithstanding any of the above, Aimco shall not need to provide access to any party involved in pending or threatened litigation with Aimco.

Sincerely,

Sean Finnegan
Aimco Esplanade Avenue Apartments, LLC
26 Executive Park, Suite 125
Irvine, CA 92677