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49 th Day:	Waived
Staff:	P. Foster - SF
Staff Report:	3/30/2016
Hearing Date:	4/13/2016

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal Number:	A-2-PAC-15-0046
Applicants:	David Blackman and Mike O'Connell
Appellants:	Victor Carmichael (The Committee to Save the Fish and Bowl) and Hal Bohner
Local Government:	City of Pacifica
Project Location:	4000 block of Palmetto Avenue in the City of Pacifica, San Mateo County (APN 009-402-270)
Project Description:	<p>For Substantial Issue Determination: The project approved by the City provides for construction of four detached 450 square foot apartment units and a detached four-stall carport on a vacant 18,411 square foot lot, within a Medium Density Residential Zoning District (R-3-G/CZ)</p> <p>For De Novo CDP Determination: The project proposed by the Applicant for de novo review provides for construction of a single three-story 3,169 square foot apartment building comprised of four dwelling units on the top two floors and an attached ground floor garage</p>
Staff Recommendation:	Substantial Issue Exists; Approval with Conditions

PROCEDURAL NOTE

The Commission will not take testimony on this “substantial issue” recommendation unless at least three Commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally, and at the discretion of the Chair, limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take additional public testimony.

SUMMARY OF STAFF RECOMMENDATION

On June 22, 2015, the City of Pacifica approved a coastal development permit (CDP) for the construction of four detached apartment units on a vacant lot, in a Medium Density Residential Zoning District (R-3-G/CZ) in the 4000 block of Palmetto Avenue in the City of Pacifica. The Appellants contend that the City-approved project raises LCP conformance issues with respect to the protection of biological resources, geotechnical issues and coastal hazards, traffic and parking, coastal access, and visual resources. Specifically, the Appellants contend the approved development is inconsistent with the City’s LCP because it would: 1) impact wetlands located within 100 feet of the proposed project; 2) be sited in a hazardous area which may increase erosion risks to the surrounding area and the potential need for future armoring and/or relocation of the development should managed retreat be required; 3) create potential traffic hazards by the proposed ingress/egress to Palmetto Avenue and the inadequacy of parking provided; 4) result in cumulative impacts on public access and recreation; and 5) adversely impact the scenic and visual character of the surrounding area.

Staff agrees the City-approved project raises substantial issues regarding the protection of biological resources, the potential risks associated with coastal hazards, scenic and visual resources and traffic impacts. Regarding biological resources, the LCP specifies in relevant part that for projects located within 100 feet of Environmentally Sensitive Habitat Areas (ESHA), including wetlands, a habitat survey shall be prepared by a qualified biologist to determine the extent of the sensitive habitats so that appropriate buffers and mitigation measures can be established to minimize potential impacts. The LCP also prohibits new development in wetlands and outlines specific development standards for new development proposed in wetland buffers, including that buffers shall be protected, no development adjacent to buffers shall reduce the biological productivity or water quality of the wetland, and potential impacts shall be mitigated. The City approved the proposed development based on a submitted biological report that reported no sensitive habitats onsite. However, an updated wetlands delineation submitted by the Applicants shows existing wetlands within 30 feet of the proposed structures and within 14 feet of the proposed driveway. Thus, the report used in the City approval did not determine the

exact location of wetlands, and did not recommend appropriate buffers or mitigation measures consistent with LCP requirements. As such, Staff believes the appeals raise a substantial issue with respect to the approved project's conformity with the biological resource protection policies of the certified LCP.

The City of Pacifica's LCP requires that that new development minimize risks to life and property in areas of high geologic hazard, requires development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The City's LCP also notes that in this neighborhood the bluff setback must be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions, as appropriate to the site's specific circumstances and hazards. The City approved the proposed development based on a geological report that found the ravine opposite the project site was relatively stable. However, there was no design-level geotechnical analysis and no analysis of future sea level rise or potential accelerated coastal erosion and the risks it may pose to the proposed development and intervening infrastructure such as Palmetto Avenue, which will be used to access the project. Therefore, Staff finds the appeals raise a substantial issue with respect to the approved project's conformity with the coastal hazards policies of the certified LCP, specifically with regard to the determination of site hazards and adequate setbacks, minimization of erosion hazards to surrounding areas, and the potential for future shoreline armoring.

The City approved the proposed development in part because it was designed to be minimally intrusive in size, scale and appearance relative to its surroundings. However, the proposed project is sited on an entirely undeveloped stretch of Palmetto Avenue within the Fairmont West neighborhood, an area designated by the City's LCP as an important coastal view corridor. The plan approved by the City at this location will inevitably contrast with the existing natural surroundings and fails to incorporate methods recommended by the LCP to protect views of coastal panorama, such as clustering of structures, minimized outdoor lighting, underground utilities, and landscape screening. As a result, Staff finds the appeals raise a substantial issue of conformance with the LCP policies regarding scenic and visual character.

Finally, traffic policies in the Pacifica LCP require that residential development in this area, Fairmont West, may not occur without resolution of traffic impacts that may affect the viability of access related and visitor-serving commercial development in the area. The City approval of the project concluded that access to and from the project site's parking area will not create a hazardous or inconvenient condition, but this determination cannot sufficiently address traffic impacts, as required by the LCP, without independent verification of the trips the Applicants assert will be generated by the proposed development. Thus Staff finds the appeals raise a substantial issue of conformity with LCP policies requiring traffic studies and resolution of traffic impacts.

Accordingly, Staff recommends that the Commission find that a **substantial issue** exists with respect to the City-approved project's conformity with the LCP, and that the Commission take jurisdiction over the CDP application for the proposed project.

For the purposes of de novo review, Staff has worked closely with the Applicants on these identified issues. The Applicants have provided additional information, including a wetland delineation conducted pursuant to Coastal Commission wetland criteria, an updated design-level geotechnical investigation and hazard reports, and an independently verified traffic analysis. Additionally, the Applicants now propose a series of changes to the City-approved project, including a revised plan for construction of a single three-story four-unit apartment building and ground floor garage, which incorporates additional indoor parking, landscape screening, permeable ground material, habitat restoration, and a 50-foot setback from identified wetlands. As currently proposed, the project would be consistent with the biological, geological hazard, visual resource, and access policies of the LCP and reduces any adverse environmental impacts to a less-than-significant level.

Staff therefore recommends that the Commission approve a CDP for the proposed development. The motion is found below on page 6.

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APPENDIX

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Coastal Commission Comment Letters
- Exhibit 3 – City Approved Project and Final Local Action Notice
- Exhibit 4 – Coastal Commission Appeals
- Exhibit 5 – Updated and Initial Biological Reports
- Exhibit 6 – Memo from Commission Staff Ecologist
- Exhibit 7 – Initial Geologic Site Reviews
- Exhibit 8 – Applicant’s Response to Appeal
- Exhibit 9 – Applicant’s Trip Generation Analysis
- Exhibit 10 – Initial Materials Renderings
- Exhibit 11 – Initial Correspondence
- Exhibit 12 – Updated Project Plans
- Exhibit 13 – Updated Materials Renderings
- Exhibit 14 – Wetland and Buffer Area Map
- Exhibit 15 – Wetland Delineation for Adjacent Property
- Exhibit 16 – Updated Geologic Site Reviews
- Exhibit 17 – Independent Traffic Study
- Exhibit 18 – New Correspondence

I. MOTIONS AND RESOLUTIONS

A. SUBSTANTIAL ISSUE DETERMINATION

Staff recommends a **NO** vote on the following motion. Failure of this motion, as is recommended by staff, will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-2-PAC-15-0046 raises no substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

Resolution to Find Substantial Issue: *The Commission hereby finds that Appeal Number A-2-PAC-15-0046 presents a substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program.*

B. CDP DETERMINATION

Staff recommends a **YES** vote on the following motion. Passage of this motion, as is recommended by staff, will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission approve Coastal Development Permit Number A-2-PAC-15-0046 pursuant to the staff recommendation, and I recommend a yes vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number A-2-PAC-15-0046 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the City of Pacifica certified Local Coastal Program and/or with the public access policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions of approval:

1. **Revised Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two full size sets of Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be substantially in conformance with the proposed project plans (**Exhibit 12**) except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Aesthetics.** The project shall be sited and designed, including through cutting it into the slope, to limit its visibility in the Palmetto Avenue/Highway One viewshed, and to otherwise reflect a rural coastal theme (such as simple and utilitarian lines and materials, including use of board and bats, stone veneer, corrugated metal, corten steel, and muted earth tone colors). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to the driveway, and all other project elements within the Palmetto Avenue/Highway One viewshed (including but not limited to walkways, paved areas, railings, lighting, and decorative landscaping). The driveway shall be colored or shall make use of other materials necessary to achieve compliance with this condition, and the driveway entrance on Palmetto Avenue shall be designed to avoid or, if infeasible to avoid, minimize above ground elements (such as pillars) and to ensure all allowed elements emphasize a rustic coastal aesthetic. At a minimum, the plans shall clearly identify all such project elements, and all materials and

finishes to be used to achieve such design aesthetic (including but not limited to through site plans and elevations, materials palettes and representative photos, and product brochures).

- b. Low Impact Development.** In order to prevent runoff and other environmental impacts, permeable material shall be used in lieu of standard concrete for construction of the driveway, outdoor patio, and all walkways. This may include the use of permeable concrete or stone pavers, open-cell concrete blocks, porous pavement, or other pervious material that allows water to drain and percolate into the soil below. The portion of the proposed driveway within the City of Pacifica's right-of-way shall be constructed with all-weather pervious paving acceptable to the City of Pacifica's Engineering Division and the North Coast County Fire Authority, and shall meet all relevant requirements of the California Fire Code, including access and load-bearing requirements at Appendix D, Section D102.1 (2013).
- c. Utilities.** All utilities shall be installed underground.
- d. Landscaping and Irrigation.** Outside decorative landscaping shall be limited to drought tolerant species, and outside irrigation shall be limited to drip or microspray systems.
- e. Landscape Screening.** Revised Plans shall include a landscape screening component that is designed to most effectively screen the residence and driveway from the Palmetto Avenue/Highway One viewshed. Such landscape screening shall utilize native, drought tolerant and non-invasive plant species complementary with the mix of native habitats in the project vicinity. The landscape screening component shall include detailed information regarding species, sizes, and planting locations for all vegetation planted to screen the residence and driveway, and shall specify cut heights to ensure that such landscaping over time does not grow so tall as to impact any views from Highway One.
- f. Exterior Lighting.** All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress, egress, and use of the structures, shall be sited and designed to minimize their impact on views along Palmetto Avenue, shall be low-wattage, non-reflective, and shielded, shall utilize timers to minimize nighttime lighting, and shall have a directional cast downward such that no light will shine within the wetland habitat area and additional restoration area, as shown in **Exhibit 14**.
- g. Post-Construction BMPs.** Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters and wetlands post construction, including use of relevant BMPs as detailed in the current California Storm Water Quality Management Handbooks (currently available at <https://www.casqa.org/resources/bmp-handbooks>). All BMPs shall be operated, monitored, and maintained for the life of the project.

All requirements above and all requirements of the approved Revised Project Plans shall be enforceable components of this CDP. The Permittees shall undertake development in accordance with the approved Revised Project Plans.

- 2. Habitat Restoration Plan for the Wetlands Buffer Conservation Area.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two sets of a Habitat Restoration Plan for the wetlands buffer conservation area to the Executive Director for review and approval. The Plan shall at a minimum include:
- a. Restoration Area.** A detailed site plan of the on-site restoration area with habitat acreages identified, including but not limited to identification of the wetlands delineation as submitted by the Applicants to the Executive Director, dated July 29, 2015, identification of the 50-foot buffer surrounding the wetlands as generally described and shown by **Exhibit 14** attached to this staff report, and identification of where signage required by **Special Condition 2.e** will be placed.
 - b. Baseline.** An ecological assessment of the current condition of the restoration area.
 - c. Success Criteria.** Goals, objectives, and performance standards for successful restoration.
 - d. Restoration Methods.** The final design and construction methods that will be used to ensure the restoration plan achieves the defined goals, objectives, and performance standards. Such methods shall include, at a minimum, removal of invasive vegetation, such as ice plant, and restoration with native coastal scrub.
 - e. Signage.** Provisions requiring the Permittee to place at least one interpretive sign that discourages pedestrian, canine, and other human-controlled use of or entry to the delineated wetlands. The sign shall also specify that no development is allowed within the wetland buffer area, and that this area is suitable only for passive recreation. The sign shall be of a size consistent with the City of Pacifica's sign requirements for public recreational areas, and shall be placed at a conspicuous location visible to tenants and visitors, situated in the vicinity of any amenities (such as a bench) installed along the outside edge of the buffer area. The Plan shall include the intended location and text of the sign to ensure it adequately identifies the extent of the wetland and buffer, as well as a sample mock-up of the materials and coloring planned for the sign to ensure it blends effectively with the surrounding natural landscape and overall character of the development.
 - f. Non-Native Species Management.** The Plan shall indicate that non-native species will be controlled within the restoration area.
 - g. Monitoring and Maintenance.** Provisions for monitoring and maintenance, including a schedule, maintenance activities, a quantitative sampling plan, fixed photographic points, interim success criteria, final success criteria for native and non-native vegetative cover, biodiversity and wetland hydrology, and a description of the method by which success will be evaluated.
 - h. Reporting.** Provision for submitting, for the review and approval by the Executive Director, monitoring reports prepared by a qualified specialist that assess whether the restoration is in conformance with the approved plan, beginning the first year after initiation of implementation of the plan, and annually for at least five years. Final

monitoring for success will take place no sooner than 3 years following the end of all remediation and maintenance activities other than weeding. If the final report indicates that the restoration project has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall within 90 days submit two sets of a revised or supplemental restoration program for the review and approval of the Executive Director. The revised or supplemental restoration program shall be processed as an amendment to the CDP unless the Executive Director determines that no CDP amendment is legally required. The program shall be prepared by a qualified specialist, and shall be designed to compensate for those portions of the original restoration that did not meet the approved plan's success criteria.

All requirements above, and all requirements of the approved Habitat Restoration Plan, shall be enforceable components of this CDP. The Permittees shall undertake all development in accordance with the approved Habitat Restoration Plan.

- 3. Future Development Restriction.** This CDP is only for the development described in CDP No. A-2-PAC-15-0046. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by CDP No. A-2-PAC-15-0046. Accordingly, any future development associated with the residential project authorized by this CDP, including but not limited to repair and maintenance identified as requiring a CDP in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to CDP No. A-2-PAC-15-0046 or shall require a separate CDP.
- 4. Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicants shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

 - a. Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities or staging are to take place shall be minimized to the extent feasible, in order to have the least impact on public access and coastal resources, including by using inland areas on the subject property for staging and storing construction equipment and materials as feasible. Construction, including but not limited to construction activities and materials and equipment storage, is prohibited outside of the defined construction, staging, and storage areas.
 - b. Construction Methods and Timing.** The plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from wetland habitat. All work shall take place during daylight hours and lighting of wetland habitat is prohibited. From March 1 to July 1, the Permittee shall avoid construction on land on and adjacent to wetland habitat and otherwise avoid impacts, such as loud noise, that may affect nesting birds. If nesting birds are found during preconstruction surveys, a qualified biologist shall establish a 300-foot buffer (500 feet for raptors) within which no construction can take place. The established buffer(s) shall remain in effect until the

young have fledged or the nest has been abandoned as confirmed by the qualified biologist.

- c. **BMPs.** The plan shall identify the type and location of all erosion control/water quality best management practices (BMPs) that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff or sediment discharge; (b) all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (c) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (d) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- d. **Construction Site Documents.** The plan shall provide that a copy of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that the CDP and the approved Construction Plan are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. **Construction Coordinator.** The plan shall provide that a construction coordinator be available 24 hours a day for the public to contact during construction should questions arise regarding the construction. Contact information for the coordinator, including a mailing address, e-mail address, and phone number shall be conspicuously posted at the job site in a place that is visible from public viewing areas, along with information that the construction coordinator should be contacted in the case of any questions regarding the construction. The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 72 hours of receipt of the complaint or inquiry.
- f. **Restoration.** All areas impacted by construction activities shall be restored to their pre-construction condition or better within 72 hours of completion of construction.
- g. **Notification.** The Permittees shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

Minor adjustments to the above construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the

approved Construction Plan shall be enforceable components of this CDP. The Permittees shall undertake construction in accordance with the approved Construction Plan.

5. **Post-Construction Site Drainage and Erosion Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittees shall submit, for the Executive Director's review and approval, a Site Drainage and Erosion Management Plan, including a drainage and erosion analysis of the proposed project site, prepared by a Registered Civil Engineer. The Permittees shall submit two copies of the Plan to the Executive Director and the Plan shall, at a minimum include the following:
 - a. A drainage and erosion analysis consisting of a written narrative and scaled plans. The flow of storm water onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage and erosion control on the site. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures, including future practices, shall be designed and submitted to the Executive Director for review and approval.
 - b. Provisions for all landscaping to be properly maintained and designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.
 - c. Provisions prohibiting the discharge of anything other than rainwater into the streets and storm drains, and requirements to seal all floor drains or piping that carry wastewater to storm drains.
 - d. Provisions requiring roof downspout systems from all structures to be designed to drain to a designated infiltration area or landscaped sections of the property.
6. **Landscape Screening Report.** Within two years of the commencement of construction, the Permittees shall submit, for the review and approval of the Executive Director, a landscape screening report prepared by a qualified specialist that certifies the landscape screening is in compliance with the requirements of **Special Condition 1**. If the landscape screening report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in **Special Condition 1**, the Permittees shall submit a revised or supplemental landscape screening plan for the review and approval of the Executive Director. The revised/supplemental landscape screening plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.
7. **Coastal Hazards Response.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, that:
 - a. **Coastal Hazards.** The site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and their interaction.

- b. Permit Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy and use, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
 - c. No Future Shoreline Protective Device.** No additional protective structures, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls, shall be constructed to protect the development approved pursuant to CDP A-2-PAC-15-0046, including, but not limited to, residential areas or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this CDP, the Permittees hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, and agree that no portion of the approved development may be considered an "existing" structure for purposes of Section 30235, and that new development shall in no way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, per LCP Policy Number 26.
 - d. Obligation to Provide Access.** In the event that coastal hazards eliminate access to the site due to the degradation and eventual failure of Palmetto Avenue as a viable roadway, the Permittees agree that, if necessary as determined by the City of Pacifica, to provide for construction of a substitute private road, allowing for effective ingress and egress from the site. The Permittees shall apply for a new CDP or an amendment to this CDP in order to conduct any such development related to realignment or construction of an access road, unless the Executive Director determines that a permit or amendment is not legally required.
 - e. Future Removal of Development.** The Permittees shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential building and other development authorized under this CDP, when any government agency orders removal of the development due to imminent coastal hazards in the future or when the development becomes imminently threatened by coastal hazards. Development associated with removal or relocation of the residential building or other development authorized by this CDP shall require an amendment to this CDP. In the event that portions of the development fall to the water or ground before they are removed, the Permittee shall remove all recoverable debris associated with the development from the ocean, intertidal areas, and wetlands, and lawfully dispose of the material in an approved disposal site. Such removal activities shall require an amendment to this CDP.
- 8. Coastal Hazards Risk.** By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns:
- a. Assume Risks.** To assume the risks to the Permittees and the property that is the subject of this CDP of injury and damage from coastal hazards in connection with this permitted

development;

- b. Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards;
- c. Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and
- d. Permittees Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the Permittees.

9. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittees shall submit to the Executive Director for review and approval documentation demonstrating that the Permittees have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

10. Wetlands and Buffer Conservation Area

- a.** No development, as defined in section 30106 of the Coastal Act shall occur in the wetlands or the wetlands 50-foot buffer area as generally shown in **Exhibit 14** except for
 - i)** restoration activities and placement of signage consistent with the Habitat Restoration Plan, approved pursuant to **Special Condition 2** of this permit;

AND

- ii)** if approved pursuant to an amendment to this permit, or a new coastal development permit, activities consistent with restoration or realignment of the City of Pacifica's right-of-way associated with Palmetto Avenue located on the subject property.

- b. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction document in a form and content acceptable to the Executive Director for the purpose of conserving the wetlands and 50-foot wetland buffer area generally shown on **Exhibit 14** of the staff report. The recorded document shall include a legal description of the applicant's entire legal parcel and an exhibit consisting of a formal metes and bounds legal description and a corresponding graphic depiction prepared by a licensed surveyor based on an onsite on the ground survey of the wetlands and 50-foot wetland buffer conservation area. The recorded document shall also reflect that development in the wetlands and 50-foot wetland buffer conservation area is restricted as set forth in this permit condition.
- c.** The deed restriction shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assignees, in perpetuity.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION

The project is proposed on an undeveloped, triangular-shaped 18,411 square foot parcel in the 4000 block of Palmetto Avenue (APN 009-402-270) in the City of Pacifica, San Mateo County. The vacant parcel is predominately covered with coastal scrub, and a large portion of the former Edgemar Road right-of-way runs through the southern portion of the parcel. The southern edge of the parcel fronts Palmetto Avenue and moving east across the site, the slopes increase about 20%. The western portion of the site is also bounded by Palmetto Avenue, and the northern side is bounded by a property known as "The Bowl" (the subject of a prior Coastal Commission action on appeal to deny the subdivision and construction of a 43 unit residential development, A-2-PAC-05-018). To the east of the parcel, on the bluff there is single-family residential development, the Pacifica Point Condominiums and Highway 1. Please see **Exhibit 1** for a location map.

The site is zoned Multiple Family Residential Garden/Coastal Zoning District (R-3-G/CZ) which allows multi-family residential development with a minimum lot area of 2,300 square feet per unit, which would allow for a total of 8 dwelling units on this 0.42 acre site. The Land Use designation of the site is Medium Density Residential, which would allow for the development of 10-15 dwelling units per acre, or 4-6 units on the subject parcel.

The proposed project would be located in the City's designated Fairmont West neighborhood which is described by Pacifica's LCP as supporting low density residential development, subject to geotechnical and biological investigation, hazard setbacks, and a requirement to provide developed public access.

B. PROJECT DESCRIPTION

As originally proposed, the City of Pacifica conditionally approved a CDP to construct four detached studio apartments with a four stall carport in the Medium Density Residential, Multi-

Family Residential Garden/Coastal Zone (R-3-G/CZ). Each studio apartment would be constructed as a separate stand-alone structure, approximately 450 square feet in gross floor area, and built to a height of 22 feet. Each studio would be constructed on a raised concrete podium deck and would have an outdoor deck area. The deck area would be private to each dwelling and would be approximately 150 square feet with a 50 square foot front porch. The detached 4-stall carport would be built on the southeast portion of the lot, providing four on-site parking spaces and would be 12 feet in height. In addition, one open guest parking space is being proposed on the southwest portion of the lot, within the required minimum front yard setback. Access to the parking area would be provided by a 20 foot wide driveway off Palmetto Avenue and through a 10 foot wide driveway that runs along the front of the property.

The four apartments are proposed to be constructed with exterior materials such as softwood clapboard siding, soda lime glass, stone veneer, shingles and living roofs (see **Exhibit 10** rendering of the project site looking east from the bluffs) in order to preserve and protect the majority of the existing natural surrounding landscape which mostly consists of drought-tolerant coastal scrub.

See **Exhibit 3** for the City's approval and proposed project plans.

C. CITY OF PACIFICA APPROVAL

On April 6, 2015, the City Planning Commission approved CDP-347-14 for the proposed development. Prior to this, on September 11, 2014, Commission Staff sent comments during the Development Review Coordination process to the City, citing concerns with biological resources and geological hazards. On April 15, 2015 an appeal was filed with the City of Pacifica by two of the current appellants (Victor Carmichael and Hal Bohner), citing concerns with the City Planning Commission's approval. On June 22, 2015, the City Council conducted a duly noticed public hearing to consider the appeal of the Planning Commission's action. Coastal Commission Staff sent an additional comment letter to the City regarding the appeal filed to the City Council for the proposed development. Commission Staff reiterated concerns raised in its September 11, 2014 comments transmittal and asked that a one-parameter wetland delineation and a detailed, design-level geotechnical investigation be required prior to the City's issuance of the CDP, in order to assess impact to coastal resources. See **Exhibit 2** for prior comment letters from Coastal Commission staff.

City Staff recommended the City Council approve CDP-347-14 for the proposed project and the City Council unanimously approved the proposed development with added conditions. Notice of the Council's final action on the CDP was received in the Coastal Commission's North Central Coast District Office on July 1, 2015 (see **Exhibit 3**). The Coastal Commission's ten-working day appeal period for this action began on July 2, 2015 and concluded at 5 p.m. on July 15, 2015. The subject appeals were received during the appeal period on July 10, 2015 and July 15, 2015 (see below and **Exhibit 4**). The Applicants waived time requirements for a hearing within 49 days, on August 11, 2015.

D. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. The subject project is appealable because it involves development that is located within 30 feet of wetlands located just west of the parcel. In addition, the subject parcel is located within 300 feet of the seaward face of a coastal bluff, seaward of the parcel and across Palmetto Avenue.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. The Coastal Act presumes that an appeal raises a substantial issue of conformity of the approved project with the certified LCP, unless the Commission decides to take public testimony and vote on the question of substantial issue. Since the staff is recommending substantial issue on the subject project, unless three or more Commissioners object to that recommendation, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its de novo review at the same or subsequent meeting.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will be allowed to testify to address whether the appeal raises a substantial issue with some restrictions. The only persons qualified to testify before the Commission on the substantial issue question are the applicants, appellants, and persons who previously made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission will proceed to the de novo portion of the appeal hearing and review the merits of the proposed project. Any person may testify during the de novo CDP determination stage of an appeal. Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act.

E. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the City-approved project raises LCP conformance issues with respect to the protection of biological resources, geotechnical issues and coastal hazards, traffic and parking, coastal access, and visual resources. Specifically, the Appellants contend the

approved development is inconsistent with the policies of the Pacifica certified LCP because it : 1) impacts wetland areas located within 100 feet of the proposed project on adjacent parcels; 2) is sited in a hazardous area which may increase erosion risks to the surrounding area and the potential need to armor and/or relocate the development and associated adjacent infrastructure, should managed retreat be required in this area; 3) creates potential traffic hazards by the proposed project's ingress/egress to Palmetto Avenue and the inadequacy of parking provided; 4) results in cumulative impacts on public access and recreation in the area and 5) impacts the scenic and visual character of the surrounding area. See **Exhibit 4** for the complete appeals documents.

F. SUBSTANTIAL ISSUE DETERMINATION

Substantial Issue Background

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission finds that the City's approval of the project presents a substantial issue.

Substantial Issue Analysis

Biological Resources

The Appellants contend that the approved project could result in adverse impacts to biological resources that exist in areas adjacent to the subject parcel. Specifically, the Appellants assert that delineated wetland areas were found within 100 feet of the proposed development. Development of a 43 unit residential complex that was proposed on the adjacent property (A-2-PAC-05-018, APNs 009-402-250 and -260, adjacent to the north and east), was previously denied by the Coastal Commission due to impacts to sensitive coastal wetland areas and sensitive coastal terrace prairie habitat areas. In addition, the Appellants assert that the City failed to analyze the cumulative impacts to biological resources by approving the proposed development, thereby allowing development proposals to ramp up in this area. See **Exhibit 4** for the full text of the Appellants' contentions. In a letter dated July 30, 2015 (see **Exhibit 8**), the Applicants responded to each of the appeal contentions. With regard to the sensitive habitat and wetland issues the Applicants acknowledge that the development as approved by the City will be within

about 30 feet of a wetland. However, they feel that the proposed development is designed so as to minimize impacts to the wetlands.

The Pacifica Local Coastal Program (LCP) Zoning Code Section 9-4.4403(b) specifies in relevant part that for projects located within 100 feet of ESHA, which includes wetlands per LCP Section 9-4.4403(a)(2), a habitat survey shall be prepared by a qualified biologist to determine the exact location of ESHA so that appropriate buffers and mitigation measures can be established to minimize potential ESHA impacts. LCP Zoning Code Section 9-4.4302(f) defines wetland buffers as “an area of land adjacent to primary habitat, which may include secondary habitat as defined by a qualified biologist or botanist, and which is intended to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the San Francisco garter snake and wetlands habitat areas.” LCP Zoning Code Section 9-4.4403(b) prohibits new development in wetlands and outlines specific development standards for new development in wetland buffers including that buffers shall be protected, no development adjacent to buffers shall reduce the biological productivity or water quality of the wetland, and potential impacts shall be mitigated (see full text LCP Sections 9-4.4302 and 9-4.4403, below).

With respect to the City’s decision on this issue, the City noted that according to a biological report performed for the site by Toyon Environmental Planning, a site visit was conducted to assess the presence of sensitive habitat areas and “no rare or especially valuable species or habitat was observed during the visit.” The Toyon report further concluded “no evidence of wetland hydrology appeared to be present on the site.” Therefore, the City concluded that no areas on the property proposed to be developed qualified as ESHA or as wetlands. See **Exhibit 5** page 23 for the Toyon Report. After the initial appeal of the City Planning Commission’s decision on the project to the City Council, where the Appellants asserted this project was located in a “particularly sensitive environment,” the City Council reasoned that all habitats in the area that had been previously found to be sensitive were located on the adjacent property to the northeast and were not necessarily at issue in the current project because, “appellants(s) do not offer evidence regarding current habitat conditions” or “any evidence to support the contention that the project is in a particularly sensitive environment.”

The City relied upon the Toyon Report which concluded that no observable “rare or especially valuable species or habitat” were found during their visit to the site. The Toyon Report noted “a small stand of *Salix lasiolepis* was observed” but found that there was “no evidence of wetland hydrology” present anywhere on the site. After receiving the appeals, Coastal Commission staff ecologist, Dr. Laurie Koteen, reviewed the Toyon Report and concluded that a wetland may be present onsite as two facultative wetland (FACW) species were present on the project site: the patch of Arroyo Willow, *Salix lasiolepis*, and Poison hemlock, *Conium maculatum*. Dr. Koteen also concluded that given that the site assessment for the Toyon Report was done in August 2014, normally a very dry time of year, and also was performed during a drought year, the lack of hydrological wetland indicators on the property is unsurprising and that, in order to adequately analyze the habitats onsite, a wetland delineation performed at a wetter time of year would be warranted (see **Exhibit 6** for Dr. Koteen’s memo).

The Applicants had a 1-parameter wetland delineation prepared and sent to Commission Staff since the Commission received the appeals (See **Exhibit 5** page 1). This delineation was

performed on July 25, 2015 and confirms that the stand of willows just adjacent to the proposed development on the project site qualifies as a wetland, and therefore, as a sensitive habitat per LCP Section 9-4.4403(a)(2). Inconsistent with the LCP, the City approved project's driveway would be located 14 feet from the wetland area and the proposed detached structures will be 30 feet away. The LCP requires an appropriate buffer and mitigation measures to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the wetlands habitat areas (see full text of LCP Section 9-4403, below).

In addition, neither the recent Wetland Delineation nor the Toyon Report site assessment analyzed the adjacent properties for wetlands, when prior delineations done on these adjacent properties found the presence of wetlands. Because the stand of willows on the project site is within 30 feet of the proposed development, it is unclear how the proposed development may impact this onsite habitat in addition to previously delineated wetlands located adjacent to the proposed site. Thus, the City approval did not determine the full extent of wetlands on-site and adjacent to the subject parcel, did not ensure that the proposed development was adequately buffered from all wetlands, and did not include adequate mitigation measures to minimize potential impacts to wetlands consistent with LCP requirements. Thus, the appeals raise a substantial issue with respect to the approved project's conformity with the biological resources policies of the certified LCP (see LCP Sections 9-4302 and 9-4403, below).

Coastal Hazards

The Appellants contend that the City's approval of the proposed development did not adequately analyze the coastal hazards associated with this project. Specifically, a large ravine, which is carved into the bluffs located directly across Palmetto Avenue from the project site, would be located in close proximity to the development. The Appellants are concerned that allowing for new residential development in such close proximity to the ravine would contribute to the overall instability of the ravine and endanger the proposed development. In addition, Appellants raise concerns regarding the City's lack of analysis of the threat posed by future sea level rise and how such sea level rise may exacerbate bluff retreat and erosion. Namely, as bluff erosion increases as a result of sea level rise, the concern is that the bluff edge will move further landward, eventually threatening the Palmetto Avenue right-of-way. The proposed development is right in the path of a logical inland re-route of Palmetto Avenue, should Palmetto ever be threatened by sea level rise in the future. Finally, the Appellants raise concerns with how the proposed development may require future shoreline armoring as a result of accelerated bluff erosion. See **Exhibit 4** for the full text of the Appellants' contentions. In the aforementioned July 30, 2015 letter (**Exhibit 8**) from the Applicants, they assert that their geological report states the site is not constrained by geological hazards and that the ravine has been static for 55 years. Further, regarding sea level rise, the Applicants state that given the project is situated 180 feet above sea level, there would be no physical impacts to this development due to sea level rise and that any increased bluff erosion that occurs and threatens Palmetto Avenue would be required "first to armor Palmetto Avenue" and not their proposed development.

The Pacifica LCP incorporates Coastal Act Policies, which require that new development minimize risks to life and property in areas of high geologic hazard. LCP Policy 26 requires development to assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural

landforms along bluffs and cliffs (see LCP Policy 26, below). The proposed project site is located in the Fairmont West section of the City of Pacifica where a high rate of bluff erosion is a concern and the average bluff erosion rate is thought to be up to three feet per year. The City's LCP notes that at this location in the Fairmont West neighborhood, the Seismic Safety and Safety Element requires the bluff setback to be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions. The LCP further states that setback should be adequate to protect the structure for its design life, with the appropriate setback for each site to be determined on a case-by-case basis, depending on the site specific circumstances and hazards (see LCP Section 'Fairmont West - Geology', below). LCP Section 9-4.4404 (b) requires a geotechnical survey for new development in areas with land slide potential, evidence of ground shaking or earth movement. The survey must assess geologic conditions, hazards and determine appropriate setbacks and mitigation measures to accommodate a minimum 100 year event as discussed above (see LCP Section 9-4.4404, below).

The City's approval of the proposed development stated that the property in question is geologically more stable than the property containing the bluff areas located across Palmetto Avenue to the west, and that there was no evidence that this project would have significant impacts related to geological issues. Further the City concluded, according to an Earth Investigations Consultants preliminary geologic site review (see **Exhibit 7** page 4), that the site was not constrained by geologic hazards such as fault rupture or landslides, that the potential for liquefaction was low and that the site was considered suitable for the proposed development. The preliminary geologic site review also concluded that the headward part of the gorge that the Appellants are concerned with, which begins approximately 60 feet due west of the subject property line, is globally static and appears to have been static for the past 55 years. The site review further recommended that a design-level geotechnical investigation be performed prior to finalizing the final development plan and issuing a building permit.

The City approval included conditions that require the Applicants to comply with the site review's recommendations, require submission of an erosion control plan prior to issuance of a building permit and require drainage improvements and prompt revegetation of exposed areas to prevent erosion. While the Earth Investigations preliminary geologic site review concluded that the ravine was a static feature that had been static for the past 55 years, the review also concluded that a design-level geotechnical investigation should be conducted. While Coastal Commission Coastal Engineer Dr. Lesley Ewing agrees with the conclusion that the ravine is static and likely does not pose a threat to the proposed development, she did also agree that such a design level analysis and drainage plan should be required prior to issuance of the CDP, not the issuance of a building permit, to adequately evaluate the potential site hazards and ensure the proposed development is properly sited per the requirements of the LCP. This type of analysis is also required in order to assure the CDP has been issued in conformance with LCP policies which require that development be designed to minimize erosion impacts to surrounding areas.

With regard to future sea level rise and how it may exacerbate coastal bluff erosion, the City did not adequately analyze the potential impacts of such future sea level rise on this project or the intervening existing street development - Palmetto Avenue, located between the subject parcel and the bluffs - which this project will rely on for ingress/egress. The report contains no analysis of future sea level rise in this area, how such sea level rise may impact the already-rapid known

bluff erosion rate in this area, and whether or not this may result in the need for future shoreline armoring in this area. While the City's LCP declares the bluff erosion rate here is around 2 feet per year, that erosion rate will likely be exacerbated by future sea level rise and storm intensification due to global climate change. Given this potential, the bluff areas fronting this development and Palmetto Avenue may require shoreline armoring in the future.

Finally, the Earth Investigations preliminary geologic site review concluded that despite the ravine's static nature, there is evidence of localized surficial erosion and a low to moderate potential for undermining of the Palmetto Avenue roadway. The geologic site review concluded that this potential hazard, which could impact access to the proposed development, should be further evaluated in the design-level geotechnical investigation. While the City did make the completion of such a geotechnical investigation a required condition of approval prior to issuance of the building permit, the CDP for this development has already been approved by the City without analysis of important hazard information that could be gleaned from such an investigation. The Applicants sent Commission Staff an updated Geotechnical Commentary prepared by GeoForensics, Inc. on July 28, 2015 (see **Exhibit 7** page 1), which stated that based on observations, it would take hundreds of years for the observed slope failures to encroach upon the Palmetto Avenue Roadway. However, it is not clear from the July 28 letter whether or not accelerated bluff erosion from sea level rise was factored into this most recent geotechnical analysis. If and when Palmetto Avenue will be threatened by bluff erosion is currently unknown. Maintenance of Palmetto Avenue as a transportation route may require realignment of Palmetto Avenue to inland areas to avoid impact from sea level rise and coastal bluff erosion. At such time, the proposed development would be located where Palmetto Avenue may be realigned, and may result in the project needing access via another route such as the existing Edgemar right-of-way located in part on the property site. Thus, an analysis of the potential for coastal erosion to impact ingress and egress from the proposed project is required in order to assure long-term substantial conformance with the LCP policies requiring that development be designed to neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (see LCP Policy 26, below). Therefore, the appeals raise a substantial issue with respect to the approved project's conformity with the coastal hazards policies of the certified LCP.

Traffic and Parking

The Appellants raise concerns that the project's access to Palmetto Avenue provides those entering the roadway very little warning of traffic northbound due to existing heritage trees lining the road and the ledge-like elevation of the right-of-way. Further, the Appellants assert that the traffic on Palmetto Avenue is fairly heavy at times with large semis carrying garbage and other smaller trucks using Palmetto Avenue to reach the Mussel Rock refuse transfer station in Daly City. The Appellants further assert that the City did not adequately analyze the traffic hazards to the project's residents, other pedestrians, cyclists and drivers using Palmetto Avenue. The Appellants also assert that although the parking provided in the proposed project design meets the requirements in the zoning code, the number provided "in practical terms" is inadequate - because the project only provides one stall per unit and one guest space for all four units (five in total) - and insufficient as the units may accommodate more than one driving adult. In the aforementioned July 30, 2015 letter from the Applicants (see **Exhibit 8**), the Applicants

assert that their project is so small that it will only generate only one AM-peak and one PM-peak hour trip a day. Further, the Applicants state that the project provides adequate sight stopping distance at the proposed driveway and therefore will have negligible impacts to traffic safety. Finally, regarding the adequacy of parking provided, the Applicants state that the project meets the City of Pacifica's off-street parking requirements, there are over 90 street parking spots in the area and it is rare to see more than 4 of these spots being utilized; therefore the parking provided onsite is more than adequate.

In terms of the hazards created by the project's impacts to traffic on Palmetto Avenue, the LCP offers limited guidance on the requirements to consider such hazards when designing proposed development. Though not a specific policy, in the section of the LCP that discusses this neighborhood, "Fairmont West," there is a discussion of traffic constraints in this area. Specifically, the LCP says "any significant increase in the number of vehicles resulting from intensified commercial or additional residential development in the vicinity of Manor Drive, or along Palmetto Avenue, should be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection." The discussion goes on to state, "residential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area." Further, LCP Policy requires that public roadways within coastal neighborhoods be designed to be compatible with the scale, intensity and character of the neighborhood (see LCP Sections 'Fairmont West - Traffic' and 'Plan Conclusions - Community Scale and Design', below).

The City's analysis of the traffic hazards posed by the proposed development concluded that access to and from the site's parking area will not create a hazardous or inconvenient condition. The City's Department of Public Works and Engineering Division has reviewed the project and concluded that there will be no visibility issues for vehicles entering or exiting the site because the units are set back 55 feet from Palmetto Avenue and because the site is situated along a 445 feet straightaway along Palmetto that provides adequate sight distance in both the northerly and southerly direction. Because of this adequate sight distance provided, the access to this project is consistent with LCP requirements that public roadways within coastal neighborhoods be designed to be compatible with the scale, intensity, and character of the neighborhood and does not raise a substantial issue of conformance with the requirements of the LCP.

The Applicants prepared a trip generation analysis based upon the Institute of Transportation Engineers 2008 guidelines (see **Exhibit 9**). The analysis found that each studio apartment would generate 13 daily trips (or 3.19 trips, rounded up, per unit) and 1 trip (rounded up) at each of the AM and PM peak hours (AM hours 7-9 AM, PM hours 4-6 PM). This is a seemingly minimal impact to existing traffic on Palmetto Ave., but needs to be independently verified by an impartial traffic study that specifically looks at trip generation for development similar to the proposed development, in order to sufficiently address traffic impacts, as required by the LCP.

In terms of the parking provided, the Appellants acknowledge that the parking provided is consistent with the minimum space provision requirements in the City's Municipal Code (see Pacifica Zoning Code Section 9-4.2818, below), however the Appellants assert that in practical terms this is not enough parking provided and any spill over parking need will result in additional parking pressure being placed upon Palmetto Avenue. With respect to the City's

action on this proposal, the City did require adequate parking here in terms of what is required for four studio apartments (Zoning Code Section 9-4.2818 requires “one space for each studio” plus “one space to accommodate guest parking to be provided for each four (4) units”). However, the City did grant a variance to allow the required guest enclosed parking space to be located away from the other required parking within the required 15-foot front yard setback. The City findings required to allow for such a variance were met by the City in that placing the parking on this area of the lot will minimize impacts, as this is the flattest area and will minimize the necessity for grading, that allowing for the variance will not adversely affect health and safety of residents in the area because the impacts of such a variance will not impact any fellow residents, that the variance will not make the development inconsistent with the City’s design guidelines as this variance will not impact the design of the development, and that the variance will not make the development inconsistent with the General or Local Coastal Land Use Plan as this variance will not be inconsistent with the zoning designation or land use policies that apply. Caltrans has also weighed in on the parking provided stating that “any parking by residents or guests” of this development “on Palmetto Avenue would not have an impact on the state highway.”¹

In order to assure consistency with the applicable LCP requirement that any significant increase in the number of vehicles resulting from residential development in the vicinity along Palmetto Avenue be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection, independent verification of the Applicants’ trip generation analysis is required. Therefore, the Appellants’ contention raises a substantial issue with respect to the approved project’s conformity with LCP policies requiring traffic studies and resolution of traffic impacts (see LCP Sections ‘Fairmont West - Traffic’ and ‘Plan Conclusions - Community Scale and Design’, below). However, with respect to the Appellants’ parking contentions, because the City’s approval required the adequate provision of parking per the requirements in the code and because any spillover parking from the proposed development would be allowed to park on Palmetto, as Caltrans confirmed, there is adequate legal parking opportunity in existence along this stretch², the Appellants’ contentions do not raise a substantial issue of conformance with the LCP requirements regarding parking.

Public Access and Recreation

The Appellants contend that project would adversely impact public access and recreation in the bluff area by adversely affecting parking opportunities currently existing along Palmetto Avenue because parking for the project is insufficient and the spillover would impact the current limited availability of parking on Palmetto for the general public, hikers and other beach-goers. In addition, the Appellants argue that shoreline armoring that may be required in the future to protect this project would also adversely impact public access by creating impediments to available beach areas. In the aforementioned July 30, 2015 letter (see **Exhibit 8**) from the Applicants, they assert that since adequate parking is provided for the proposed development and there is adequate room in the right-of-way for future access trails and additional parking, the proposed project will have no impacts to public access and recreation in this area.

¹ Email Communication, Sandra Finnegan, Associate Transportation Planner, July 30, 2015.

² *Ibid.*

The City of Pacifica LCP incorporates the policies of the Coastal Act that require that public access is maximized and public recreation is guaranteed in all new development. The LCP further details public access requirements and recommendations as tailored to each neighborhood. The requirements and recommendations specific to the Fairmont West Area are: (1) trail access through the bluff-top properties should replace the requirement for beach access, as vertical beach access is difficult in this area; (2) the location of the trail access should be clearly designated by a sign placed on Palmetto and designed to reduce or minimize conflict between the residents and public using the access; (3) access should be provided by the developer of the bluff-top area open to the public but owned and maintained by the development or an appropriate public agency; and (4) adequate off-street parking should be provided for the residents in the new development, so that beach users can continue to use the existing on-street spaces (see LCP Section 'Fairmont West – Coastal Access').

The City's approval of the proposed development found that the project would not negatively impact any access to existing coastal recreation facilities or trails, nor would it increase the demand for additional facilities, or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. The City did not require any additional parking for the project.

As previously stated, the City's approval included the amount of parking required for this size of development per the requirements in the City Municipal code, consistent with the access requirements specific to the Fairmont West area. Because the proposed development is so small in scale, it is doubtful that there will be much of a conflict in allowing any excess parking needs to be located on Palmetto. Further, Caltrans stated that "any parking by residents or guests" of this development "on Palmetto Avenue would not have an impact on the state highway."³ With regard to the impacts of any future potential shoreline armoring that may be requested, it is likely such an impact on public access could be mitigated through an analysis of the coastal hazard response that will be required for the proposed development. Therefore, the proposed project does not raise a substantial issue of conformance with the LCP policies regarding public access and recreation.

Scenic and Visual Character

Appellants assert that the placement of the proposed development in this location creates new residential development that is not contiguous with the surrounding areas to the north, south and east and will adversely affect views of the adjacent coastal resources to the west (the Northern Dunes). In addition the Appellants assert that the project would impact the scenic and visual qualities of the area, since the scenic and visual qualities of the area derive from the present open space character of the area, including the subject vacant parcel site, and that adding buildings and roadways cannot possibly be considered an improvement to the natural condition of the area. In the aforementioned July 30, 2015 letter from the Applicants (see **Exhibit 8**), they assert that in designing the project, they took great "care in protecting the scenic and visual qualities of the area" and that considering the small, single story with living roofs design, their "project should be considered a model for protecting scenic and visual qualities."

³ Email Communication, Sandra Finnegan, Associate Transportation Planner, July 30, 2015.

In terms of LCP requirements to protect visual character, the LCP protects visual and scenic qualities by requiring that individual qualities of each coastal neighborhood shall be protected by appropriate zoning, access and design regulations. Further, the LCP requires that new development within the viewshed not destruct views to the sea from public roads, trails and vista points. This can be achieved through height limitations and clustering which keep structures low and tight to protect view corridors, careful placement of landscaping to shield structures, use of natural appearing materials and colors on new buildings, and maximizing views of the sea (see LCP Policy 24, Section 'Fairmont West - Scenic Resources', and 'Plan Conclusions - Preservation and Enhancement of Coastal Views, Viewsheds and Vegetation', below).

The current development proposed (multi-family residential) is allowed by the certified land use and zoning designation in this area. The City's approval of the proposed development points out that these structures will be small in scale and height (450 square feet and 22 feet in height), will be constructed with living roofs and natural blending materials such as clapboard, stone and soda lime glass, and would preserve and/or restore much of the existing natural landscape to minimize the visual impacts of the development. Please see **Exhibit 10** for visual renderings of the proposed development of the project site looking east from the bluffs.

Although the City approved development seems to be designed and conditioned so as to be minimally intrusive in size and appearance, the proposed project is sited on an entirely undeveloped stretch of Palmetto Avenue within the Fairmont West neighborhood, which is recognized in the LCP as an important coastal view corridor. Consequently, the structures the City approved at this location will inevitably contrast with the existing natural surroundings. Furthermore, the design fails to incorporate methods recommended by the LCP to protect views of coastal panorama, such as clustering of structures, minimized outdoor lighting, underground utilities, and landscape screening. Thus, the proposed development raises a substantial issue of conformance with the LCP policies regarding scenic and visual character.

Conclusion: Substantial Issue

The five factors used as guidance in determining whether a substantial issue exists, support a finding that the appeal raises a substantial issue. While the extent and scope of the development is small and the issues primarily local, the City's decision lacks adequate factual support regarding the proximity of the proposed development to wetlands and any potential impacts to these sensitive habitats and the long-term structural stability and proper siting of the project with respect to potential hazards. The coastal resources of wetlands and bluffs are significant, as they comprise sensitive habitat. In addition, there are potential traffic and visual impacts that could adversely affect public access and the visual character of the area. Approval of a potentially hazardous development adjacent to sensitive habitats in particular could adversely affect future interpretations of the City's LCP.

In conclusion, the City-approved project raises substantial issues regarding protection of biological resources, the risks associated with coastal hazards, traffic and visual resource impacts. Therefore, the Commission finds that the appeal raises a **substantial issue** of conformity of the approved project with the biological resources, coastal hazard, and traffic policies of the certified Pacifica LCP, and takes jurisdiction over the CDP application for the proposed project.

G. COASTAL DEVELOPMENT PERMIT DETERMINATION

The standard of review for this application is the City of Pacifica certified LCP. All Substantial Issue Determination findings above are incorporated herein by reference.

Revised Project Description

The Applicants have, upon discussions with Commission staff, proposed to modify the project approved by the City by combining the four detached and separate apartment units into a single three story building consisting of four attached apartments (2 two-bedroom and 2 one-bedroom units), totaling approximately 3,169 square feet in gross floor area, with a height of 35 feet. The building will include a common garage on the ground floor, a one-bedroom and two-bedroom apartment on the second floor, and a studio and two-bedroom apartment on the top floor. Each unit has access to a private deck area. The garage would provide eight on-site parking spots, accessible by a 22.8 foot wide driveway off Palmetto Avenue. The building is proposed to be constructed with visually compatible materials including wood shake, ledge stone, glass and metal tubing rails, and an asphalt roof.

Additional information received from the Applicants after the appeals were filed includes a wetland delineation conducted pursuant to Coastal Commission wetland delineation criteria, an updated design-level geotechnical, drainage and hazards report, and an independently verified traffic analysis.

Biological Resources

Applicable Policies

Pacifica's LCP provides for the preservation of habitat when development is proposed in the vicinity of wetlands. The provisions define wetland buffer zones, prohibit construction within such buffers, and require that any adjacent development avoid impacts to the biological resources of the wetland through a habitat survey and appropriate mitigation measures:

Section 9-4.4302 Definitions

(f) "Buffer" shall mean an area of land adjacent to primary habitat, which may include secondary habitat as defined by a qualified biologist or botanist, and which is intended to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the San Francisco garter snake and wetlands habitat areas.

...

(aw) "Wetland" shall mean land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats, or fens

Section 9-4.4403 Habitat preservation

(a) Intent. The provisions of this section shall apply to all new development requiring a coastal development permit in the CZ District and shall be subject to the regulations found in Article 43, Coastal Zone Combining District. The intent of these provisions is to protect, maintain, enhance and restore the following types of environmentally sensitive habitat as identified in the LCP Land Use Plan:

(2) Wetlands.

(b) Required survey. A habitat survey, prepared by a qualified biologist or botanist, may be required to determine the exact location of environmentally sensitive habitat areas and to recommend mitigation measures that minimize potential impacts to the habitat. This survey shall be submitted to and approved by the Director pursuant to Section 9-4.4304, Coastal Development Permit Procedures and Findings, for all new development that meets one or more of the following criteria:

- (1) The project site is located within an environmentally sensitive habitat area as documented in the LCP Land Use Plan, or through the Director's on-site investigation and review of resource information; or*
- (2) The projected site is or may be located within 100 feet of an environmentally sensitive habitat area and/or has the potential to negatively impact the long-term maintenance of the habitat.*

(c) Survey contents. All habitat surveys shall include, at a minimum, the following information:

- (1) Survey methodology;*
- (2) Location map and topographical site plan indicating all existing and proposed structures and roads;*
- (3) Any rare and/or endangered plant and animal species, including the habitat envelope and the number of species observed;*
- (4) Delineation of all wetlands, streams and water bodies;*
- (5) Direct and indirect threats to habitat resulting from new development;*
- (6) Delineation of the secondary habitat buffer area to be provided along the periphery of the primary habitat; and*
- (7) Mitigation measures to reduce impacts and to allow for the long-term maintenance of environmentally sensitive habitats.*

(e) Development standards for wetlands and wetland buffer areas. The following minimum standards shall apply to a wetlands and wetlands habitat area.

- (1) No new development shall be permitted within a recognized wetlands habitat area;*
- (2) Limited new development may be permitted within a recognized wetlands habitat buffer area subject to the following standards:*
 - (i) Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water;*
 - (ii) All diking, dredging and filling activities shall comply with the provisions of the California Coastal Act, Sections 30233 and 30607.1;*
 - (iii) Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be adversely affected;*
 - (iv) Public access through wetlands shall be limited to low-intensity recreational, scientific or educational uses. Where public access is permitted, it shall be strictly managed, controlled and confined to designated trails and paths as a condition of project approval;*
 - (v) Alteration of the natural topography shall be minimized;*
 - (vi) Runoff and sedimentation shall not adversely affect habitat areas;*

- (vii) Alteration of landscaping shall be minimized unless the alteration is associated with restoration and enhancement of wetlands;*
 - (viii) Where required, a permit shall be obtained from the Army Corps of Engineers;*
 - (ix) New development adjacent to the buffer shall not reduce the biological productivity or water quality of the wetlands due to runoff, noise, thermal pollution or other disturbances;*
 - (x) All portions of the buffer shall be protected pursuant to Section 9-4.4308, Permanent Environmental Protection;*
 - (xi) Potential impacts identified in the habitat survey shall be mitigated to a level of insignificance where feasible; and*
 - (xii) Mitigation measures identified in the habitat survey shall be considered and made conditions of project approval where necessary to mitigate impacts.*
- (3) In the event that new development is not possible because the size of the buffer has rendered the site undevelopable, the buffer may be reduced in width if it can be demonstrated that a narrower buffer is sufficient to protect the habitat and new development may be permitted subject to standards established in subsection (e)(2) above.*

Additionally, Coastal Commission administrative regulations (Title 14, Division 5.5) specify the criteria for identifying wetlands:

14 CCR Section 13577

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

Analysis

Pacifica's LCP emphasizes the need to protect sensitive habitats within the coastal zone. LCP Section 9-4.4403(a) explicitly designates "wetlands" as sensitive habitat, and explains that related LCP provisions aim to protect, maintain, enhance and restore such habitat. LCP Section 9-4.4302(aw) defines wetlands as any land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats, or fens. More specifically, Coastal Commission administrative regulations state that an area is to be considered a wetland if the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. Accordingly, whenever development is proposed within 100 feet of a potential wetland, LCP Section 9-4.4403(b) requires that a qualified expert conduct a habitat survey, including delineation of all wetlands, in order to identify the location and extent of environmentally sensitive habitat areas and recommend mitigation measures to minimize potential negative impacts. Based on the observation of facultative wetland (FACW)

species, Arroyo Willow (*Salix lasiolepis*) and Poison hemlock (*Conium maculatum*), at the western edge of the project site, the Applicants performed a wetland delineation on July 25, 2015. The delineation confirmed that the stand of Arroyo Willow adjacent to the proposed development qualifies as a wetland and is therefore protected under LCP Section 9-4.4403(a)(2).

LCP Section 9-4.4403(e) prohibits development within wetlands, and requires the application of appropriate buffer zones and mitigation measures to adequately protect wetlands from new development in order to ensure that a project will not adversely affect the area's biological resources. Considering this, Commission biologists Dr. John Dixon and Dr. Laurie Koteen determined it would be appropriate here to allow for a 50-foot buffer between the revised residential development plan and the sensitive habitat stand of willows, rather than the standard requirement of a 100-foot wetland buffer. Due to the small size of the subject parcel, a larger buffer requirement would essentially render the lot undevelopable. Further, given the wetland's proximity to the Palmetto roadway here, it is clear the wetland is surviving, even in close association with developed infrastructure. However, in order to assure the ongoing health of the wetland, any new development should be adequately buffered from the wetland to assure it is protected from adverse impacts. Therefore, consistent with LCP Section 9-4.4403(e)(3), a 50-foot buffer allows for residential development onsite with a design that maximizes the potential for a buffer to adequately protect the present habitat by creating as much physical separation as possible.

A previous delineation of the adjacent property to the north (APNs 009-402-250 and -260) demonstrates that the wetland area identified on the adjacent site lies approximately 50 feet from the shared property edge (see **Exhibit 15**). The proposed development incorporates a 5 foot setback from this edge, thereby ensuring an appropriate buffer is maintained between new construction and the adjacent wetland. The 50-foot buffer will assure protection of the sensitive habitats onsite and in the adjacent property, in conjunction with additional conditions of approval, including a Habitat Restoration Plan requiring buffer fencing, removal of ice plant and other invasives, and restoration with native plants (see **Special Condition 2**). Such a condition ensures that any alteration of landscaping located within the habitat buffer is limited to restoration and enhancement of habitat with native, non-invasive species, as required by LCP Section Section 9-4.4403(e)(2)(vii). The proposed project's driveway will be located slightly within the 50 foot buffer zone, covering approximately 130 square feet of the buffer. Therefore, an additional condition of approval will require low impact development (LID) through the use of permeable material in construction of the driveway and outdoor patio (**Special Condition 1.b**). This condition will prevent runoff and sedimentation from adversely affecting the biological productivity or water quality of the wetlands, pursuant to Section 9-4.4403(e)(2)(vi/ix).

Therefore, as conditioned, the revised project is consistent with Pacifica's certified Local Coastal Program policies which provide for the preservation of habitat when development is proposed in the vicinity of wetlands.

Coastal Hazards

Applicable Policies

Pacifica's LCP establishes several requirements for new development to address geologic hazards, including a mandated geotechnical survey in areas particularly at risk from such hazards:

LCP – Policy No. 26

New development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood and fire hazard*
- (b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 9-4.4404 Geotechnical suitability

b) Required survey. A geotechnical survey, consistent with the City's Administrative Policy No. 34 and prepared by a registered geologist or geotechnical engineer, shall be submitted to the Director pursuant to Section 9-4.4304, Coastal Development Permit Procedures and Findings, for all new development located in the following settings:

- (1) Areas showing evidence of landslides or landslide potential;*
- (2) Areas showing evidence of ground shaking or earth movement;*
- (3) Within fifty (50') feet of a coastal bluff;*
- (4) On all slopes greater than fifteen (15%) percent; or*
- (5) Within sand dune habitats.*

(c) Survey contents. All geotechnical surveys shall, at a minimum, include the following information:

- (1) Geologic conditions, including soil, sediment, and rock types, and characteristics and structural features such as bedding, joints and faults;*
- (2) Evidence of past or potential landslide conditions and their implications for future development, as well as the potential effects of proposed development on landslide activity on-site and off-site;*
- (3) Potential ground shaking and earth movement effects of seismic forces;*
- (4) Net developable areas;*
- (5) Commonly accepted geotechnical standards, including hazard setbacks; and*
- (6) Mitigation measures demonstrating that potential risks could be reduced to acceptable levels.*

The proposed development is sited within the Fairmont West neighborhood where bluff erosion and stability are a major concern, both of which exacerbate the area's vulnerability to future landslides. Thus, Pacifica's LCP requires a detailed geotechnical analysis and specific bluff setback for development in this area, while prohibiting any future shoreline armoring related to the protection of such development:

LCP – Fairmont West, Geology

It is recognized that the bluff-top and dune area seaward of Palmetto Avenue is subject to a high erosion rate. A 1972 study by the U.S. Army Corp of Engineers estimates the average erosion rate in this area to be approximately 2 feet per year. The study also recognizes that the erosion usually occurs on a sporadic basis. Poor drainage, combined with wave undercutting and the nature of the area's geologic substructure, have produced both minor and major bluff failures. Therefore, bluff erosion and bluff stability, in addition to potential seismic activity, are problems to be addressed through detailed geotechnical analysis prior to consideration of proposals for bluff development.

...

The City's Seismic Safety and Safety Element requires the bluff setback to be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions. The setback should be adequate to protect the structure for its design life. The appropriate setback for each site will be determined on a case-by-case basis, depending on the site specific circumstances and hazards.

A Seismic Safety and Safety Element policy prohibits the approval of new developments which require seawalls as a mitigation measure. The policy also states that projects should not be approved which eventually will need seawalls for the safety of structures and residents.

Analysis

Development proposals in Pacifica must address geologic hazards unique to the coastal zone environment according to several provisions in the City's LCP. LCP Policy 26 establishes broad provisions mandating that new development projects be designed to minimize risks to life and property, while assuring stability and structural integrity without contributing significantly to erosion, geologic instability, or destruction of the site or surrounding area. Further, LCP Section 9-4.4404(b) requires that an expert geotechnical survey be prepared in particularly vulnerable areas, including those showing evidence of landslides or landslide potential, and ground shaking or earth movement. The proposed development is sited within the Fairmont West neighborhood, which the LCP highlights as an area of concern for bluff erosion and stability, as well as seismic activity, thereby confirming the need for detailed geotechnical analysis. Of particular concern is a large ravine carved into the bluffs located across Palmetto Avenue, approximately 60 feet due west of the project site. The LCP section covering Fairmont West's geology specifically recognizes that the bluff-top and dune area seaward of Palmetto Avenue is subject to a high erosion rate, averaging approximately 2 feet per year, and that such erosion can occur in episodic fashion, potentially leading to major bluff failure due to the combination of wave undercutting and poor drainage. High erosion rates exacerbate the potential for landslides in this area, further justifying the requirement of a detailed geotechnical survey for the proposed project, consistent with LCP Section 9-4.4404(b)(1).

A geologic site review prepared for the Applicants by Earth Investigations Consultants determined the site was not constrained by geologic hazards such as fault rupture or landslides, that the potential for liquefaction was low and that the site was considered suitable for the proposed development. The site review also concluded that the headward part of the large ravine across Palmetto Avenue, is globally static and appears to have been static for the past 55 years.

The Applicants sent Commission staff an updated geotechnical commentary prepared by GeoForensics, Inc. on July 28, 2015 (see **Exhibit 7** page 1), which stated that based on observations, it would take hundreds of years for the observed slope failures to encroach upon the Palmetto Avenue Roadway. Commission staff geologist Dr. Mark Johnsson has reviewed these conclusions and concurs that the site will be stable; however he disagrees that it would take hundreds of years for the observed slope failures to encroach upon Palmetto Avenue. Drainage into the deep gully has carved a large canyon over many years. Although the drainage improvements proposed by the Applicants will eliminate or greatly reduce active erosion in the gully, unstable slopes will persist and potentially be subject to failure. Repetitive failures certainly could impinge on Palmetto Avenue, and it is impossible to predict the length of time before they could do so. The Applicants provided another comment letter from GeoForensics, Inc. on October 26, 2015, which concluded through further records review, site observations, and slope stability analysis that the roadway is unlikely to be damaged by a deep-seated slide event and that current bluff retreat rates would take over 160 years to reach Palmetto Avenue in the vicinity of the proposed project (see **Exhibit 16**). Dr. Johnsson notes that this figure of 160 years is based on the position of the coastal bluff at the mouth of the gully, not at the head of the gully. Staff subsequently requested the slope stabilization calculations (in addition to their results, provided previously), which the Applicants provided on January 21, 2016 (see **Exhibit 16**), whereupon Dr. Johnsson confirmed the calculations supported the most recent submitted stability appraisals provided by GeoForensics, Inc.

The initial site review when the proposed project was pending at the City level also concluded that a design-level geotechnical investigation should be conducted. Coastal Commission engineer Dr. Lesley Ewing agrees that potential site hazards should be adequately evaluated, requiring that a design-level analysis and drainage/erosion management plan be completed as a condition prior to issuance of the CDP (**Special Condition 5**). This will ensure the project is designed to minimize erosion impacts to surrounding areas, in accordance with LCP Policy 26(b) which requires new development to minimize risks to life and property in areas of high geologic hazard, while assuring stability and structural integrity of the project site.

The LCP section describing the geology of the Fairmont West neighborhood proceeds to explain that the City of Pacifica's Seismic Safety and Safety Element requires the bluff setback to adequately protect any proposed development for its design life by accommodating a minimum 100-year seismic, geotechnical, or storm event. The specific setback must be determined on a case-by-case basis, depending on site-specific circumstances and hazards. The Safety Element also prohibits the approval of new developments requiring seawalls as a preventative measure and states that a project may not be approved if it will eventually need seawalls for the safety of structures and residents. This is reinforced by LCP Policy 26(b), which holds that new development may not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The initial site review failed to analyze the potential impacts of future sea level rise on this project or the intervening existing street - Palmetto Avenue, located between the subject parcel and the bluffs - which this project will rely on for ingress and egress. In fact, the report contains no analysis of future sea level rise in the project area and does not evaluate whether this would result in the need for future shoreline armoring. Furthermore, even without taking sea level rise

into account, the Earth Investigations geologic site review provided evidence of localized surficial erosion and a low to moderate potential for undermining of the Palmetto Avenue roadway. The National Research Council (NRC) projects that by Year 2100, sea level in California may rise 17 to 66 inches above year 2000 levels for areas south of Cape Mendocino, such as the City of Pacifica (NRC 2012). Pacifica's coast regularly experiences erosion, flooding, and significant storm events, and sea level rise will only exacerbate these natural forces. Therefore, sea level rise and coastal bluff erosion may require inland realignment of Palmetto Avenue to maintain the roadway as a viable transportation route, and may ultimately result in the project needing access via another route, such as the existing Edgemar right-of-way. Therefore, this approval is conditioned upon an assumption of risk regarding coastal hazards (**Special Condition 8**), as well as an obligation on the part of the Applicants to provide alternate access to the development if and when Palmetto Avenue becomes degraded (**Special Condition 7.d**). In addition, a condition prohibiting any future shoreline armoring or protection for the new development (**Special Condition 7.c**) is required to ensure the CDP is issued in conformance with the LCP's section on the Fairmont West neighborhood, and Policy 26(b), both of which forbid new development that would require the construction of seawalls as protective devices.

Thus, as conditioned, the revised project is consistent with Pacifica's certified Local Coastal Program policies which provide for minimizing the impacts of erosion and geologic instability when development is proposed in areas of high geologic hazard.

Traffic and Parking

Applicable Policies

Pacifica's LCP describes requirements to address traffic constraints, including analysis of expected traffic impacts in the Fairmont West neighborhood if residential development along Palmetto Avenue would significantly increase the number of vehicles in the area. Residential development in this neighborhood is prohibited unless potential traffic impacts to public access and visitor-serving commercial development are addressed:

LCP – Plan Conclusions, Community Scale and Design

Public roadways and facilities within the coastal neighborhoods shall be designed to be compatible with the scale, intensity and character of the neighborhood and shall be consistent with environmental protection goals.

LCP – Fairmont West, Traffic

...due to capacity problems of the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection, any significant increase in the number of vehicles resulting from intensified commercial or additional residential development in the vicinity of Manor Drive, or along Palmetto Avenue, should be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection. ...residential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area. ... Decreasing densities on residential sites may alleviate traffic impacts, especially at peak hours, when flow is unstable and queues develop.

Pacifica's zoning code regulates parking requirements, depending on the size and type of development:

Pacifica Zoning Code – Section 9-4.2818 – Number of parking spaces required

(a) Residential.

(2) Multi-family, including studio, townhouses and condominiums. One space for each studio, one and one-half (1 ½) spaces for each one-bedroom unit, and two (2) spaces for each unit of two (2) or more bedrooms. In addition, one space to accommodate guest parking shall be provided for each four (4) units. When the determination of the number of guest parking spaces results in the requirement of a fractional space, the fraction shall be disregarded. At least one of the required off-street parking spaces per unit shall be in a garage or carport.

Analysis

Pacifica's LCP conclusion regarding "Community Scale and Design" demands a cohesive scheme for roads and amenities compatible with the size, intensity and character of a given neighborhood, consistent with environmental protection goals. The subject development is sited in the Fairmont West area of Pacifica. The LCP section that regulates development in this neighborhood refers to traffic capacity problems and requires that traffic studies address any significant increase in the number of vehicles resulting from additional residential development along Palmetto Avenue. These studies must anticipate peak hour impacts and access issues.

The Applicants prepared a traffic analysis based on the Institute of Transportation Engineers 2008 guidelines, which found that development of four studio units would generate 13 additional daily trips total, rounded up from an average of 3.19 trips per unit, including one additional trip at each of the AM and PM peak hours, from 7-9 AM and 4-6 PM, respectively (**Exhibit 9**). Independent verification of traffic generation by Hexagon Transportation Consultants found the development would generate approximately 27 daily vehicle trips, with two trips occurring during the AM peak hour and two trips during the PM peak hour (**Exhibit 17**). The independent study analyzed the development on a per-unit basis, without consideration of the number of bedrooms or square footage, or the type of unit (studio vs. 1- or 2-bedroom units). The independent analysis therefore expects 14 more daily trips than the Applicant's determination of expected traffic from four studio units. Despite this slight increase, the independent study offers an impartial opinion, which serves to verify that the development's traffic impact on Palmetto will be minimal relative to existing traffic in the area.

Pacifica's zoning code requires one and one-half parking spaces for each 1-bedroom unit and two spaces for each 2-bedroom unit, as well as one space to accommodate guest parking for every four units. The Applicant has addressed new parking requirements in light of the project redesign, which replaces four detached studio units with two 1-bedroom, and two 2-bedroom apartments all in one structure. Accordingly, the development provides eight parking spaces within the ground floor garage. Under the reasonable assumption that residents will average less than two cars per apartment, this parking should be more than sufficient to keep vehicles from taking up space along Palmetto Avenue on any regular basis. Consistent with the LCP, the Applicants have adequately addressed any potential adverse impacts to public access and visitor-serving commercial development in the area by providing an independently verified traffic

analysis and ample indoor parking, thereby obviating the need for further conditions to mitigate these issues.

Therefore, as conditioned, the revised project is consistent with Pacifica's certified Local Coastal Program policies, which allow residential development in the Fairmont West neighborhood as long as significant traffic impacts are analyzed and sufficient parking is provided.

Scenic and Visual Character

Applicable Policies

Pacifica's LCP protects visual and scenic qualities by requiring that individual qualities of each coastal neighborhood be protected by appropriate zoning, access and design regulations:

LCP – Policy No. 24

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

LCP – Fairmont West, Scenic Resources

This area lies in an important coastal view corridor. ... Residential densities should be lowered as the City boundaries are approached. Particularly when the City bounds on areas of important national, scenic or recreational value, densities should be lowered in order to consolidate urban development and to preserve City character and scenic resources.

LCP – Plan Conclusions, Preservation and Enhancement of Coastal Views, Viewsheds and Vegetation

The individual qualities of each coastal neighborhood shall be protected by appropriate zoning, access and design regulations. ... New development within the viewshed shall not destruct the views to the sea from public roads, trails, and vista points. Methods of achieving this could include height limitations which keep structures below the sight line, clustering structures to protect view corridors, careful placement of landscaping to shield structures, but leave the view unobstructed; use of natural appearing materials and color on new buildings, limit outdoor lighting, undergrounding utility lines, maximizing views of the sea in aligning new roadways, bicycle and pedestrian paths, use of open work fences where fencing is necessary within the sight line. Views of the coast and coastal panorama from public roadways shall be protected by limiting the height and mass of permitted structures, as well as clustering structures to be unobtrusive and visually compatible with landforms.

Sec. 9-4.402. - Development regulations

- (j) Maximum height: thirty-five (35') feet; however, the maximum height for a detached accessory building shall be twelve (12') feet;*

Analysis

Protection of scenic and visual character is a high priority of Pacifica's LCP, with policies that recognize the important value of the visual character of the coastal zone. LCP Policy 24 requires permitted development to maintain views to the ocean and along scenic coastal areas, minimize alteration of natural landforms, and remain visually compatible with the character of surrounding areas. The LCP's plan conclusion on "Preservation and Enhancement of Coastal Views, Viewsheds and Vegetation" outlines different methods of achieving these goals, including height and mass limitations which keep structures out of sight lines, clustering structures to protect view corridors, careful placement of landscaping to shield structures, use of natural appearing materials and color on new buildings, limited outdoor lighting, and undergrounding utility lines. The LCP also recognizes the Fairmont West area as an important coastal view corridor and recommends that densities be lowered in this area to consolidate urban development and to preserve City character and scenic resources.

The revised new project design increases the height of the building to the maximum allowable zoning height of 35 feet and is proposed for construction with materials providing muted earth tones, such as wood shake, ledge stone, and vertical/horizontal siding. These design choices, along with a varied, multi-level façade and outdoor deck areas will help the structure blend well with the natural surroundings. The property itself slopes gradually upwards in an eastward direction and the apartment building is set back into the slope over 50 feet from Palmetto Avenue. The height and volume of the structure should remain relatively unobtrusive given the setback and lower elevation relative to the surrounding ridgeline, thereby protecting private and public views to the shoreline and ocean. However, in recognition that the development is sited on an undeveloped stretch of Palmetto Avenue, issuance of the permit will be conditioned upon submittal and implementation of a landscape screening plan and follow up report, exterior lighting limitations, and pre-approval of construction and design materials, in order to ensure that visual impacts of the development are minimized, consistent with the LCP (**Special Conditions 1 and 6**).

Consequently the revised project, as conditioned, is consistent with Pacifica's certified Land Use Plan policies, which provide for the protection of visual character and ocean views when development is proposed within a scenic coastal corridor.

CDP Determination Conclusion – Approval with Conditions

As conditioned, the Commission concludes that approval of the development adequately protects the site's biological resources, and adequately addresses impacts related to coastal hazards, traffic, and visual character. Accordingly, the Commission finds that the project, as conditioned, is consistent with the certified City of Pacifica LCP.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 requires that a specific finding be made in conjunction with CDP applications about the consistency of the application with any applicable requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are

feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Pacifica is the lead agency responsible for CEQA review. The City found the project categorically exempt from CEQA as a Class 3 project that consists of the development of four dwelling units, which is allowed under CEQA Guidelines Section 15303, Class 3(b). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues associated with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. The preceding CDP findings in this staff report have discussed the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to said resources consistent with the requirements of Section 30235 of the Coastal Act. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

Appendix A - Substantive File Documents

1. Coastal Commission Staff Report A-2-PAC-05-018
2. California Storm Water Quality Management Handbooks

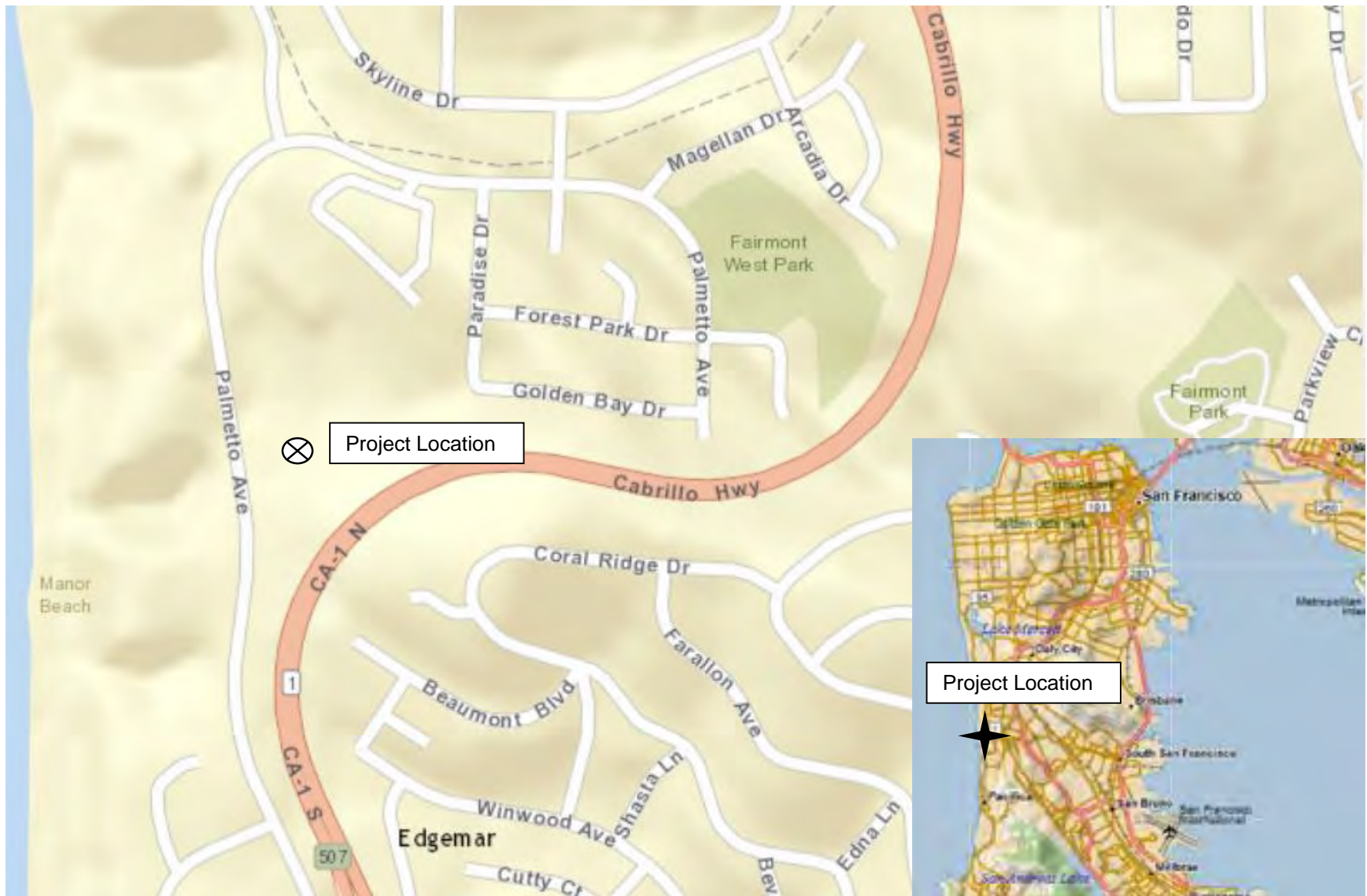


Figure 1: Project Location

Rexing, Stephanie@Coastal

From: diazl@ci.pacifica.ca.us
Sent: Thursday, September 11, 2014 11:56 AM
To: Rexing, Stephanie@Coastal
Subject: RE: Development Review Coordination Comments for 4 detached units in the 4000 block of Palmetto
Attachments: Palmetto BioGeo Report.pdf

Hi Stephanie,

Thank you for your comments. Attached is the biological and geological reports prepared for the project.

Let me know if you have any questions.

Lee Diaz

Associate Planner
City of Pacifica

From: Rexing, Stephanie@Coastal [<mailto:Stephanie.Rexing@coastal.ca.gov>]
Sent: Thursday, September 11, 2014 10:22 AM
To: Diaz, Lee
Subject: Development Review Coordination Comments for 4 detached units in the 4000 block of Palmetto

Hi Lee,

I'm writing to provide comments on the development review coordination report we received September 5, 2014 for the proposed development of four detached apartments on a vacant parcel located at the 4000 Palmetto Avenue in Pacifica, CA.

The development's small scale and size seem appropriate for the area and the development of multiple housing units on one parcel is appropriate to the R3-G Multi-family residential, medium density zoning designation. This development is for multi-family units on one APN, 009-402-270. In order to prove the legality of this lot, it would be preferable to assure that this lot was legally created and that this development will not require any lot splits.

In addition, the design of the units appear to fit the surroundings. However, please assure such through the inclusion of appropriate conditions of approval, that in accordance with LUP policy 24, the materials used in the proposed development are "visually compatible with the character of surrounding areas."

It is unclear from the materials provided whether any biological assessments for the presence and extent of environmentally sensitive habitat areas have been performed. If such an assessment has been performed, please provide it. If such sensitive habitats are present, please include conditions in the City's approval that would protect such habitat areas from development and adverse impacts. Inclusion of such conditions of approval would assure accordance with LUP Policy 18 which protects such habitat areas against significant disruptions and only allows resource-dependent development in such sensitive habitat areas.

Finally, it is also unclear from the materials provided whether or not any geological assessments of the geological stability of the soils of the land to be developed have been performed. Such an assessment should be performed in order to assure accordance with LUP Policy 26, which requires that new development minimize risks to life and property and assure structural stability and integrity. If any assessments of the geological risks have been performed, please share it with Coastal Staff and if there are such risks please include conditions in the City's approval that will minimize and mitigate such risks.

Let me know if you have questions or concerns or would like to discuss this further. Thanks!

Stephanie R. Rexing

Coastal Planner

California Coastal Commission

415.904.5260

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CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



June 22, 2015

Tina Wehrmeister
Planning Director
City of Pacifica
1800 Francisco Blvd
Pacifica, CA
94044

Subject: ***Commission Staff Comments on Proposed Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14 to Construct Four Detached Studio Apartments in the 4000 Block of Palmetto Avenue (APN 409-402-270)***

Dear Ms. Wehrmeister:

This evening, Pacifica's Planning Commission will hear an appeal of the aforementioned proposed development to construct four (4) detached studio apartments on a vacant 18,411 square foot parcel on APN 409-402-270 in the 4000 Block of Palmetto Avenue in Pacifica, CA.

Coastal Commission Staff previously commented on the proposed development during the Development Review Coordination process by email on September 11, 2014 (please see enclosed email). Previous comments expressed concerns about visual compatibility with the surrounding area, lot legality, sensitive biological resources and geological constraints.

The proposed development is small in scale and is appropriate for the R3-G Multi-Family Residential zoning designation. Further the proposed development has been designed with the surrounding areas in mind, i.e.-the units will be small, will be of varying elevations within required height limits to create visual interest, will have living roofs and natural landscaping in order to prevent adverse visual impacts consistent with the "Protection of Landforms" LUP Policies which require that development be contoured to existing slopes, be of density and scale subordinate to landforms and that areas disturbed by development be revegetated with native or low maintenance natural vegetation.

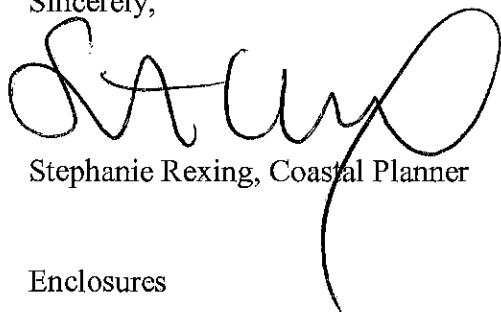
With regard to impacts to sensitive biological resources, the biological assessment submitted concludes that there are no rare or sensitive species on site and no evidence of wetland hydrology anywhere on the site. The report does state that a small stand of arroyo willow was found on the south-western edge of the property. Despite the visual presence of sensitive species and habitats, it does not appear that a one-parameter wetland delineation was performed. Commission staff recommends that a one-parameter wetland delineation of the property be performed in accordance with the Commission's definition and delineation of wetlands in the Coastal Zone. This will assure that the proposed development avoids any impacts to potential wetlands on site in accordance with LUP Policies regarding "Development Near Wetlands and Creeks" (Policy

C-102) which requires that wetlands and water quality are protected and enhanced-including through the requirement that development be adequately setback from such sensitive resources.

Another outstanding concern may be the potential geologic hazards on site. The geological report for the proposed development states that "dense brush and ground cover offers protection against erosion of the natural slopes on the site" and that "the cut slopes have remained intact without the evidence of gross instability." However, approximately 60 feet west of the site's western property line is a gullied channel that drains the subject property and the adjacent property (the Fish and Bowl, respectively). The report goes on to state that this channel has been stable and globally static for the past 55 years and finds that the site is therefore suitable for the proposed development. The report suggests that the proposed project would benefit from a detailed, design-level geotechnical investigation once the development plan has been established. The conditions of approval proposed by the Planning Commission (condition #13) require that the final plans incorporate all the recommendations from the geological report. However, this condition is not a prior to issuance condition of the approval. LUP Policies in the Protection of Landforms section (C-103) require that if permitted, development should be clustered and contoured to the existing natural slopes, should minimize grading and should be of a scale and density subordinate to the landforms. Please consider requiring that such a detailed, design-level geotechnical investigation be required prior to issuance of the coastal development permit. Such an investigation should assess impacts of the proposed development to worsening erosion and propose to mitigate any such impacts. This will assure that the development will not increase the erosion risks to the surrounding areas and will be sited and designed so as to assure the proposed development is subordinate to the landform and minimizes grading, in accordance with the "Protection of Landform" LUP Policies (Policy C-103).

If you have any questions regarding these comments or wish to discuss the project further, please contact me at 415-597-5894.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Rexing', with a long, sweeping underline that extends below the name.

Stephanie Rexing, Coastal Planner

Enclosures



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA
Planning, Building, and Code Enforcement
1800 Francisco Blvd. • Pacifica, California 94044-2506
(650) 738-7341 • www.cityofpacifica.org

MAYOR
Karen Ervin

MAYOR PRO TEM
Sue Digre

COUNCIL
Mary Ann Nihart
Mike O'Neill
John Keener

NOTICE OF FINAL LOCAL ACTION

California Coastal Commission
Attn: Stephanie Rexing, Coastal Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RECEIVED

JUL 1 2015

CALIFORNIA
COASTAL COMMISSION

June 24, 2015

VIA CERTIFIED MAIL

RE: COASTAL DEVELOPMENT PERMIT CDP-347-14, 4000 Block of Palmetto Avenue, APN 009-402-270

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and Pacifica Zoning Code Section 9-4.4304(n), this notice will serve to confirm that the City of Pacifica approved the above-referenced Coastal Development Permit, and to furnish the following additional information:

APPLICANT NAME/ADDRESS: David Blackman & Mike O'Connell, 375 Keith Avenue, Pacifica, CA 94044

PROJECT DESCRIPTION: Construction of four detached apartment units of 450 square feet each on a vacant 18,411 square foot lot located in the 4000 block of Palmetto Avenue, Pacifica (APN 009-402-270)

DECISION: The subject permit was approved on appeal by the City Council of the City of Pacifica on June 22, 2015, based on the required findings contained and adopted in the June 22, 2015, City Council resolution of approval.

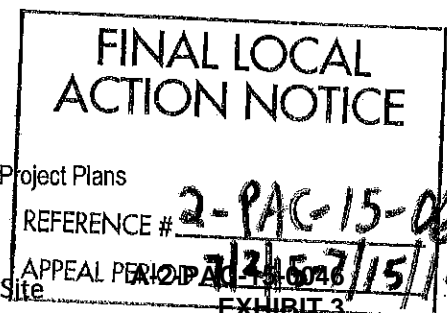
APPEAL PROCEDURES: The appeals process may involve the following:

- LOCAL** ☐ The local appeal period ended on _____, and no appeal was filed; or,
☒ The permit was appealed to and decided by the City Council, exhausting the local appeals process.
- STATE** ☒ The project IS within the Appeals Zone and the permit IS appealable to the State of California Coastal Commission if the appeal is made in writing to the Coastal Commission prior to the close of business on the 10th working day from the date of receipt of this notice by the Executive Director of the Commission. For additional information, contact the California Coastal Commission, 45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219, (415) 904-5260; or,
☐ The project is NOT in the Appeals Zone and the permit is NOT appealable to the Coastal Commission.

Additional information may be obtained by contacting the Pacifica Planning Department at 1800 Francisco Boulevard, Pacifica, CA 94044, (650) 738-7341.

Tina Wehrmeister
Planning Director

Attachments: ☒ Resolution of Approval with conditions ☒ Staff Report(s) ☒ Meeting Minutes ☒ Project Plans



RESOLUTION NO. 20-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PACIFICA DENYING THE APPEAL AND UPHOLDING THE PLANNING
COMMISSION'S APPROVAL OF SITE DEVELOPMENT PERMIT PSD-790-14,
COASTAL DEVELOPMENT PERMIT CDP-347-14, VARIANCE PV-513-14, AND
PARKING EXCEPTION PE-160-15 FOR THE CONSTRUCTION OF FOUR
DETACHED STUDIO APARTMENTS AND CARPORT AT THE 4000 BLOCK
OF PALMETTO AVENUE (APN 009-402-270), SUBJECT TO CONDITIONS OF
APPROVAL**

Initiated by: David Blackman & Michael O'Connell

WHEREAS, an application has submitted applications to construct four (4) detached apartments and carport on a 18,411 square foot parcel located at the 4000 block of Palmetto Avenue (APN 009-402-270) on property zoned as R-3-G/CZ (Multiple-Family Residential Garden District within the Coastal Zone Combining District) and designated in the General Plan as Medium Density Residential; and

WHEREAS, on April 6, 2015 the Planning Commission held a public hearing and conditionally approval the project; and

WHEREAS, an appeal was filed on April 15, 2015 in opposition to the Planning Commission's action; and

WHEREAS, a notice of public hearing to consider the appeal was sent via U.S. Mail to all property owners located within 300 feet of the project site and all occupants within 100 feet of the project site on May 28, 2015; and

WHEREAS, the City Council on June 6, 2015 continued the public hearing to a date certain on June 22, 2015; and

WHEREAS, on June 22, 2015 the City Council conducted a public hearing to consider the appeal and other information presented by the appellants as well as the April 6, 2015 Planning Commission staff report and meeting minutes, conceptual plans, June 22, 2015 staff report and Conditions of Project Approval; and

WHEREAS, the City Council has determined that the project is exempt from the California Environmental Quality Act as a Class 3 exemption per CEQA Guidelines Section 15303 pertaining to "New Construction or Conversion of Small Structures." The project site is within an urbanized area and consists of four studio apartments, consistent with this exemption.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pacifica does hereby determine that the following conditions will not be created by the project necessitating denial of a Site Development Permit:

1. That the location, size, and intensity of the proposed operation will create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;
2. That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will create a hazardous or inconvenient condition to adjacent or surrounding uses;

In response to Findings 1 and 2, the existing streets in the area of the proposed project are adequate to carry anticipated traffic related to the project, and the traffic generation from four studio apartments will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern. Engineering staff has determined that access to and from the site's parking area (sight distance) will not create a hazardous or inconvenient condition.

3. That insufficient landscaped areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking lots from the street and adjoining building areas from paved areas to provide access from buildings to open areas;

Sufficient area for screening service areas will be provided by the project.

4. That the proposed development, as set forth on the plans, will unreasonably restrict or cut out light and air on the property and on other property in the neighborhood, or will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof;
5. That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is substantially detrimental to the character or value of an adjacent R District area;

In response to Findings 4 and 5, the proposed development is residential and will not be out of character with surrounding development. The applicant has proposed detached dwellings in order to reduce grading and building height. Further, the applicant has proposed living roofs in order to reduce visual impacts to existing residential neighbors that would have an "overhead" view of the development.

6. That the proposed development will excessively damage or destroy natural features, including trees, shrubs, creeks, and rocks, and the natural grade of the site, except as provided in the subdivision regulations as set forth in Chapter 1 of Title 10 of the Municipal Code;

The project has been designed to minimize impacts to natural features and by making the units separate rather than attached which will reduce grading in this particular instance. The requested variance to usual open space and parking exception to locate parking in the front setback are also requested to reduce grading and impacts to on-site vegetation. A biological assessment was prepared for the site and found no impacts to protected species or environments.

7. That there is insufficient variety in the design of the structure and grounds to avoid monotony in the external appearance;
8. That the proposed development is inconsistent with the City's adopted Design Guidelines; or

In response to Findings 7 and 8, the project is consistent with the City's adopted Design Guidelines and the discussion in the Planning Commission staff report is hereby incorporated by reference. Each residential unit will be constructed on a raised concrete podium deck and feature living roofs, large windows and deck areas. A variety of exterior materials are proposed which include softwood clapboard siding, shingles, soda lime glass, and stone veneer which add visual interest.

9. That the proposed development is inconsistent with the General Plan, Local Coastal Plan, or other applicable laws of the City.

The proposed construction of four studio detached apartments with a carport is a permitted use in the R-3-G zoning district and complies with the standards of that zoning district, the General Plan, and the Local Coastal Land Use Plan.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby make the following findings for approval of a Coastal Development Permit:

1. The proposed development is in conformity with the City's certified Local Coastal Program; and

The project is in conformity with the City's certified Local Coastal Program in that multi-family residential is permitted at this particular location.

2. Where the Coastal Development Permit is issued for any development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

The project is located east of Palmetto and not between the road and shoreline. The project will not negatively impact any access to existing coastal recreational

facilities, nor will it increase demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use and is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby make the following findings for approval of a Variance to reduce the amount of usable open space:

1. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;

In the case of the subject parcel, the topography of the project site slopes from east to west limiting areas with suitably flat grade to establish usable open space without requiring extensive grading. The shape of the lot is triangular and very narrow in certain areas, constraining the ability to situate usable outdoor space within these areas. The former Edgemar Road easement/right-of-way that runs through the south side of the property restricts use of this portion of the project site for any development activity, including usable open space. More particularly, the requirement that usable open space shall not have a slope of more than ten percent (10%), combined with the above described constraints, constitutes a hardship in meeting the usable open space requirement, especially since the decks and porches proposed as usable open space are attached to the units and are subject to main building setback requirements, further limiting where on the property they can be located.

2. That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area;

The variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area. The proposed use is consistent with the General Plan and zoning requirements and will be residential therefore will not transport or maintain on site hazardous substances. The existing streets in the area of the proposed project are adequate to carry anticipated traffic related to the project, and the traffic generation from four studio apartments will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

3. Where applicable, that the application is consistent with the City's adopted Design Guidelines; and

The project is consistent with the City's adopted Design Guidelines and the discussion in the Planning Commission staff report is hereby incorporated by reference. Each residential unit will be constructed on a raised concrete podium deck and feature living roofs, large windows and deck areas. A variety of exterior materials are proposed which include softwood clapboard siding, shingles, soda lime glass, and stone veneer which add visual interest.

4. That the application is consistent with the applicable provisions of the Local Coastal Plan.

The proposed construction of four studio detached apartments with a carport is a permitted use in the R-3-G zoning district and complies with the standards of that zoning district, the General Plan, and the Local Coastal Land Use Plan. The project will not negatively impact access to existing coastal recreational facilities, nor will it substantially increase demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use.

BE IT FURTHER RESOLVED that the City Council of the City of Pacifica does hereby make the following finding for approval of a Parking Exception:

1. The City Council may grant exceptions to parking requirements in the event of practical difficulties and unusual hardship as provided in PMC Section 9-4.2824. In the case of the subject project, the topography of the project site slopes from east to west limiting areas with suitably flat grade to establish parking areas without requiring extensive grading. The lot shape is triangular and very narrow in certain areas, constraining the ability to situate a standard size parking space within these areas. Furthermore, the former Edgemar Road easement/right-of-way that runs through the south side of the property restricts use of this portion of the project site for any development activity, including parking. These particular characteristics of the parcel on which the project is proposed constitute practical difficulties and an unusual hardship for the property owner, presenting an extreme challenge to locating one unenclosed guest parking space elsewhere on the property, outside of the front setback. The establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements as is reasonably possible. On-site parking to be provided with the project conforms to all other development standards pertaining to parking, including the required number of spaces.

BE IT FURTHER RESOLVED, that the City Council of the City of Pacifica hereby denies the appeal and upholds the Planning Commission's approval of Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14, Variance PV-513-14, and Parking Exception PE-160-15 for the construction of four detached

studio apartments and carport at the 4000 block of Palmetto Avenue (APN 009-402-270), subject to the conditions included at Exhibit A to this resolution.

* * * * *


Passed and adopted at a regular meeting of the City Council of the City of Pacifica, California, held on the 22nd day of June 2015.

AYES, Council Members: Keener, O'Neill, Nihart, Digre, Ervin

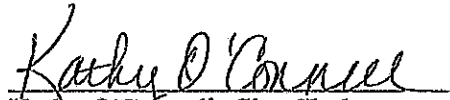
NOES, Council Members: None

ABSENT, Council Members: None

ABSTAIN, Council Members: None


Karen Ervin, Mayor

ATTEST:


Kathy O'Connell, City Clerk

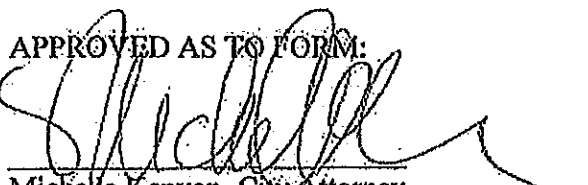
APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval for the Construction of Four (4) Detached Studio Apartments and Carport at the 4000 Block of Palmetto Avenue (APN 009-402-270)

Planning Department

1. Development shall be substantially in accord with the plans entitled "SCHEMATIC IMPROVEMENT PLANS 451, 4555, 4559, 4561 PALMETTO AVENUE CITY OF PACIFICA, SAN MATEO COUNTY, CALIFORNIA," consisting of seven (7) sheets, RECEIVED JAN 05 2015, except as modified by the following conditions.
2. Prior to the issuance of a building permit, the applicant shall submit information on roofing material, exterior finishes, including colors and materials, subject to approval of the Planning Director.
3. No retaining walls and/or other barriers in excess of 3 feet in height shall be constructed within the front yard setback.
4. The carport and unenclosed guest parking space shall be screened to the maximum extent feasible with native landscaping.
5. All paving area shall be permeable to the maximum extent feasible.
6. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast. Trash enclosure and dumpster areas shall be covered and protected from roof and surface drainage. If water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. The property owner/homeowner's association shall inspect and clean the filters as needed. Applicant shall provide construction details for the enclosure for review and approval by the Planning Director, prior to building permit issuance.
7. All transformers, HVAC units, backflow preventors and other ground-mounted utility equipment shall be shown on the landscape and irrigation plans and shall be located out of public view and/or adequately screened through the use or combination of walls or fencing, berming, painting, and/or landscaping, to the satisfaction of the Planning Director.

4000 Block of Palmetto Avenue
Conditions of Approval for Construction of four (4) detached Studio Apartments
City Council Meeting of June 22, 2015

Page 2

8. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever possible.
9. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
10. A detailed on-site exterior lighting plan shall be submitted for review and approval by the Planning Director prior to the issuance of a building permit. Said plan shall indicate fixture design, illumination, location, height, and method of shielding so as not to adversely affect adjacent properties. Lighting shall be directed away from adjacent property. Buffering techniques to reduce light and glare impacts to residences shall be required. Building lighting shall be architecturally integrated with the building style, materials and colors and shall be designed to minimize glare. Show fixture locations, where applicable, on all building elevations.
11. The applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the applicant's project, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.
12. The applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction prior to approval of a building permit.
13. Prior to issuance of a building permit, the applicant/developer shall incorporate into the building permit plans all the recommendations listed in the Engineering Geologic Site Review for the proposed four (4) detached studio apartments prepared by Earth Investigations Consultants, on August 23, 2015, including but not limited to detailed, design-level geotechnical investigation.

4000 Block of Palmetto Avenue

Conditions of Approval for Construction of four (4) detached Studio Apartments

City Council Meeting of June 22, 2015

Page 3

14. All required stormwater controls for development shall be met by the proposal.
15. Building permit drawings and subsequent construction shall substantially conform to the approved planning application drawings. Any modifications shall be reviewed by the Planning Director, who shall determine whether the modifications require additional approval.
16. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.
17. The property owner(s) shall keep the property in a clean and sanitary condition at all times.

Engineering Department

18. Construction shall be in conformance with the San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented.
19. Roadways shall be maintained clear of construction materials and debris, especially mud and dirt tracked, onto Palmetto Avenue. Dust control and daily road cleanup will be strictly enforced.
20. All recorded survey points, monuments, railroad spikes, pins, cross cuts on top of sidewalks and tags on top of culvert headwalls or end walls whether within private property or public right-of-way shall be protected and preserved. If survey point/s are altered, removed or destroyed, the applicant shall be responsible for obtaining the services of a licensed surveyor or qualified Civil Engineer to restore or replace the survey points and record the required map prior to occupancy of the first unit.
21. All proposed sanitary sewer system and storm drain system up to their connection to the existing mains shall be privately maintained.
22. Existing curb, sidewalk or other street improvements adjacent to the property frontage that is damaged or displaced shall be repaired or replaced as deemed by the City Engineer even if damage or displacement occurred prior to any work performed for this project.
23. Applicant shall overlay existing asphalt with minimum 2 inch AC to the limits of all utility connection or whole street width across entire property frontage along Palmetto Avenue. All pavement markings and markers shall be replaced in kind.

**4000 Block of Palmetto Avenue
Conditions of Approval for Construction of four (4) detached Studio Apartments
City Council Meeting of June 22, 2015**

Page 4

24. Proposed new improvements within existing ROW shall be privately maintained and will require a Maintenance Agreement to be recorded.
25. Landscaping shall consist of pure native plants and to the satisfaction of the City Engineer.
26. An erosion control plan prior shall be submitted to the issuance of a building permit.
27. An Encroachment Permit must be obtained for all work within the City right-of-way. All proposed improvements within the City right-of-way shall be constructed per City Standards.

Conditions added by the Planning Commission

28. That the studio apartments shall each be a minimum of 450 square feet in size, the minimum required by the Municipal Code, as the application for a variance for reduction of minimum unit size was not approved by the Planning Commission. The variance to reduce the usable outdoor space to 200 square feet per unit was the only variance approved.

Conditions added by the City Council

29. Prior to any final inspection of construction conducted by any City inspector of any future development at the adjacent "Bowl" site (APN 009-402-260), Property Owner shall, at his/her sole expense, construct a sidewalk along the entire property frontage of the property subject to this approval (APN 009-402-270) per City of Pacifica standard drawings and specifications, and to the satisfaction of the City Engineer. Prior to commencement of any work required by this condition of approval, Owner shall apply for an encroachment permit with the Engineering Division and pay all fees and bond costs associated with any work within the right-of-way. This obligation to construct a sidewalk shall be evidenced by a Deferred Sidewalk Installation Agreement, which shall be approved by the City Attorney and executed, notarized and recorded on the Property by the Applicant/Owner prior to issuance of a building permit for any work at the property subject to this approval (APN 009-402-270).

*****END*****



CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT

6/22/2015

SUBJECT:

Appeal of Planning Commission Approval of Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14, Variance PV-513-14, and Parking Exception PE-160-15, to Construct Four (4) Detached Studio Apartments on a Vacant 18,411 Square Foot Parcel Located in the 4000 Block of Palmetto Avenue (APN: 009-402-270).

SUBJECT: Appeal of Planning Commission approval of Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14, Variance PV-513-14, and Parking Exception PE-160-15, to construct four (4) detached studio apartments on a vacant 18,411 square foot parcel located in the 4000 block of Palmetto Avenue (APN: 009-402-270).

ORIGINATED BY: Planning Department

STAFF CONTACT:

Tina Wehrmeister, Planning Director (650)738-7341
wehrmeister@ci.pacifica.ca.us

BACKGROUND: At the Planning Commission meeting of April 6, 2015 the Planning Commission approved the above referenced project by a vote of 5-0. Two Planning Commissioners were absent. The Planning Commission staff report (Attachment A) contains a detailed description and analysis of the proposed project and the meeting minutes (Attachment B) relay the discussion that took place at the public hearing.

Planning Commission Action: At the April 6, 2015 meeting, the Planning Commission moved to approve the project with the exception of one aspect of the Variance requested by the applicant. The Variance request denied by the Commission would have allowed a reduction in the minimum gross floor area of each studio apartment unit below the standard set in Pacifica Municipal Code (PMC) Section 9-4.2313. The standard requires 450 square feet of gross floor area per studio apartment, while the applicant proposed 400 square feet. By denying the request, the Commission required the applicant to increase the floor area of each unit to 450 square feet. A condition of approval was added to the Resolution for Site Development Permit PSD-790-14 to require a minimum floor area of 450 square feet for all apartment units. The Commission did approve a Variance request to reduce to 200 square feet the amount of usable open space per unit. The requirement for usable open space is 400 square feet as set forth in PMC Section 9-4.602(h).

Appeal: On April 15, 2015 the appellants, Victor Carmichael *et al.* (hereafter "Appellant"), submitted a City of Pacifica Appeal Form and applicable fee to the City Clerk's office (Attachment C). Appellant cited four grounds for the appeal but did not

proffer evidence in support of the grounds. Appellant subsequently submitted correspondence on May 26, 2015 (from Hal Bohner) and May 28, 2015 (from Victor Carmichael), offering argument and evidence in support of the appeal. In the discussion below, this staff report discusses each of the four bases for the appeal and responses from staff.

Basis 1: "Disagree that the project is exempt from CEQA."

Per staff's recommendation, the Planning Commission found the project to be exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15303, Class 3(b), which states:

Section 15303. New Construction or Conversion of Small Structures. *Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:*

* * * * *

(b) A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.

* * * * *

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, or reasonable length to serve such construction.

(e) Accessory (appurtenant) structures, including garages, carports, patios, swimming pools, and fences.

* * * * *

The construction of four (4) studio apartments, each with a floor area of 450 square feet (and thus together no larger than a common single family home or duplex that might presently be constructed in the City), is consistent with this exemption. The project site is within an urbanized area and is only constructing four dwelling units which is less than the six dwelling units allowed under this CEQA categorical exemption. The definition of *urbanized area* contained in Public Resources Code Section 21071 includes all areas within an incorporated city that has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons. The population of Daly City, located contiguous to Pacifica to the north, was 101,123 as counted during the 2010 Census; thus, all of Pacifica is considered an urbanized area for purposes of CEQA. The

determination of whether a project site is within an urbanized area is not parcel-specific, and is made independent of whether the site is undeveloped. Thus, substantial evidence in the record supports the conclusion that the project is categorically exempt from CEQA review.

By letter dated May 26, 2015, appellant Hal Bohner offered comments in support of the appeal. The letter asserts that the Class 3 categorical exemption of Section 15303 does not apply because the project includes a retaining wall and a stormwater conveyance system, features which are not expressly mentioned in Section 15303. Staff believes the contention is misguided. The introductory paragraph expressly states that the list of exempt projects is non-exclusive, and subdivision (e) expressly states that accessory structures are included. Here, the retaining wall and storm drainage system are such accessory features, as contemplated by Section 15303. Indeed, the typical retaining wall and storm drainage system involve less intensive construction than a garage or swimming pool. And in this case, the retaining wall and storm water conveyance system will not result in significant impacts of any kind. The stormwater conveyance system is small and would blend in with the surrounding landscape. Additionally, the retaining wall is within the height limits established for fences and walls in this zoning district (PMC Section 9-4.2502), and would be a minor appurtenance to the overall apartment project. In addition, subdivision (d) of Section 15303 provides that utility extensions are exempt, which further supports the conclusion that the stormwater conveyance system is covered by this Class 3 exemption. Moreover, retaining wall and stormwater conveyance features are common elements of residential projects across the State and are consistent within the broad and open-ended exemption for such relatively small residential projects of six units or fewer.

Appellant's correspondence dated May 26 and May 28, 2015, further assert that the City Council should determine that an *exception* to the Class 3 exemption of Section 15303 applies, pursuant to Section 15300.2 (quoted below), which would prevent application of the Section 15303 categorical exemption:

*(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a **particularly sensitive environment** be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern **where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.***

*(b) Cumulative Impact. All exemptions for these classes are inapplicable when the **cumulative impact** of successive projects of the same type in the same place, over time is significant.*

*(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a **reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.***

(d) *Scenic Highways.* A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) *Hazardous Waste Sites.* A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) *Historical Resources.* A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

[Emphasis added.]

The May 26 and 28 correspondence assert that subsections (a), (b) and (c) above apply to preclude the Class 3 exemption on the ground that a 2005 Coastal Commission staff report for an unrelated project on neighboring property, the so-called "fish" and "bowl" properties, discussed wetlands, coastal terrace prairie habitat and environmentally sensitive habitat area. But that 10-year old staff report neither addresses current conditions nor conditions on the subject property. Nor is there any evidence in the record regarding such present conditions on the subject property that provides evidence to trigger an exception to the exemption pursuant to Section 15300.2.

For example, relying on subdivision (a) of Section 15300.2, Appellant asserts that because the 2005 Coastal Commission staff report stated that then-proposed grading on the bowl property would impact coastal terrace prairie habitat, then "it is entirely possible that areas of *coastal terrace prairie habitat* could also exist on some portion" of the property now before the City Council. (See comment letter dated May 28, 2015, p. 3, emphasis in original.) Therefore, Appellant asserts, the project is "in a particularly sensitive environment" such that subdivision (a) applies to except use of the Class 3 exemption provided by section 15303. But Appellant provides neither any evidence about the current habitat conditions, nor that the subject project will have any effect on any such habitat, to support the contention that the project is in a "particularly sensitive environment" subject to subdivision (a) of Section 15300.2.

In Appellant's correspondence dated May 28, 2015, Appellant again asserts that the 2005 Coastal Commission staff report's discussion of the prior, unrelated project shows that sensitive habitat is at issue, which was damaged in 2003 by grading on the bowl property. (See comment letter dated May 28, 2015, pp. 3-4.) But Appellant again does not offer evidence regarding current conditions, other than to assert that there are invasive plants and little erosion due to foot traffic. In any event, the project has been designed, with modifications required by the City, to minimize any potential impacts (consistent with good planning principles and General Plan and Local Coastal Land Use Plan policies. For example, the project elected to detach the units and requested a

Variance to reduce the size of usable open space and a Parking Exception to place parking in the front setback all of which reduce the amount of grading.

Further, Appellant ignores the last sentence of subdivision (a) of Section 15300.2, which provides that such particularly sensitive environments are those "designated, precisely mapped, and officially adopted pursuant to law ...," and Appellant provides no evidence to show that the subject area is encompassed by such requirements.

Therefore, Appellant's reliance on subdivision (a) of Section 15300.2 is without merit.

Similarly, Appellant relies on subdivision (b) of Section 15300.2, asserting that approval of the subject project will have a cumulative impact which precludes the use of the Class 3 categorical exemption of Section 15303. Appellant's theory is that the project will change "the open space undeveloped character of the area" and will encourage further development. (Comment letter dated May 28, 2015, p. 3.) But Appellant provides no evidence regarding other actual or potential projects. Nor does Appellant provide any evidence that any other projects will be proposed in a manner that will have substantial or cumulative impacts.

Finally, Appellant relies on subdivision (c) of Section 15300.2, which provides an exception to the Class 3 categorical exemption of Section 15303 where "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." But Appellant does not provide any evidence of either a significant effect or of unusual circumstances. Rather, as shown in this staff report and supported by evidence throughout the record before the City Council, the project will not have a significant effect on the environment due to any unusual circumstances.

Thus, the purported exceptions to the subject exemption of Section 15303 do not apply.

Basis 2: Disagree with 'negative declaration.' A full EIR is required due to the following:

- a) Proximity to sensitive habitat
- b) Proximity to seasonal wetlands
- c) Geological/hydrological issues were not addressed
- d) Location of project entrance will create a traffic hazard
- e) Inadequate parking provided by residents and guests
- f) Driveway and landscaping appears to be in right-of-way of Palmetto Avenue
- g) Drainage to existing 'catch basin' may be actually a seasonal wetland area."

Per staff's recommendation, the Planning Commission found the project to be Categorically Exempt from CEQA, pursuant to the Class 3 exemption of CEQA Guidelines Section 15303; therefore, neither a Negative Declaration nor an Environmental Impact Report (EIR) was required. Thus, the statement that Appellant "disagree[s] with negative declaration" misses the point.

Further, Appellant's purported reasons for requiring an EIR (items a - g, above) fall short. For example, as discussed above, Appellant contends the project will affect nearby sensitive habitat but has not provided evidence to support this contention. In addition, Appellant's correspondence dated May 28, 2015, asserts that an EIR is required because, in 2005, Coastal Commission staff identified wetlands on nearby property. (See comment letter dated May 28, 2015, pp. 4-6.) But as the discussions and depictions of "wetlands" provided by Appellant show, those areas are not on the subject site and are uphill from the subject site. Thus, Appellant has not offered evidence of either the existence of wetlands or of potential impacts to wetlands.

In addition, biological and geotechnical analyses were included in the staff report presented to Planning Commission on April 6, 2015, with relevant excerpts as follows:

".....On August 13, 2014 Toyon Environmental Planning and Ecological Solutions consultants conducted a site visit to assess the presence/absence of sensitive habitat areas. No rare or especially valuable species or habitat was observed during the site visit. In addition, no evidence of wetland hydrology appeared to be present on the site. It was concluded that the lot proposed to be developed does not qualify as either an 'Environmentally Sensitive Habitat Area or as a Wetland.'"

".....A preliminary geologic site review was conducted on August 23, 2014 by Earth Investigations Consultants for the subject property. It was concluded that the site is not constrained by geologic hazards, such as landslides and fault rupture. It was also concluded that the potential for liquefaction is considered low. Therefore, from an engineering geologic standpoint, the site is considered suitable for the proposed residential development. It is recommended, however, that a design-level geotechnical investigation is completed once the proposed development plan has been established. A condition of approval will require that the applicant comply with the recommendation by Earth Investigations Consultants."

The above biological and geotechnical analyses provide further evidence that the Planning Commission properly found that the project is Categorically Exempt from CEQA and that there is no evidence to support a fair argument that CEQA review is required.

Appellant further contends in Item c that geological and hydrological issues were not addressed, and provided argument regarding that contention in the May 28, 2015 comment letter, at page 6. Appellant is correct that the coastal bluffs in the City have experienced serious erosion problems and damaged housing. However, Appellant has not identified evidence of erosion problems either at or near the subject property, which is on the east side of Palmetto, or on the coastal bluffs on the west side of Palmetto. Indeed, this is a relatively small project (four studios on an approximately 18,411 square foot parcel), and there is no evidence that this project will have significant impacts related to geological or hydrological issues. Rather, Appellant merely speculates about such issues.

Appellant also contends in Item d that the location of the project entrance will create traffic issues, and offers argument in support of that contention at pages 6-7 of the May 28, 2015 comment letter. Site access has been reviewed by the Public Works Engineering Division and staff has determined that there will be no visibility issues for vehicles entering or exiting the site because the units are setback approximately 55 feet from Palmetto Avenue, and because the ingress/egress is along a straightaway on Palmetto Avenue where there is approximately 445 feet of sight distance in either direction.

Appellant contends in Item e that inadequate parking is being provided for residents and guests and offers argument in support of that contention at page 7 of the May 28, 2015 comment letter. The proposed project will provide four (4) resident parking spaces and one (1) guest parking space, which complies with the standards for four (4) studio apartments set forth in PMC Section 9-4.2818(a)(2). The Parking Exception associated with the project is required only to allow the proposed guest enclosed parking space to be located within the required 15 foot front yard setback. The Parking Exception is not related to a shortfall in provided parking spaces required in the Municipal Code. Nonetheless, Appellant speculates that residents and guests will park on Palmetto, and therefore asserts that the parking is inadequate. Even if residents and/or guests park on Palmetto, that would not require an EIR. The City does not prohibit parking on Palmetto, and parking on Palmetto is not incompatible with the pedestrian and bicycle use of the street.

Appellant contends in Item f that there are proposed improvements in the City right-of-way. The Appellant's contention in this case is correct. However, staff included a condition of approval requiring the applicant to obtain an Encroachment Permit for all work within the public right-of-way, and further requiring that all improvements shall be constructed per City standards. Staff has also included a condition of approval that all improvements within the City right-of-way shall be privately maintained per a Maintenance Agreement that will be recorded on the subject property.

In item g, Appellant again asserts that there may be wetlands, this time because of a catch basin. As discussed, Toyon Environmental Planning and Ecological Solutions consultants conducted a site visit and found no evidence of wetland hydrology on the site. Furthermore, Appellant has provided no substantial evidence for the record indicating where the claimed wetlands are designated, precisely mapped, and officially adopted pursuant to law by a federal, state, or local agency, as required by CEQA Guidelines Section 15300.2(a) in order to support an exception to a categorical exemption.

Bases 3 and 4: These items reference grounds for appeal as stated in public hearings. The Planning Commission minutes are attached and the discussion above addresses the comments made at the hearing.

Mr. Bohner's May 26, 2015, letter asserts that the Planning Commission erred because it did not provide sufficient evidence to make the analytical connection with the findings, particularly with respect to approval of the variance providing relief from usable open space requirements (citing the *Topanga* case by the California Supreme Court). This contention was not actually presented as part of the Appeal and is thus not properly made.

In any event, there is sufficient evidence in the record to make the analytical connection between the findings and the ultimate decision to grant a variance from the usable open space provision of the Municipal Code. In order to further clarify, staff has modified the findings to provide more clarity. As discussed in the proposed resolution, constraints subject to the property including the topography of the property which slopes from east to west, the triangular shape of the lot, and the former Edgemar Road "Easement/Right-of-Way" that runs through the south side of the property, which together severely limit where on the site usable open space can be located in accordance with required standards. The Municipal Code defines "Usable Open Space" by the following definition:

Sec. 9-4.260.2. - Open space, usable.

"Usable open space" shall mean common or private outdoor living, recreation, domestic use, or landscaping. Such area may be on the ground or on a roof, porch, deck, court, or balcony. Off-street parking areas or driveway and/or exit corridors shall not be included as usable open space. Any separate area to qualify under this definition shall be a minimum of four (4') feet by ten (10') feet. **Usable open space shall not have a slope of more than ten (10%) percent.** [Emphasis added.]

The Municipal Code requires the following findings for the issuance of a variance:

Sec. 9-4.3404

(a) The Commission shall grant a variance only when all of the following findings are made:

- (1) That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
- (2) That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area;
- (3) Where applicable, that the application is consistent with the City's adopted Design Guidelines; and

(4) If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.

First, the requirement that usable open space shall not have a slope of more than ten percent (10%), combined with the above described constraints constitutes a hardship in meeting the usable open space requirement, especially since the decks and porches proposed as usable open space are attached to the units and are subject to main building setback requirements, further limiting where on the property they can be located. The property is also encumbered by former Edgemar Road easement/right-of-way, limiting the developable area of the lot. This easement/right-of-way deprives the property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, namely the property immediately north of the subject site (vacant) and those in the vicinity of Norfolk and Lewis Lane which contain multi-family developments.

Second, the variance will not adversely affect the health and safety of residents, visitors or workers, nor will it be materially detrimental to the public welfare or injurious to property or improvements in the area. Reasons include that the subject site is surrounded by open space, including the fish and bowl properties and the coastal lands on the west side of Palmetto. Moreover, much of the subject site will be undisturbed.

Third, the application is consistent with the City's design guidelines, as discussed through the record before the City Council. For example, the units have been designed with features to make them look unique rather than identical and monotonous. They will be at different elevations and feature decks, living roofs and large windows. Retention of existing, natural landscaping will further the positive design elements and avoid visual impacts.

Fourth, the application is consistent with the City's Local Coastal Land Use Plan. For example, the project will not interfere with coastal access (p. C-5, policy 2), studio apartments are generally more affordable (p. C-5, policy 5), the project is located and designed in a manner so as not to impact environmentally sensitive areas (p. C-8, policy 18), the project is near existing facilities and services, e.g., Palmetto Avenue and nearby commercial areas (p. C-9, policy 23), and the scenic and visual qualities of the area have been considered and protected, including through small-scale construction that minimizes impacts to views of the coast and natural topography (p. C-9, policy 24).

Thus, Appellant's contention about the inadequacy of the City's analysis falls short.

The applicant also prepared a letter responding to the appeal which is attached (Attachment F).

Conclusion: Staff's analysis of the proposed project concludes it is Categorically Exempt from CEQA, per CEQA Guidelines Section 15303, including subdivisions (b) and (e), and is not limited by any of the exceptions contained in Section 15300.2. Furthermore, staff's assessment is that the project provides on-site parking in the quantity required by

the Municipal Code, that the parking provided will be adequate for the low-intensity development, and that the project will not result in any significant traffic impacts.

Based on the above analysis, staff recommends that the City Council deny the appeal and uphold the Planning Commission's decision to approve the project.

MOTION TO DENY APPEAL: Move that the City Council **DENY** the appeal and uphold Planning Commission approval of Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14, Variance PV-513-14, and Parking Exception PE-160-15 to construct four (4) detached studio apartments on a vacant 18,411 square foot parcel located in the 4000 block of Palmetto Avenue (APN:009-402-270), by adopting the attached Resolution and Conditions of Approval with the findings set forth in the April 6, 2015 Planning Commission staff report.

FISCAL IMPACT: None.

ATTACHMENTS:

- A. April 6, 2015 Staff Report and resolutions
- B. April 6, 2015 Planning Commission Meeting Minutes
- C. Appeal Form and letter submitted by Appellant
- D. Additional comment letter dated May 28, 2015 submitted by Appellant Victor Carmichael, et al.
- E. Comment letter dated May 26, 2015 submitted by Hal Bohner
- F. Applicant's response to the appeal
- G. Project Plans

ORIGINATED BY:

Planning Department

ATTACHMENT LIST:

Resolution Denying Appeal (PDF)
 Exhibit A to resolution - conditions of approval (PDF)
 Attachment A - PC staff report and resolutions (PDF)
 Attachment B - PC minutes (PDF)
 Attachment C - Appeal form (PDF)
 Attachment D Appeal- 4000 Palmetto proj (PDF)
 Att. D Exhibit A Coastal Comm Staff Report -May 9, 2006 (PDF)
 Att. D Exhibit B PWA ltr (PDF)
 Att. D Exhibit 1_Fish_and_Bowl (PDF)
 Att. D Exhibit 2_LCLUP density transfer (PDF)
 Att. D Exhibit 3_water_table_leakage (PDF)
 Att. D Exhibit 4_Wetlands (PDF)
 Att. D Exhibit 5_standing_water (PDF)
 Att. D Exhibit 6_pond (PDF)

Att. D Exhibit_7_ravine (PDF)
Att D. Exhibit_8_entrance-exit (PDF)
Attachment E - letter from Mr. Bohner (PDF)
Attachment F - Applicant's response (PDF)
Attachment G Project Plans (PDF)



Scenic Pacifica
Incorporated Nov. 22, 1957

PLANNING COMMISSION Staff Report

DATE: April 6, 2015

ITEM: 3

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of public hearing was published in the Pacifica Tribune on March 26, 2015 and 18 surrounding property owners were notified by mail.

FILE: PSD-790-14
CDP-347-14
PV-513-14
PE-160-15

**APPLICANT/
OWNERS:**

David Blackman & Mike O'Connell
375 Keith Avenue
Pacifica, CA 94044

LOCATION: 4000 Block of Palmetto Avenue (APN: 009-402-270)

PROJECT

DESCRIPTION: Construction of four detached studio apartments and four stall carport

General Plan: Medium Density Residential
Zoning: R-3-G/CZ, Multiple-Family Residential Garden /Coastal Zone

CEQA STATUS: Exempt: Section 15303 (b)

ADDITIONAL REQUIRED APPROVALS: None. Appealable to the City Council

RECOMMENDED ACTION: Approval, as conditioned.

PREPARED BY: Lee Diaz, Associate Planner

Planning Commission Staff Report
 4000 Block of Palmetto Avenue—Construction of Four (4) Studio Apartments
 April 6, 2015
 Page 2 of 8

STANDARDS CONFORMANCE:

Standards	Required	Existing	Proposed
Lot Area:	7,500 s.f. (min.)	18,411 s.f.	No Change
Min. lot area per dwelling	2,300 s.f.	N/A	4,602.75 s.f. per dwelling
Min. dwelling size	450 s.f.	N/A	400 s.f.*
Bldg. Height:	35' (max.)	N/A	22'
Lot Coverage (bldgs):	50% (max.)	N/A	18%
Bldg. Setbacks:			
-Front (west):	15'	N/A	15'
-sides (north & south):	5'	N/A	5'/64'
-rear (east):	20'	N/A	118'
Deck Side yard setback	4'	N/A	3'*
Landscaping:	25% (min.)	N/A	71%
Min. Useable Open Space	450 s.f. per unit	N/A	200 s.f.*
Parking:	4 spaces (min.)	N/A	4 spaces
Guest Parking	1 space	N/A	1 space**

*Variance requested.

**Parking Exception required because the parking space is within the front yard setback

PROJECT SUMMARY

A. STAFF NOTES:

1. **Site Description:** The project site is located on the 4000 block of Palmetto Avenue in the Fairmont West neighborhood. The triangular shaped vacant site is approximately 18,411 square feet. The majority of the site is covered with coastal scrub. A large portion of the former Edgemar Road easement/right-of-way runs through the south side of the property. The topography of the site slopes from east to west at an average of approximately 20%. The site is bounded on the west by Palmetto Avenue and on the north by the property known as "the bowl," and to the east and south by vacant property known as "the fish." Further east on the bluff above the site is Highway 1, single-family homes, and the Pacifica Point Condominiums.

2. **Project Summary:** The proposed project is the construction of four detached studio apartments with outdoor deck area. The apartments would be constructed on a raised concrete podium deck. A detached carport to accommodate four on-site parking spaces is also being proposed on the southeast of the lot. Additionally, an unenclosed guest parking space is being proposed on the southwest portion of the lot, within the required front yard setback.

Each of the studio apartments is proposed to have approximately 400 square feet of gross floor area. The overall building height of each studio apartment would be 22 feet. The height of the carport would be approximately 12 feet.

Exterior materials for the studio apartments would include a living roofs, softwood clapboard siding, soda lime glass, stone veneer, and shingles. The proposal also includes preserving and/or

Planning Commission Staff Report
4000 Block of Palmetto Avenue—Construction of Four (4) Studio Apartments
April 6, 2015
Page 3 of 8

restoring the majority of the existing natural landscaping which mostly consists of drought tolerant coastal scrub.

Each of the dwelling units will contain approximately 150 square feet of private deck area and a 50 square foot front porch. Access to the parking area would be provided via a 20-foot wide driveway off Palmetto Avenue and through a 10 foot wide driveway that runs along the front area of the property.

A retaining wall is also being proposed along the front of the property on the southwest portion of the property. The retaining wall would be approximately 3.4 feet high above grade. The fence height regulations allow a maximum of 3 feet in height within the front yard setback. When there is a difference in the ground level on opposite sides of a retaining wall or fence, height is measured from the higher ground level. A condition of approval would require that the retaining wall does not exceed 3 feet in height.

Required Permits: The proposal would require a Site Development Permit, Coastal Development Permit, Variance, and Parking Exception.

3. Zoning, General Plan, Coastal Plan, and Surrounding Land Uses: The site is zoned R-3-G/CZ, Multiple Family Residential Garden/Coastal Zoning District which allows multi-family residential with a minimum lot area of 2,300 square feet per unit. The size of the lot is .42 acres which would permit a total of 8 dwelling units.

The General Plan and Local Coastal Land Use Plan designation of the site is Medium Density Residential. The General Plan establishes a maximum density of 10 to 15 dwelling units per acre, equivalent to 4 to 6 units for the subject site. In addressing the project site, the General Plan and Local Coastal Land Use Plan narratives state:

"The other vacant land (+/-5 acres) in this neighborhood is on the east side of Palmetto Avenue, south of the existing condominiums. This land is moderately sloping to level, and is partially covered with bluff scrub vegetation, a portion of which has been disturbed by excessive foot and bike traffic, resulting in some erosion. Geologically, the land is much more stable than the bluff area across Palmetto to the west, and it is also significantly below the grade of Coast Highway. Proper drainage improvements and prompt revegetation of exposed areas will be necessary should this land be developed in order to prevent erosion of the neighboring condominiums. Medium Density Residential use is recommended for this land and will contribute to the medium price housing stock in the neighborhood. The proposed land use designation and planning criteria for development of the site are consistent with Sections 30253 (2) (Geologic Stability), and 30250 (Concentrate Development)."

The applicants are proposing to preserve and/or restore the existing drought tolerant coastal scrub vegetation that covers the majority of the site. In terms of drainage, the applicants are proposing to install a bioretention area of approximately 350 square feet. The bioretention area would provide 350 cubic feet of stormwater storage. Stormwater will be conveyed from the overflow drain/bioretention area via a 12-inch storm drain pipe that would connect to the existing

Planning Commission Staff Report

4000 Block of Palmetto Avenue—Construction of Four (4) Studio Apartments

April 6, 2015

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catch basin 140 feet south of the property. The subject site would have a medium density consistent with the General Plan, Local Coastal Land Use Plan and Zoning. Additionally, a preliminary geologic site review was conducted on August 23, 2014 by Earth Investigations Consultants for the subject property. It was concluded that the site is not constrained by geologic hazards, such as landslides and fault rupture. It was also concluded that the potential for liquefaction is considered low. Therefore, from an engineering geologic standpoint, the site is considered suitable for the proposed residential development. It is recommended, however, that a design-level geotechnical investigation is completed once the proposed development plan has been established. A condition of approval will require that the applicant comply with the recommendation by Earth Investigations Consultants.

Further, on August 13, 2014 Toyon Environmental Planning and Ecological Solutions consultants conducted a site visit to assess the presence/absence of sensitive habitat areas. No rare or especially valuable species or habitat was observed during the site visit. In addition, no evidence of wetland hydrology appeared to be present on the site. It was concluded that the lot proposed to be developed does not qualify as either an "Environmentally Sensitive Habitat Area or as a Wetland."

4. **Municipal Code:** The proposal would meet the majority of the development regulations. However, the proposal would not meet the minimum development standards for dwelling size. Each studio apartment is proposed to have approximately 400 square feet of gross floor area. Section 9-4.2313 (b) (1) of the Pacifica Municipal Code requires studios to contain a minimum of 450 square feet of gross floor area. A Variance would be required to allow the dwelling units to contain less than 450 square feet of gross floor area. Each of the studio apartments is also required to provide a minimum of 450 square feet of usable open space, per Section (-4.702 (h) of the Municipal Code. Each dwelling unit will contain approximately 150 square feet of private deck area and a 50 square foot front porch. Approval of a Variance would be required to allow each unit to provide less than 450 square feet of usable open space. Additionally, the deck of the studio apartment located to the rear of the property closer to the northern property line would be situated 3 feet from the side yard. Section 9-4.2703 of the Municipal Code requires that decks 30 inches above grade must be 4 feet away from the side yard. A condition of approval will require that the deck be 4 feet away from the side yard. Further, a Parking Exception would be required to allow the proposed guest unenclosed parking space to be located within the required 15 foot front yard setback. According to Section 9-4.2808 (a) of the Municipal Code, no required yard space in any residential district shall be used for parking.

5. **Design:** According to the City's Design Guidelines, "variety is a key ingredient in the appearance of multi-unit development. Developments which feature a series of identical structures that are visually monotonous are not acceptable. Building design should also incorporate variety in the type of materials, colors, and heights while maintaining a cohesive style." The proposed studio apartments have been designed to prevent them from looking identical and visually monotonous. Although, the height of each unit would be 22 feet, the elevation of each unit would vary visually breaking up the height of each unit. There are several architectural elements that also add visual interest to the proposed studio apartments and are visually compatible with the character of the surrounding area. Each residential unit would be

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constructed on a raised concrete podium deck and feature living roofs, large windows and deck areas with views of the Pacific Ocean. However, no public or private views to the surf line and the ocean beyond will be affected by the proposed development. A variety of exterior materials are proposed which include softwood clapboard siding, shingles, soda lime glass, and stone veneer which add visual interest. Although the design elements are different for each studio, they would maintain a cohesive style. Staff believes that the development's small scale and size, use of living roofs, preservation and/or restoration of the existing natural landscaping would minimize the visual impacts of the development.

6. CEQA Recommendation: Staff recommends that the Planning Commission find the project exempt from CEQA per section 15303 Class 3 (b) which states:

Section 15303. New Construction or Conversion of Small Structures. Class 3 consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(b) A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.

The construction of four (4) studio apartments is consisted with this exemption. The project site is within an urbanized area that permits not more than six dwelling units.

7. Site Development Permit: Pursuant to Section 9-4.3204 of the Zoning Code, a Site Development Permit shall not be issued if the Commission makes any of the findings regarding potential traffic patterns, parking accessibility problems, insufficiently landscaped areas, the restriction of light and air on the property or other properties in the area, the creation of a substantial detriment to an adjacent residential district, damage to the natural environment, and insufficient site and structural design variety. In addition, the proposed development must be consistent with the City's Design Guidelines, General Plan, Zoning Code and other applicable laws of the City. Staff believes that the design is consistent with the character of the surrounding neighborhood; that it will not create inconvenient traffic patterns or parking accessibility problems, adequate landscaping will provided, and the proposal will not restrict light or air to surrounding buildings or discourage additional development in the area. The proposal will enhance the design variety and will not affect the surrounding natural environment. Each of the studio apartments is proposed to have approximately 400 square feet of gross floor area with an overall building height of 22 feet. Exterior materials would include living roofs, softwood clapboard siding, soda lime glass, stone veneer, and shingles. The proposal also includes preserving and/or restoring the majority of the existing natural landscaping which mostly consists of drought tolerant coastal scrub. Additionally, staff believes that the proposed construction of four (4) detached studio apartments, as conditioned, would be consistent with the General Plan, Local Coastal Land Use Plan, Zoning Code and, and other applicable laws of the

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City. The development's small scale and size is appropriate for the area and to the R-3-G, Multiple Family Residential Garden Zoning and Medium Density Zoning Designations.

8. Coastal Development Permit: Section 9-4304 (k) of the Municipal Code allows the Planning Commission to issue a Coastal Development Permit based on the findings specified below:

1. The proposed development is in conformity with the City's certified Local Coastal Program; and
2. Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

Staff believes that the proposed development of four (4) detached studio apartments is in conformity with the City's Local Coastal Program, and public recreation policies of Chapter 3 of the California Coastal Act. The development's small size and scale is appropriate for the site, is compatible with nearby areas and will have limited, if any, visual consequences. Additionally, staff believes that the project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. It should also be noted that the project site is outside of the Coastal Commission appeals area.

9. Variance: The Code allows the Planning Commission to grant a Variance to development regulations when the following findings are made:

- a. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
- b. That the granting of the variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of the particular improvements in the area; and
- c. Where applicable, the application is consistent with the City's adopted Design Guidelines.
- d. If located in the Coastal Zone, that the application is consistent with the applicable provisions of the Local Coastal Plan.

On the basis of such findings, the Commission may grant, conditionally grant, or deny the application for a Variance.

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Staff believes that the topography of the property which slopes from east to west together with the triangular shape of the lot, and the former Edgemar Road "Easement/Right-Of-Way that runs through the south side of the property limits development of the site consisted with adopted standards. The minimum dwelling unit standards require that studio apartments contain a minimum of 450 square feet of gross floor area and provide a minimum of 450 square feet of useable open space per unit. In this case, each unit will provide 400 square feet of gross floor area and approximately 200 square feet of useable open space (150 square foot deck and 50 square foot porch).

Staff believes that granting the Variance will not, under the circumstances of the subject case, materially affect adversely the health or safety of persons residing in the neighborhood of the subject property and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the area. By allowing a decrease in the minimum gross floor area and useable open space would not affect the health or safety of persons residing or working in the neighborhood. Staff believes that the physical constraints of the property limits practical development of the site. In addition, the applicants are proposing a small scale development which is more appropriate for the site.

The proposed construction of four (4) detached studio apartments is consistent with the City's Design Guidelines. The style, design and materials proposed would prevent the studio apartments from looking identical and visually monotonous. There are several architectural elements that would add visual interest to the proposed buildings and be visually compatible with the character of the surrounding area. Each unit would be constructed on a raised concrete podium deck and feature living roofs, large windows and deck areas. The height of each unit would be 22 feet, however, the elevation of each unit varies visually breaking up the height of each unit. No public or private views would be affected by the proposed development. Additionally, the development's small scale and size, use of living roofs and preservation and/or restoration of existing natural landscaping minimizes the visual impacts of the development.

10. Parking Exception: An unenclosed guest parking space is proposed within the required 15 foot front yard setback. Section 9-4.2808 (a) provides that no required yard space shall be used for parking in any residential district.

The Municipal Code states that the Planning Commission may grant exceptions to the parking requirements in the event of practical difficulties and unusual hardship. Findings need to be made that the parking facilities, as proposed, are as nearly in compliance with the requirements of the Code as is reasonably possible. Staff believes that parking facilities, as proposed, are nearly in compliance with the requirements of the Code as is reasonable possible. All the required on-site parking is being provided by the project. Staff believes that the topography which slopes from east to west, the triangular shape of the lot, and the former Edgemar Road "Easement/Right-Of-Way that runs through the south side of the property creates practical difficulties and unusual hardship to locate the unenclosed guest parking elsewhere on the property.

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Further, the City's Design Guidelines state that "the visual impact of parking areas should be minimized when appropriate to the site by locating parking areas to the rear or side of the property, rather than along the frontages." The proposed carport and unenclosed guest parking space would be located on the front of the property. A condition of approval would require that the parking areas be screened with landscaping to minimize any visual impacts.

11. Summary: Staff, believes that the proposed construction of four (4) studio apartments, as conditioned, would be consistent with the City's Design Guidelines, General Plan, Local Coastal Land Use Plan, Zoning Code and, and other applicable laws of the City. The small scale and size of the proposed studio apartments is appropriate for the area and to the R-3-G, Multiple Family Residential Garden Zoning and Medium Density Zoning Designations.

Each unit would be constructed on a raised concrete podium deck with living roofs, large windows and deck areas. The studios would be clustered toward the front of the property with views of the Pacific Ocean. No public or private views to the surf line and the ocean beyond will be affected. A variety of exterior materials are proposed which include softwood clapboard siding, shingles, soda lime glass, and stone veneer which add visual interest. The development's small scale and size, use of living roofs and preservation and/or restoration of existing natural landscaping would further minimize the visual impacts of the development.

Staff also believes the proposal does not appear out of character with the existing mix of land uses. The design quality and attractiveness is equal to or greater than surrounding development.

COMMISSION ACTION

MOTION FOR APPROVAL:

Move that the Planning Commission find that the project is exempt from CEQA; **APPROVE** Site Development Permit, PSD-790-14, Coastal Development Permit, CDP-347-14, Variance, PV-513-13, and Parking Exception, PE-160-15, subject to the conditions of approval in Exhibit A and incorporate all maps and testimony into the record by reference, and **ADOPT** the following resolutions:

- P.C. Resolution for Site Development Permit
- P.C. Resolution for Coastal Development Permit
- P.C. Resolution for Variance
- P.C. Resolution for Parking Exception

ATTACHMENTS:

- a. Location Map
- b. P.C. Resolution (Site Development Permit)
- c. P.C. Resolution (Coastal Development Permit)
- d. P.C. Resolution (Variance)
- e. P.C. Resolution (Parking Exemption)
- f. Exhibit A for Resolutions – Conditions of Approval
- g. Conceptual Plans

PSD-790-14
CDP-347-14
PV-513-14
PE-160-15

SITE DEVELOPMENT PERMIT, PSD-790-14, COASTAL DEVELOPMENT PERMIT, CDP-347-14, VARIANCE, PV-513-14 AND PARKING EXCEPTION, PE-160-15, filed by David Blackman and Mike O'Connell, property owners, to construct four (4) detached studio apartments on a vacant 18,411 square foot parcel located at the 4000 block of Palmetto Avenue (APN: 009-402-270). The property is zoned R-3-G, Multiple-Family Residential Garden. The project is located in the Coastal Zone. Recommended CEQA status: Exempt.

Planning Director Wehrmeister presented the staff report.

Vice Chair Gordon asked clarification that they had two separate motions that she was recommending was first, granting all the variances and second, granting the parking exception variance but not the other two variances.

Planning Director Wehrmeister stated that, for the parking exception, within the code, there were provisions to grant an exception and that was not truly a variance. The supplemental staff report that was provided at this meeting would only eliminate the variances and provides a condition that would require the units and the usable lot area to meet the code standard. As she mentioned, she thought the applicant will provide some additional analysis regarding that issue.

Vice Chair Gordon mentioned that they usually get the staff report a week in advance and they were able to read the material and study it, but he thought there was probably a lot of last minute exchanges between the applicant and Planning Department and they received some content that they just received and are digesting.

Commissioner Cooper referred to the CEQA exemption and recommendation and the provision referenced, reading a portion of Item B, and stated that this was four detached studio apartments, and he was curious why that was put in as the exception and whether there was some other reference.

Assoc. Planner Diaz explained that, if you read further, it says "in urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units."

Commissioner Evans referred to having just received this material and asked that they break it down because he was feeling lost.

Assoc. Planner Diaz stated that the large attachment was not about this project but a project known as the Bowl that was considered by the Commission, City Council and Coastal Commission many years ago.

Commissioner Evans stated that he saw the same address and wanted to check on that. He assumed he should disregard it.

Planning Director Wehrmeister stated that it was attached to a comment letter.

Assoc. Planner Diaz stated that Mr. Bohner's attached those documents to his letter.

Commissioner Evans stated that, as mentioned by Vice Chair Gordon, they received a lot of additional information at the last minute and he was moving very cautiously.

The public hearing was opened.

Attachment: Attachment B - PC minutes (1723 : 4000 Block Palmetto Appeal)

Mr. Blackman asked, if he could hand out copies. He then mentioned growing up in the neighborhood above this project and remembered the graded field. He and his co-owner, Mike O'Connell, were lifetime residents of Pacifica. He stated that the proposed unit were not for sale and would hopefully allow their kids to raise their families here. He reached out to the condominium association when they started the project, and they seemed receptive to the small concept with living roofs and he hoped they still were. The concerns the neighbors have was no project or opening the door for the Fish & Bowl. He clarified they were not opening the doors and were not adding any infrastructure, adding that the Bowl still has the same environmental constraints from ten years ago. He explained their decision in proposing four units with one story and living roofs which were not required by the city. He got the letter from Hal Bohner, a neighbor, and he met with him and he thought they had similar goals. He didn't think Mr. Bohner understood when he was protesting the variance and can hopefully answer his present position. He explained his thinking as they came to a decision on the scope of the project. He clarified that his project was not near the Bowl project and was not impacting anything, stating that the biologist was present to answer any questions. He tried to meet with all the condominium owners and be transparent.

Vice Chair Gordon stated that one of the issues was the minimum requirement of 450 square feet and they went to 400 but stated were willing to go up to 450. He asked him what the pros and cons were between 400 and 450.

Mr. Blackman stated that it wasn't a deal breaker. He didn't get that precise, and thought it was 417. He thought, if he added between 4 and 5 inches around the whole building he can get to the 450. He thought it was a mistake on quick reactions by Mr. Bohner but he could speak for himself regarding thinking that the variance should not be supported. He was shocked that he was asked to go bigger than he wanted. He stated that, to get the outdoor living space, they could grade the backyard and put lawn which he was opposed to, but will do it to simplify the process. The other option was to take the carport and not making it a living roof, and make it a roof deck. He added that his whole goal was to tread lightly. He didn't want the condominiums to see him from above. He was getting pushed away from his goal but they were okay to go to 450.

Vice Chair Gordon stated that the other variance was for the useable open space, and he asked if his rationale for wanting to go under was minimum disruption to the outdoor area.

Mr. Blackman responded affirmatively. He referred to the pictures, stating that all the projects were on podium decks so the coastal scrub can grow below it. He stated that the easiest project would have been similar to the existing condos but that wasn't what they wanted to do by taking the cheap route.

Vice Chair Gordon mentioned staff talking about utilizing the top of a car port.

Mr. Blackman stated that two suggestions that came up was to accommodate the extra outdoor space they need was about 1,000 square feet shy and one choice would be to put the lawn behind the units and the other choice was to take the car port and not have it sloped, make it flat, take the living roof component off, making it more visible to the condominiums and make it a usable roof deck. He didn't think there was any need, but he understood where they were with the variance and a lot of push came from Mr. Bohner not having enough time to digest the project. He hopes he can speak for himself. If it was an issue on the variance, they can make that happen.

Commissioner Cooper thought it was a unique concept, adding that he hasn't seen a lot of them being built. He had a concern over converting the roof to a useable space. He thought it was asking for trouble as far as falling off the roof. He asked how they plan to keep people from falling off the roof.

Mr. Blackman asked if he was asking whether it stays as proposed.

Commissioner Cooper responded affirmatively.

Mr. Blackman didn't have any intention of people climbing on the roof. He mentioned that he has none, but he was willing to take any input from the commissioners if they want him to put some protective devices.

Commissioner Cooper stated that it was his only question, as he answered his question about the square footage. He still has a concern over the zoning issue.

Vice Chair Gordon opened the Public Hearing.

Caroline Henter, 5007 Palmetto, stated that she had questions relating to cars. She referred to access parking and safety. She wondered how residents of the development will get their cars to it from Palmetto and what the parking will be for the residents and guests. She also asked how workers and emergency crews will get to the development.

Vice Chair Gordon explained that there is no Q&A with the public but they can speak, ask questions and, at the end, the applicant has an opportunity to respond. They wait until everyone has spoken.

Mary Shapiro, 5003 Palmetto, stated that she was making observations on the staff report since she didn't know the format process. She was confused about them being studio apartments, as she thought the definition was that there was no bedroom, but the plans have a resting area with a closet. She was confused about the difference between a studio and a one-bedroom unit and whether it impacts the variance rules. She referred to a discrepancy where the size of the lot would permit a total of 8 dwellings, and below that, it mentions the equivalent of 4-6 units for the subject site. She didn't appreciate the context in understanding the differences and its ramifications regarding zoning. She mentioned a large ravine across the road developed from water, and she thought the drainage issue was important once you change the current land use. She didn't have access to the environmental and ecological reports or the other report attached. She didn't think of Pacifica as an urbanized area, especially the northern end, and she felt there was an issue of whether that applies. She was concerned about the potential traffic patterns. She looked at it, and thought there were likely to be two people living in those units and only one car per unit with one guest spot concerned her. She was concerned about whether the zoning would allow the units being used as Airbnb with people coming in and out rather than rentals for longer periods and the light pollution which she didn't think had been addressed in the report.

David Hirzel, 5009 Palmetto, stated that he previously lived in Moss Beach and is a residential building designer and he thinks about how residences are constructed. He was also aware of coastal erosion at the bluff tops. He questioned the suitability of this parcel development from a geological standpoint. He thought the encroachment of the ravine suggests an underlying weakness of the overall structure. He thought they have addressed it somewhat, but the ravine suggests an underlying weakness as well as the failure of the geology on Esplanade and Lands End. He mentioned a concern regarding unconnected drill piers tend to settle differentially and the building was going to have unlevel floors. He also mentioned that some of the fixes at the sea wall near Esplanade and Lands End in recent years did not address all of the issues. He questioned the suitability of development from a planning standpoint because of the variances and exceptions requested, stating that he felt it usually was a detriment to the neighborhood and community and should be looked at carefully. He referred to the storm water retention basin and he understood that rain water that falls upon a given piece of property after development has to be entirely retained upon that property and cannot be diverted into public drainage.

Attachment: Attachment B - PC minutes (1723 : 4000 Block Palmetto Appeal)

Jim Schenkel, 503 Palmetto, stated that he was involved with the Fish & Bowl proceedings in the past, and thought this applicant was suffering from the delayed effects of that earlier and unpleasant proceeding. He stated that they were all out because the last time was not a pleasant experience for anyone. He thought this applicant has done a good job. He understood that you can't build something completely invisible but he seemed to be sensitive to the idea that he was going to reduce it as much as possible and he applauds him for that. He then stated that the project was exempt from CEQA. Looking at Class 3B, he thought this was on the edge of whether it was small or not, and agreed with Ms. Shapiro that it isn't urban infill but an area about to be cracked open by development that has not occurred before. He gets that this is not part of the Fish & Bowl but he felt it could open the door to wider development in the area and he has questions about that. He then referred to Section 15300.2 and stated he was concerned about cumulative impact because, if this is permitted, it is more likely that the Fish and then Bowl will be developed. He also thought the location was particularly sensitive, and he didn't think they could use a categorical exemption when a reasonable possibility may have a significant effect on the environment due to unusual circumstances, mentioning that the premise that there are no wetlands there cannot be judged four years into a historical drought. He referred to staff's position that it fell outside the Coastal Commission's area, but they disagreed with that in 2005 or 2006 and he felt it should be considered in this application. He urged that they find it is not exempt from CEQA and an environmental impact report should be prepared.

Steve Rhodes, 5009 Palmetto, stated that he would like them to cast a no vote as he felt the project would destroy the natural habitat in the area and destabilize the geological areas around them. He asked that they examine this and ask themselves if this is in the best interest of Pacifica.

William Trichon, 5017 Palmetto, stated that he felt this was a done deal, and that staff feels the project should proceed but he urged the Commission to think of the big picture. He mentioned the problems with the Fish and Bowl and that they admitted that it will be hard to build on this spot, and he questioned why on this site because of all the small problems that, when added up, seem like their too much, mentioning all the variances, parking, etc. He felt they must maintain their environmental standards, including the loss of native habitat. He referred to the experts determining there were no wetlands in the area, which he thought might be because of the present drought, since the EIR for the Fish & Bowl confirmed that the adjacent properties did include wetlands. He agreed that they needed rental property but concluded that, because one can build someplace doesn't mean that one should build there. He asked that they keep the Fish & Bowl as is because it is a treasure.

Victor Carmichael, 5005 Palmetto, asked why at this location. When talking to Mr. Blackman, it seemed a low key, minimalist project that was tolerable but it has a cumulative impact. He referred to the geological and hydrological problems that kept the area undeveloped, as well as community resistance. He stated that the past owner wanted it to be open space but, when she passed, her heirs put it on the market. He felt it was a miracle that we still had it, being a jewel. He thought the ravine would advance and they would ultimately need the project's location to realign the road. He also thought the footprint encroached on the city right-of-way. He also mentioned that there was not enough parking, and they will have to use Palmetto for parking, thus creating a parking hazard. He also didn't know how the heritage trees will survive. He then referred to the Coastal Commission's objections to the Fish's sensitive habitat and he felt this project was even closer to that area than the Bowl. He also felt it didn't make sense not to have an EIR on this.

Hal Bohner, Pacifica, referred to the process, then apologized for the Commission getting copies of the material he sent to the staff so late, but explained that the staff report was not made public until the previous Thursday when he then submitted his letter and material. He asked that it be emailed to them, but it was not given to them until this meeting. He was a bit angry that they were told they didn't need to look at it since it was a record with the Coastal Commission of an adjacent project and this project was in

the middle of that previous project. He stated that it had information relevant to this project. He referred to the Coastal Commission's CEQA guidelines which he felt was directly relevant to this project which he felt required and EIR.

Skye Parker, Pacifica, stated that he was a designer and draftsman and attested to the taste of Dave Blackman. He felt he built some of the nicest houses in Pacifica.

Vice Chair Gordon closed the Public Hearing.

Mr. Blackman stated that he did his best to take notes. He stated that the urbanized definition of CEQA was taking the population of Pacifica and two neighboring cities, and if they are over 100,000, the entire city is an urban area. He explained that it was a technicality, not what it looked like. He stated that the comment that he was building in the public right-of-way and he stated that it was not true. He referred to one question of the general plan versus the zoning, which were slightly different. He thought staff might be able to answer that better. He stated that he was asked to do more parking and make the units bigger. He was shocked to be asked to do more and he was trying to tread lightly. He met the zoning requirements for the parking. He referred to pier settling and the engineer would answer that, adding that he didn't think it would be a problem. He referred to the cumulative impact, and stated that you can't add all the projects, even if they were neighboring projects. He stated that they had a bridge on Pedro Point rebuilt and they dredged the creek and tore up the habitat and that didn't require an EIR, adding that an EIR was a profound requirement, and costs \$80,000-\$100,000. He referred to the wetlands and drought, and they looked at all the work done, including the report Hal Bohner presented, and his biologist reviewed it, and he stated that he can answer any questions. He asserted that it was exempt from CEQA. He mentioned again that he could have built a six-unit building three stories tall and still been exempt from CEQA. He stated that there was no habitat that he was harming. He got everyone's sentiment, which he concluded was that they would like it to stay the way it is. He stated that it didn't seem fair, adding that he wished a lot of people would tear their house down and leave. He referred to the drainage, stating that they were 400 feet back from the coastal bluffs and right now the Coastal Commission and Pacifica stated that it comes back at 2 feet a year and they were supposed to have 100 year life, and at that rate, they have 200 year life. He then referred to the ravine and stated that it was a man made phenomenon, which was drainage put in 1930 because Palmetto used to be Highway 56 and they put a pipe across to drain the Bowl. He stated that, if they look at the geological report, and stated that it hasn't moved in 50 years, because it was a man made phenomenon by a pipe that the city may or may not know is theirs to manage. He stated, if they want to correct or make it better, it was possible, but the drainage they are putting in was going to alleviate a lot of the water going down that ravine and we were benefitting the ravine. He stated that, since the Palmetto right-of-way used to be Highway 56, there was a lot of room to move Palmetto over. They have designed the project for at least 100 years. He understood people's concern about what was going on around the cliffs at Esplanade, but that was not the phenomenon where they are located.

Vice Chair Gordon referred to items on the table such as whether the project was exempt from CEQA and whether an EIR is required. He are asked if they were in staff's purview or the Commission's purview.

Planning Director Wehrmeister stated that, in taking an action on the project, they would be confirming staff's recommendation that this is a project exempt from CEQA. She stated that, if they are not comfortable with that, they can direct staff to bring back further facts for their consideration, such as case law on how this exemption has been interpreted by the courts. She thought the applicant has already provided the biological analysis but the item can be continued if the Commission would like more information.

Attachment: Attachment B - PC minutes (1723 : 4000 Block Palmetto Appeal)

Commissioner Cooper thought it was a wonderful design, adding that he had not seen a design like this before in preserving the landscaping, living roofs, and he thought it was an interesting project. He did have some concerns. He thought the concern for the drainage was of genuine concern, the bluffs being there, where the runoff is going to be for the parking and drainage. He also wanted to mention that the community and the Commission have been involved in a lot of the affordable housing in the area and lack of it. He stated that these are very small units and would not rent for very much, although he wasn't sure about that. He thought there might be an opportunity for some affordability within Pacifica for having such a small unit. He agreed with everyone that parking is always a concern, but they could have four units with blacktop everywhere and then they have no landscape so it was a give and take of what was adequate for the unit. He stated that, if you have ten people visiting in an apartment of 450 square feet, he didn't think there was going to be very much place for someone to stand. There will always be an issue of whether it is adequate and does it meet the guidelines of the city, which is the same concern here. He was concerned about the Airbnb use which he thinks is an interesting concept. He didn't know if the city actually has a restriction for Airbnb use for these types of units, mentioning that it has an effect on the people in the area about knowing where to park and the traffic patterns. He thought the structural uses are important but he thought there were ways around a lot of those settlement issues. He thought the condition for increases the size of the units to 450 sq. feet to meet the minimum size is of concern. He thought it was a nice concession for Mr. Blackman to offer to meet the zoning requirement; however, he still had some issues with the zoning requirements. He didn't consider it a single building but four individual buildings. As he listened to the discussion, but he thought there were issues with putting four detached structures on a property and calling it an apartment. He would like clarification on that. He thought there was a lot of information presented. He was interested in what had happened in the past but was not familiar with it at this time.

Commissioner Campbell appreciated the comments that this project was not the Fish & Bowl. It was before he was on the Commission and referred to one speaker mentioning that it was an unpleasant experience. He has a feeling that this project may be shadowed by that experience. He stated that, on looking at the project, this seemed to be the least amount of development that could occur on the site. He thought the design was nice. He didn't have too much issue with its cumulative effects. He understood the argument that it could open the door to Fish & Bowl development but this is just a separate parcel. He thought the CEQA issue was interesting as to whether they make the call about whether an EIR was required or not. He mentioned that the Supreme Court of California did come out on March 2 with a significant decision regarding this very exemption of 15303, Berkeley Hillside Preservation, which gave the city more latitude by cutting back on the exceptions to the exemption. He doubted whether an EIR would be required after that decision. He liked the fact that they came in under the maximum which was rare. He thought it was something for the adjoining landowners to look to.

Commissioner Vaterlaus agreed that it was not the Fish & Bowl. It was a separate parcel and should not be considered the same as the Fish & Bowl. She stated that the General Plan says he can build 4-6 units and these units are so much better than a three-story apartment building he could have built there with parking underneath that would not have blended in with the environment. She also mentioned that it was important that, even without a view ordinance, he considered the view of the neighbors. She felt they were much more desirable than they could have been. She thought it looked like a good project. She stated that the four parking spots were in the code and they only interpret the code so it doesn't have a variance.

Commissioner Evans stated that, after listening to everyone, he agreed that it was not the Fish & Bowl. He lived in the Pacific Point condos for ten years above him. He was against the Fish & Bowl back then and is now, but this is elevation is over the Bowl by quite a few feet. He stated that there are no trees on the project land. He asked Mr. Blackman asked what kind of paving he was looking at for the driveway.

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Mr. Blackman stated that he had a few things to ask and thought it would muddy the waters. They were talking about making a pervious surface and eliminating the storm drain. He was also toying with the idea that he didn't want the sidewalk, and was a default by Engineering. He would rather skip the sidewalk. He also noticed that there were no ADA ramps on Drake Blvd. or where the sidewalk ends across the street and above and he wanted to make a concession and keep it rural where he was and he will spend his resources making ADA compliance on the rest of Palmetto. He thought there was enough on the plate and he will be quiet. He was thinking of further ideas to make the project more desirable to him and be less treading on the earth.

Commissioner Evans thought they would leave it to staff regarding sidewalks. He was interested in what he was thinking about permeable or blacktop.

Assoc. Planner Diaz stated that one of the conditions of approval is that all paving area shall be permeable to the maximum extent feasible.

Commissioner Evans stated that he walked the small piece of property with Mr. Blackman. He understood the idea of looking down at roof tops was not an idea he liked. He thought this was very ingenious to be looking down at growing roofs. This is about as invisible as you can get with buildings. The trees were between his property and Pacific Point which was a plus. He liked the idea of keeping as natural a surface as possible, mentioning that the sage growing beneath the house was ingenious. He thought the parking was a concern. He mentioned that the plan said there was 445 sq. feet on both sides, and he thought it was in the middle between the two. He was comfortable with that with only four units. He applauded him for going smaller because they usually have complaints that it is too big. Going smaller saves land, materials, etc. He likes the project and understands it is a sensitive area but separate from the Fish & Bowl. What they decide can only be what is in front of them.

Vice Chair Gordon stated that they were only able to evaluate a project based on the four corners of the project. It wasn't fair to the applicant or process to base the project on another project and they weren't permitted to do it. He acknowledged concern by the public about endangered habitat and geological suitability and stated that there was a geotechnical report, a biologist report and he can't substitute his opinion for experts who have looked at the area and offered their opinion. He has to defer to the experts and say the parcel is suitable for the project. He mentioned one speaker who talked about Mr. Blackman asking for so many variances and it's a bad thing. He thought they have to look beyond the variances and ask why. He stated that, in a lot of the situations, he was asking for a variance to minimize the impact on the property and that's to be encouraged. He has no problem with the variances. He then referred to mention of new projects in town built by Mr. Blackman that were some of the nicest ones, and he agreed. He didn't always agree with him, but he felt this was very nice looking. He was in favor of the project but he has concerns that there was a lot of information dumped on them, not by fault of the public or staff, but just happened. They haven't had a lot of time to digest some of the information. He question whether some of the information regarding the Fish & Bowl should come into consideration here, but he was sensitive to shooting blind but didn't know how to address it. Referring to CEQA, he stated that he worked at a big law firm and they would have junior associates spend days analyzing the problem and giving them a report, but they don't have that luxury. He also would not say staff is wrong with so little time to study it.

Commissioner Vaterlaus referred to mention of rent control and Airbnb, and stated that they did not have rent control. She stated that there are many units in Pacifica that are vacation rental by owner and Airbnb.

Planning Director Wehrmeister stated that there is a separate use category for boarding house in the code. That is not what Mr. Blackman is applying for and would require a use permit. She heard that Airbnb was becoming more common.

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Commissioner Cooper agreed with the commissioners that there were only certain things that the Planning Commission could decide, and his concerns regarding Airbnb, etc., were not in front of them but merely comments for future consideration by both Planning and Council. He thought it was important to bring those concepts to the public's attention. He stated that they rely upon staff for the determination of exceptions within CEQA, but they don't have a law staff to consult. It was a concern of his, but he has to defer to staff to make sure that they have done their homework and made proper recommendations.

Planning Director Wehrmeister stated that, they did run the comment letter by the City attorneys who were not concerned with staff's determination that it was exempt from CEQA.

Vice Chair Gordon assumed it was vetted and analyzed by their contract attorney.

Planning Director Wehrmeister responded affirmatively.

Commissioner Evans stated that, when something comes before them and they look at how it fits into the neighborhood, that is a big issue. He thought the idea of very small, minimal number of units being there, if it is built, is a statement to begin what should be there, if anything. He stated that we are in a small town around a large urban area, but we have to fit in with what the codes say. He stated that they do have the option of looking at what the neighborhood looks like when things are brought before them. He thought it was a good idea to have a very small development with very small units to say that was what they want, not the large three-story, six-unit apartment houses.

Commissioner Campbell reiterated that they were not there to second guess the biological and traffic opinions. He stated that one of the main points of the hearings was to allow the public supplement the administrative record prepared by staff with their own documents and opinions on the conclusions by staff on legal, biological analyses, etc., with a right of appeal. He felt that he has enough and heard enough to actually make a personal decision on the project, based on size and scope. He was almost ready to make a motion but would like consensus to not waste one.

Vice Chair Gordon thought there was one thing they should hash out before moving to a motion stage. He asked if the project was 400 square feet of living space. He acknowledged that the applicant was willing to go to 450, and he thought they should hash that out first before going to a motion.

Commissioner Cooper believed that there was a reason for the code being 450 square feet. He felt it was a minor concession for Mr. Blackman if he is willing to make it, but he thought they should ask him officially if he was willing to do that before they make a motion.

Planning Director Wehrmeister asked about the useable outdoor space.

Commissioner Cooper thought they were inviting an improper use of the top of a garage by allowing useable space on top of that carport and he would grant the exception for not having that additional space.

Vice Chair Gordon asked if he was in favor of the variance as is.

Commissioner Cooper responded affirmatively, but added that he would like to hear what everyone else has to say.

Vice Chair Gordon thought that each commissioner can have a chance to opine on these discrete issues, whether to grant the variance for the outdoor space being under the 450.

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Commissioner Cooper stated that the outdoor space was a different variance. The variance for the 450 was that he increase the size of the units from 400 to 450 square feet and allow the variance for the outdoor useable.

Vice Chair Gordon stated that there were two discrete issues, the indoor and outdoor. He asked Mr. Blackman if he would be willing to make the concession to go up to 450 on the indoor.

Mr. Blackman stated that he was willing to go either way on either variance. Going to 450 won't affect the neighborhood that much, but losing the living roof over the carport or putting lawn in the back was going to make a pretty impact for the views above, and he would like to avoid having him have more outdoor space. He stated that it was based on the topography, size, location, but that was his preference. He could go either way on either one of them, but two solutions he has for the outdoor living space is lawn or some type of useable space in the back, and they are saying it needs to be graded for the slope or putting a roof deck over the carport. Either would be breaking what he was trying to do in not impacting the view of the neighbors above. He would like both but would like the outdoor one at the least to be a good neighbor.

Vice Chair Gordon referred to the variance for the indoor space, he asked what his compelling reason. He asked if it was just how the plans were drawn up.

Mr. Blackman stated that he was serious. He has a house he rents in Pedro Point that was about 700 square feet and, before he had his fourth child, they had three girls and lived in 600 square feet and he was fine. He mentioned that a friend who lives in San Francisco just bought a 250 square foot by choice, and could afford anything. There were units down to 200 square feet in San Francisco. When stated that the code was put in during the 1980s, and he thinks it is obsolete and doesn't meet today's requirements.

Vice Chair Gordon asked what the difference was in square feet.

Mr. Blackman stated that, trying today to get the exact number, he didn't know if you were counting exterior plywood, exterior siding, but he believes it is 417 now. To get to 450, he thinks he has to expand the walls 4-5 inches around the whole thing. It was fairly negligible but bigger than he wants it to be, but he was fine with it.

Vice Chair Gordon thought it made sense for each to opine on those issues.

Commissioner Evans asked if there was a problem granting the variance for 400 square foot house instead of 450. He knows it's in the code, but they've never come upon forcing someone to make a bigger house. He feels it is fundamentally wrong. He wants to hear the idea, as he didn't see a problem in granting the variance for the size of the house.

Planning Director Wehrmeister stated that there were two issues, what the code says and the variance issue. The code says 450 and they can talk about. She stated that everything seems to be getting smaller in terms of rental units. But, that was what they have now and to grant a variance they have to make the findings under the code. Finding #1 in the staff report is what the Commission would need to focus on. Staff has provided them information but if there was anything else they feel is applicable to making the finding requirement, she stated that they could put in into the record and make it a part of the motion.

Vice Chair Gordon stated that they have a couple of moving parts.

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Commissioner Vaterlaus thought as few variances as possible would be increasing the size of the dwelling to 450 but eliminating the outdoor space requirement to keep it in good visual perspective for the neighbors.

Vice Chair Gordon assumed she was against the variance on the indoor space and in favor of the variance in the outdoor space.

Commissioner Evans stated that he has no problem with the variance for the outdoor space. He didn't want growing grass. He felt we have to get away from grass. They have a beautiful area around there and a lot of land so he has no problem in the variance for that. He was having a difficult time requiring someone to make their house bigger. He felt it was not right, but he will go with the majority.

Commissioner Cooper stated that he had nothing further to say.

Vice Chair Gordon stated that he was trying to get a consensus in crafting a motion that reflects their consensus.

Commissioner Cooper agreed to not allowing the variance for the size of the unit and allowing the variance for the outdoor use.

Commissioner Campbell stated that he would grant both variances but he will go with the will of the Commission to get the deal done.

Vice Chair Gordon stated he was fine with the variance on the outdoor and didn't have a strong preference on the indoor. He would go either way. He thought it would be a cleaner project from a process standpoint if there was no variance on the indoor space but he didn't have a strong preference.

Commissioner Cooper moved that the Planning Commission find that the project is exempt from CEQA; **APPROVE** Site Development Permit, PSD-790-14, Coastal Development Permit, CDP-347-14, Variance, PV-513-13, and Parking Exception, PE-160-15, subject to the conditions of approval in Exhibit A, with an amendment to include a condition of approval requiring that each of the four (4) studio apartments shall be expanded to meet the minimum dwelling size of 450 square feet and incorporate all maps and testimony into the record by reference, and **ADOPT** the Resolution for Site Development Permit, Resolution for Coastal Development Permit, Resolution for Variance, with an amendment only approving the Variance for the 200 square feet of useable open space per unit, and deleting reference to the Variance for the 400 square foot minimum gross floor area of each studio apartment, and Resolution for Parking Exception; Commissioner Campbell seconded the motion.

The motion carried 5-0.

Ayes:	Commissioners Vaterlaus, Evans, Cooper, Campbell and Vice Chair Gordon
Noes:	None

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
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**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Hal Bohner

Mailing Address: 115 Angelita Avenue

City: Pacifica

Zip Code: 94044

Phone: 650-359-4257

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Pacifica

2. Brief description of development being appealed:

Construction of four detached apartment units of 450 square feet each on a vacant 18,411 square foot lot.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

4000 block of Palmetto Avenue, Pacifica (APN 009-402-270)

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
xx☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: June 22, 2015

7. Local government's file number (if any): CDP-347-14

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

David Blackman and Mike O'Connell, 375 Keith Avenue, Pacifica CA 94044

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Victor Carmichael (The Committee to Save the Fish and Bowl 2.0), 5005 Palmetto Avenue, Pacifica CA 94044

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

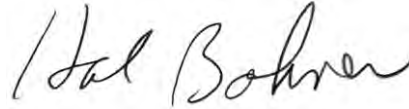
My grounds for appeal are stated in the attached document.

Much of the Local Coastal Program for the City of Pacifica can be found on line. Most of the Local Coastal Land Use Plan is at <http://www.cityofpacific.org/civica/filebank/blobdload.asp?BlobID=7043> and the implementing ordinances can be found in Pacifica Municipal Code Title 9, Chapter 4, Articles 43 and 44 which are available on line.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: July 9, 2015

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

_____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

GROUND'S FOR APPEAL

Appeal of Coastal Development Permit CDP-347-14, 4000 Block of Palmetto Avenue, APN 009-402-270

Notice of Final Local Action mailed June 24, 2015 and signed by Tina Wehrmeister, Planning Director, City of Pacifica
CCC Post Cert No. 2-PAC-15-0609

1. Project Setting

Before discussing the project itself it is important to understand the area surrounding the project. As will be apparent from the following discussion the project site is undeveloped open space and is surrounded on all sides by undeveloped open space which is highly scenic and provides important public access to the coast.

1.1 New Proposed LUP

Pacifica has a proposed, new Local Coastal Land Use Plan (LUP) that provides a description of the area surrounding the project site.

http://www.cityofpacifica.org/depts/planning/general_plan_update/default.asp

The proposed LUP on p. 2-18, includes Figure 2-5 which shows the project site adjacent to an area called the "Bowl" to the north, an area called the "Fish" to the south and "Northern Coastal Bluffs (GGNRA)" to the west. Coastal Access Point (Blufftop/ View) 2 is indicated near the project site.

On p. 2-18 the proposed LUP states that the area is part of the Fairmont West neighborhood and indicates that 14 acres of the Bluffs is owned and managed by the National Park Service as part of the Golden Gate National Recreation Area.

The proposed LUP further describes the area:

"Given the extraordinary natural and scenic value, the interest of public access, and the potential erosion hazards, undeveloped land on the northern coastal bluffs is designated Residential/Open Space/Agriculture, and identified as a priority for permanent conservation." . . . "GGNRA plans to continue to manage its land along the northern coastal bluffs as a "natural zone" emphasizing protection of habitat and natural coastal processes. No formal beach access exists or is planned. Undeveloped land west of Palmetto Avenue contains areas of Coastal bluff scrub, which is considered a special status community of high value, important for stabilizing sand dunes. The entire bluff-top area is currently undeveloped and offers an open, highly scenic view of the entire length of Pacifica's coastline. "

1.2 Current LUP

The current LUP which was written in 1980 provides a description of the area on pages C-19 to C-23. <http://www.cityofpacific.org/civica/filebank/blobdload.asp?BlobID=7043>
On p. C-20 under the heading "Scenic Resources" it states:

"The entire bluff-top area is currently undeveloped and below the grade of Palmetto Avenue. Southbound passersby are offered an open, highly scenic view of the entire length of Pacifica's coastline south to Pedro Point. This is one of the few areas in Pacifica where such views may be gained by pedestrian, as well as vehicular, traffic. The bluff top, and indeed much of the Fairmont West neighborhood, is also visible from Highway 1." . . .

"This area lies in an important coastal view corridor. Coastal resources and their ability to attract visitors play an important role in Pacifica's economy. Pacifica's attractiveness and potential for commercial growth is based on its open hills, views and coasts."

Under the heading "Coastal Access" (p. C-23) the LUP describes the beach located below the Bluff area: "The predominant use of the long, privately owned beach in the Fairmont West neighborhood is walking and fishing. This beach offers a unique, isolated beach experience minutes from San Francisco. Both the beach and access have been used by the public for this purpose for many years." p. C-23

The LUP explains that the City plans a pedestrian path along Palmetto avenue in this area, although the path has not been built yet. The LUP states:

"Vertical public access to the beach is not proposed in the Fairmont West neighborhood because the high cliffs are subject to erosion and such access would not be consistent with public safety or the protection of fragile coastal resources (Coastal Act Policy 30212). Informal trail access over and through the bluff-top properties shall replace requirements for beach access. The City proposes a north-south pedestrian path beginning at the Daly City-Pacifica boundary, along Palmetto Avenue and through bluff-top lands at locations determined safe by geologic studies. Should these properties become developed, bluff-top trail access easements should be located on the west side of the structures within an open space easement." p. C-23. . . .

"Hikers will eventually be able to follow this trail from Pacifica through Daly City to Mussel Rock and eventually link up with the County Trail System which, upon completion, will connect to the inland ridgeline

trail which traverses the length of Santa Cruz County.” p. C-23

The LUP also indicates that the City will implement a plan to control surface runoff over the bluffs from adjacent developed areas. “Along with other improvements to enhance and preserve bluff-top open spaces, the City shall implement a plan to control surface runoff over the bluffs from adjacent developed areas in order to minimize accelerated erosion and bluff sloughage.” p. C-23. To date, however, the plan has not been developed.

1.3 To this description of the area I will add my own observations.

The Fish, the Bowl and the project site are all immediately east of the Northern Coastal Bluffs, separated from them by Palmetto Avenue. The Fish, the Bowl and the project site are all presently undeveloped open space and have scenic and coastal access values the same as those of the Bluffs. Some photos will illustrate this point. I downloaded Exhibit 1 from Google Earth and added labels showing the general location of the various areas. Exhibit 2 was downloaded from Google Earth and is looking north from Palmetto Avenue. The Bowl is on the right and on the left are the Bluffs. Exhibit 3 is similar to Exhibit 2 but shows more of the Bluffs with the Marin Headlands in the distance. Exhibit 4 shows the project site looking east from Palmetto Avenue, and Exhibit 5 is from the same vantage point as Exhibit 4 but looking westward.

Exhibits 6 and 7 are photos I took recently which illustrate that hikers have created an informal trail along the west side of Palmetto Avenue. Also visible in the photos are some of the informal trails on the Bluffs.

2. The Project does not conform to the standards set forth in the Pacifica certified local coastal program or the public access policies set forth in the Coastal Act

The proposed project does not conform to many standards set forth in the Pacifica certified local coastal program or the public access policies set forth in the Coastal Act. The following is a discussion of the applicable standards and how the project fails to conform to them.

2.1 Cumulative Impacts

The Pacifica Local Coastal Land Use Plan (LUP) incorporates Coastal Act Policy 23 which requires that new development be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. However, the City’s approval of the project failed to address cumulative impacts of the project, and when cumulative impacts are analyzed it is clear that the project should not have been approved.

The project is not the only project which may be built in the area. Approximately 10 years ago the developer North Pacifica LLC proposed a large project for the Bowl area, which is immediately adjacent the present project site. The City granted permits for development and

on appeal to the Coastal Commission the Commission denied the Coastal Development permit. (Exhibit 8 is a portion of a Coastal Commission staff report concerning the North Pacifica project.) However, regardless of the denial developers continue to pursue the project. North Pacifica has kept its City permits alive by renewing them each year. See e.g. Exhibit 9. Furthermore at the City Council hearing on June 22, 2015 concerning the present project Mr. Keith Fromm stated that he is one of the owners of the Fish property and was one of the developers of the Bowl. He indicated that he will not give up his right to develop the property without just compensation. Pacifica City Council meetings are recorded on video and are available on Youtube. Mr. Fromm's testimony can be viewed on Youtube at https://www.youtube.com/watch?v=JY03o0Y_IVE. His statement begins at about 1:02:20 (one hour, two minutes, twenty seconds) after the beginning of the meeting.

It is clear that the North Pacifica project would violate many policies of the Pacifica LUP. The effects would be similar in nature to some of those of the present project which are discussed below and therefore the present project would magnify the effects of the North Pacifica project. However, the cumulative effects of the two projects were not considered by the City in granting the CDP for the project.

2.2 Geotechnical Issues

The Pacifica Local Coastal Land Use Plan (LUP) incorporates Coastal Act Policies 16 and 26, which require that new development neither create nor contribute significantly to erosion or geologic instability of the site or surrounding area or require the construction of protective devices along bluffs or cliffs. However, the present project would violate these policies.

A large ravine carved in the Bluffs is located directly across Palmetto Avenue from the project site. The ravine can be seen in Exhibits 5, 10, 11, 12 and 13. I downloaded Exhibit 5 from Google Street View and I downloaded Exhibit 10 from the California Coastal Records project. The ravine can also be seen in Exhibit 14 which is part of a Coastal Commission Staff report dated August 1, 2013 for Application: 2-10-039, Applicant: Land's End Associates.

The project would be located quite close to the edge of the ravine. (Exhibits 5, 12, and 13) Construction so near a coastal cliff that is obviously unstable should be allowed only with great caution. This is especially true in view of the history of the instability of coastal cliffs in the area. The Coastal Commission Staff Report dated 8/1/2013 for Application 2-10-039 concerns coastal armoring at Land's End apartment complex at 100-101 Esplanade Avenue in Pacifica's Edgemar neighborhood, which is very near the present project. The Staff report states, "Much of the project was constructed under the second of the two emergency CDP authorizations listed above after 50 to 90 feet of bluff eroded away in 2011." (p. 2 of Staff Report dated 8/1/2013 for Application 2-10-039) The Staff Report includes a page titled "Bluff Retreat History 1965-2010" which illustrates the considerable instability of the cliffs in the area. (Exhibit 15.)

An Engineering Geologic Site Review by Earth Investigations Consultants dated August 23, 2014 was considered by the City in granting the CDP for the project. On page 3 under the heading “Erosion and Landslides” the Site Review identifies the “deep gorge” and states,

“Surface erosion of the steep banks of the gorge has been mitigated somewhat by ice plant coverage.” (p. 3)

“There is subsidiary gully erosion from roadway runoff of the shoulder of Palmetto Avenue just north of the gorge. There was no observed evidence of headward erosion undermining the roadway.” (p. 3)

Under the Heading “Conclusions” the Site Review states:

“The headward part of the gorge across the street from the site appears to have been globally static over the past 55 years, but there is field and photogeologic evidence of localized surficial erosion and debris slides landsliding [sic] of the steep slopes.” (p. 4)

In other words the Site Review reports that the steep banks of the gorge are eroding but the erosion has not yet undermined the roadway. In view of this situation the Site Review concluded:

“This potential offsite hazard should be further evaluated in the design-level geotechnical investigation relative to alternative site ingress/egress should the segment of Palmetto Avenue ever be undermined by headward gorge retreat.” (p. 4)

It is plain that the gorge deserves further study. However, that study should not be delayed until later but it should be done before a CDP is granted. At a minimum a study should be conducted to determine whether coastal armoring would be required in the near future to protect the project itself as well as Palmetto Avenue or whether other forms of mitigation should be required.

The CDP granted by the City of Pacifica includes a half-hearted attempt to address this problem by including Condition 13 that merely requires that the applicant/developer, “shall incorporate into the building permit plans all recommendations listed in the Engineering Geologic Site Review . . . including but not limited to detailed, design level geotechnical investigation.” This is not an adequate solution. The Engineering Geologic Site Review recommends nothing more than that the developer do a further study later. The Conditions of approval do not require that the developer actually do any mitigation regardless of the seriousness of the problems that may be identified in the later study.

Moreover, if the ravine expands the section of Palmetto Avenue to which it is adjacent will likely have to be abandoned. This has significant implications for permitting of the project. 1) It is essential that there be a thorough geotechnical and hydrological study to determine how

construction of the project would affect the hydrology of the ravine and determine whether the hydrology would be changed so as to cause the ravine to expand. 2) If the section of Palmetto Avenue adjacent the ravine must be abandoned then it would be necessary to relocate that section of Palmetto Avenue. It is illogical to build the project exactly where Palmetto would need to be relocated.

2.4 Sea Level Rise

The Commission recently published “California Coastal Commission Sea Level Rise Policy Guidance” which contains section 6 titled “Addressing Sea Level Rise In Coastal Development Permits “ and that section includes five steps that should be completed before issuing a CDP:

Step 1 – Establish the projected sea level rise range for the proposed project

Step 2 – Determine how physical impacts from sea level rise may constrain the project site

Step 3 – Determine how the project may impact coastal resources, considering sea level rise

Step 4 – Identify project alternatives that avoid resource impacts and minimize risks

Step 5 – Finalize project design and submit CDP application

However, in the issuance of the CDP for this project the City did not take any of those five steps. The CDP should not be issued without completion of those steps.

It is especially important that the steps listed above be followed in the present case due to the location of the ravine in close proximity to the project and to Palmetto Avenue. In the future sea level rise could result in enlargement of the ravine and without a comprehensive study it is not known whether the project or Palmetto Avenue would be affected.

2.5 Wetlands, streams and ESHA

The Pacifica Local Coastal Land Use Plan (LUP) incorporates Coastal Act Policies 12, 14, and 18, which require protection of wetlands, streams and Environmentally Sensitive Habitat Areas (ESHA). However the project would not adequately protect wetlands, streams and ESHA.

The Commission staff report for the North Pacifica project identifies wetland and ESHA that are very near the site of the present project. (Exhibit 8) A biological study was done for the project but it was limited to the site only and therefore did not address whether wetlands or ESHA was located near the site. Before a permit is issued a study must be conducted to determine the offsite effects of the project on ESHA and wetlands.

2.6 Scenic Resources

The Pacifica Local Coastal Land Use Plan (LUP) incorporates Coastal Act Policy 24 which requires protection of scenic and visual qualities of coastal areas. However, the project would not protect the scenic and visual qualities of the area since the scenic and visual qualities of the area derive from the present open space character of the area. Adding buildings and roadways cannot possibly be considered an improvement to the natural condition of the area. Furthermore if the North Pacifica project is constructed the open space nature of the area would be diminished even further.

2.7 Coastal Access

The Pacifica Local Coastal Land Use Plan (LUP) incorporates Coastal Act Policy 25 which requires that new development maintain and enhance public access. Moreover, the Sections 30210 and 30221 of the Coastal Act require that public access be protected. The project fails to conform to these standards in a number of ways.

Bluff Area Recreation

The Bluff area is important for coastal public access and recreation. The Bluffs themselves are beautiful examples of the coast and are prized by hikers. Moreover, from the Bluffs there are stunning views of the coast extending from Marin County to southern Pacifica.

Although the GGNRA manages much of the Bluff area they provide no public parking and therefore hikers park along Palmetto Avenue in order to hike the unofficial social trails on the Bluffs. Other visitors park along Palmetto Avenue and enjoy the scenery from their cars. Also, the City plans to construct a public trail along Palmetto in the area. The project would adversely impact public access and recreation in the Bluff area by adversely affecting parking along Palmetto Avenue. I can say from personal experience that the sight distance along Palmetto can be poor, especially in foggy conditions which are not uncommon. Adding traffic associated with the project would make the area less safe for hikers parking on Palmetto. Furthermore, parking planned for the site is insufficient and therefore residents of the project will park on Palmetto thus occupying the limited parking space available to hikers. If the North Pacifica project is built, parking along Palmetto Avenue will become even more problematic.

As shown in Exhibits 6 and 7 hikers accessing the Bluff trails have carved a trail along the west side of Palmetto Avenue. It may not be apparent that the reason that hikers do not walk on Palmetto Avenue is because Palmetto is fairly narrow and cars and buses drive fast along that stretch of the road. Hikers feel unsafe walking on the road. If the project is built additional pressure will be put on pedestrians accessing the Bluffs.

As indicated in the LUP the City is planning to construct a north-south pedestrian path along Palmetto Avenue in this area. However, in granting permits for the proposed project the City did not address its plans for a pedestrian path so it is not known whether the project would be located where the City plans the path to be located. In fact, the ravine is located very near Palmetto Avenue and therefore it is difficult to envision where the path could be located except

where the project is planned.

Moreover, the City's LUP explains that the City plans a pedestrian path along Palmetto Avenue in this area, although the path has not been built yet. The LUP states:

"The City proposes a north-south pedestrian path beginning at the Daly City-Pacifica boundary, along Palmetto Avenue and through bluff-top lands at locations determined safe by geologic studies. Should these properties become developed, bluff-top trail access easements should be located on the west side of the structures within an open space easement." p. C-23. . . .

Accordingly, the permits the City granted for the project must include easements for the proposed trail but they do not.

The Manor Drive Overpass

Traffic to and from the Fairmont West neighborhood has major problems and the project would make those problems worse. The issue centers on the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection (sometimes called the Manor Drive overpass) which is not far from the project site. The LUP states (emphasis added):

"All local traffic to and from the [Fairmont West] neighborhood and northbound traffic must use the combined intersections of Palmetto Avenue/Manor Drive/Oceana Boulevard." LUP p. C-21

"Streets within Fairmont West are adequate to accommodate traffic generated by additional commercial and residential development. However, due to capacity problems of the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection, any significant increase in the number of vehicles resulting from intensified commercial or additional residential development in the vicinity of Manor Drive, or along Palmetto Avenue, should be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection."

"In order to accommodate and encourage expanded access opportunities and related visitor-serving land uses in the neighborhood to the south, residential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area."

This traffic issue is further illuminated in Pacifica Municipal Code Title 8, Chapter 18 titled, "TRAFFIC IMPACT MITIGATION FEES FOR THE IMPROVEMENT OF THE MANOR DRIVE/PALMETTO AVENUE/OCEANA BOULEVARD INTERSECTION." Chapter 18 , Section 8-18.01

- Purpose states:

“This chapter is enacted for the purpose of establishing traffic impact mitigation fees to defray the actual costs of constructing improvements to the Manor Drive/Palmetto Avenue/Oceana Boulevard intersection, which improvements will be required to accommodate the increased traffic flow in the area resulting from future building activity in the City.”

Chapter 18 was enacted in 1984 but to date the improvements contemplated for the intersection have not been constructed, and since 1984 the traffic problems there have become worse. Approval of the present project is contrary to the express requirement of the LUP that traffic issues be resolved before new construction is approved.

Coastal Armoring

The beach below the Bluffs is used for hiking. The project may in the future result in the need for coastal armoring to be placed on the beach which would impede access along the beach.



BLUFFS

BOWL

PROJECT
SITE

FISH

Palmetto Ave

Palmetto Ave

Cabrillo Hwy

Paradise Dr

Holiday Ct

Lincoln

EXHIBIT 1

A-2-PAC-15-0046
EXHIBIT 4
Page 14 of 95

3882 Palmetto Ave

Pacific, California

© Street View - Apr 2015

EXHIBIT 2

A-2-PAC-15-0046

EXHIBIT 4

Page 15 of 95

3930 Palmetto Ave

Pacific, California

Street View - Apr 2015

Palmetto Ave

EXHIBIT 3

A-2-PAC-15-0046

EXHIBIT 4

Page 16 of 95



Hide imagery



3698 Palmetto Ave

Pacific, California

© - Street View - Apr 2015

EXHIBIT 4

A-2-PAC-15-0046

EXHIBIT 4

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3698 Palmetto Ave

Pacifica, California

Street View - Apr 2015

EXHIBIT 5

A-2-PAC-15-0046

EXHIBIT 4

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EXHIBIT 6

A-2-PAC-15-0046

EXHIBIT 4

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EXHIBIT 7

A-2-PAC-15-0046

EXHIBIT 4

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CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-3219
VOICE AND TDD (415) 904-5160
FAX (415) 904-5400

Th-9a



Filed:	December 19, 2005
49 th Day:	February 6, 2006
Substantial Issue	January 11, 2006
Staff Report:	April 21, 2006
Hearing Date:	May 11, 2006
Staff:	Chris Kern – SF

**STAFF REPORT – APPEAL
DE NOVO REVIEW**

See the staff report addendum posted
on the web on Tuesday May 9, 2006.

APPEAL NO.: A-2-PAC-05-018**APPLICANT:** North Pacifica LLC

See the second staff report addendum
posted on the web on Wednesday, May
10, 2006.

LOCAL GOVERNMENT: City of Pacifica**ACTION:** Approval with Conditions

SUBSTANTIAL ISSUE The Commission found that the appeal of the local
government action raised a substantial issue on
January 11, 2006.

PROJECT LOCATION: 4000 Block of Palmetto Avenue, Pacifica, San Mateo
County

APNs 009-402-250 and -260

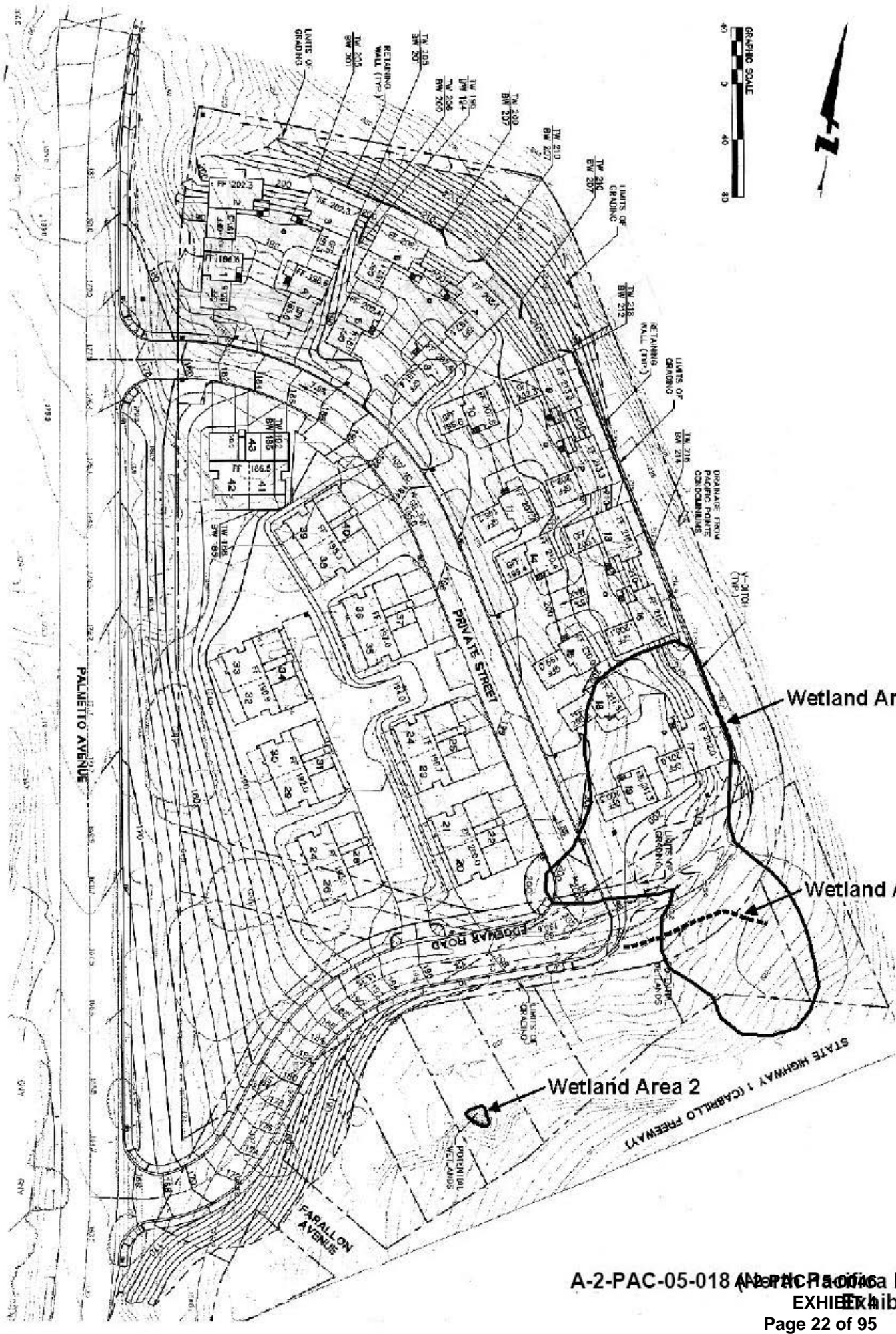
PROJECT DESCRIPTION: Subdivision and construction of a 43 residential unit
development, including 19 single-family detached
homes and 24 townhouses, 72,000 cubic yards of
grading and related infrastructure improvements on
5.8 acres of vacant land

APPELLANT: John Curtis

**SUBSTANTIVE FILE
DOCUMENTS:** See Appendix A

**STAFF
RECOMMENDATION:** Denial

EXHIBIT 8



Wetland Area 3

Wetland Area 1

Wetland Area 2

Existing Vegetation Communities

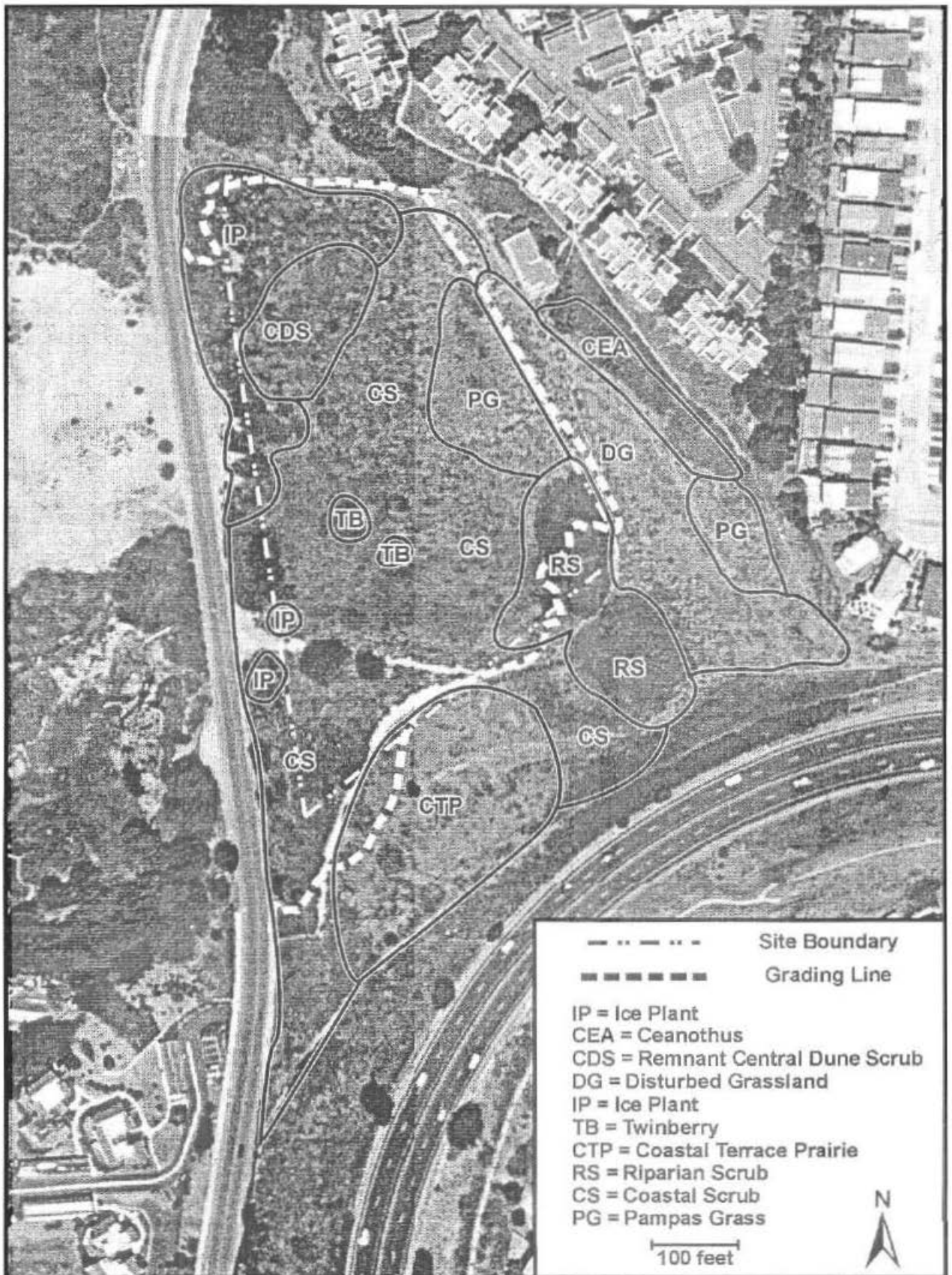


EXHIBIT 9

AGENDA



Planning Commission – City of Pacifica

DATE: August 20, 2012
LOCATION: Council Chambers, 2212 Beach Boulevard
TIME: 7:00 PM
ROLL CALL:
SALUTE TO FLAG:
ADMINISTRATIVE BUSINESS:
Approval of Order of Agenda
Approval of Minutes: July 2, 2012
Designation of Liaison to City Council Meeting of: None

CONSENT ITEMS:
None

PUBLIC HEARINGS:
None

CONSIDERATION ITEM:

- 1 UP-963-06 EXTENSION OF PERMITS for construction of a single-family residence with an attached garage at 200
PSD-755-06 Berendos Avenue, Pacifica (APN 022-330-150) Proposed Action: Grant extension request
PV-491-07
PE-146-08
- 2 UP-882-01 EXTENSION OF PERMITS for the construction of 43 residential units (19 single-family detached homes and 24
PSD-699-01 townhouses) at the 4000 block of Palmetto Avenue, Pacifica (APN 009-402-250, & -260) Proposed Action:
CDP-203-01 Grant one (1) year extension

COMMUNICATIONS:
Commission Communications:
Staff Communications:
Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

ADJOURNMENT

Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.


NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

CITY OF PACIFICA

MEMORANDUM

DATE: August 20, 2012

TO: Planning Commission

FROM: Kathryn Farbstein
Assistant Planner 

SUBJECT: Agenda Item No. 1: Request to Extend Site Development Permit, PSD-753-06, Parking Exception, PE-146-08, Variance, PV-491-07 and Use Permit, UP-960-06 for One Year at 200 Berendos Avenue (APN 022-330-150)

On June 2, 2008, the Planning Commission adopted the Mitigated Negative Declaration including the Mitigation Monitoring and Reporting Plan, and approved Site Development Permit, PSD-753-06, Parking Exception, PE-146-08, Variance, PV-491-07 and Use Permit, UP-960-06 to construct a single family dwelling on the vacant lot near the creek. The agenda memo with attachments and meeting minutes are attached (see Attachment A).

On July 6, 2009, the Planning Commission reviewed and approved a request to extend approval of the Planning permits to construct a single-family dwelling on 200 Berendos Avenue. On June 15, 2009, the Planning Commission reviewed the extension request and continued the item to the July 6, 2009. On July 6, 2010, the current owner of the property and project, David Blackman received approval of a second request for an extension from the Planning Commission. On June 6, 2011, David Blackman requested a third extension on this project and it was granted by the Planning Commission on July 18, 2011. On July 18, 2012, Dave Blackman requested another extension due to the continuing downturn in the economy.

The Planning Commission requested that second extension requests and beyond, such as this request, be placed on the agenda as a consideration item. Extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the property or area. In staff's opinion, no changes have occurred that would indicate the extension should not be granted. Therefore, staff recommends that the Commission grant the extension for one year.

COMMISSION ACTION

Move that the Planning Commission **EXTEND** PSD-753-06, PE-146-08, PV-491-07 and UP-960-06 for the dwelling at 200 Berendos Avenue for one year to August 20, 2013.

Attachments:

- A. Planning Commission Agenda Memo and Meeting Minutes from June 2, 2008
- B. Letter Extension Request Dated July 18, 2012

CITY OF PACIFICA

AGENDA MEMO

DATE: August 20, 2012

TO: Planning Commission

FROM: Lee Diaz, Associate Planner

SUBJECT: Agenda Item No. 2: Extension of Use Permit, Site Development Permit, and Coastal Development Permit to August 12, 2012 for the development of 43 residential units (19 single-family detached homes and 24 townhouses) at the 4000 block of Palmetto Avenue (APN: 009-402-250, & -260)

On July 15, 2002 the Planning Commission approved (4-3) the subject permits, including a Vesting Tentative (Condominium) Map, subject to conditions of approval. On July 25, 2002, an appeal of the July 15, 2002 Planning Commission decision to approve the planning permits for the subject project was submitted. The City Council heard the appeal on August 12, 2002 and upheld the Planning Commission decision to approve the permits subject to certain conditions of approval.

On July 7, 2003, the Planning Commission approved (5-1, 1 absent) one (1) year extensions of the above referenced permits (Vesting Tentative (Condominium) Map, Site Development Permit, Use Permit and Coastal Development Permit). The Vesting Tentative (Condominium) Map was originally set to expire on August 12, 2004, and the other three (3) permits were set to expire on August 12, 2003. With this act, the Site Development Permit, Use Permit and Coastal Development Permit were extended to August 12, 2004, and the Vesting Tentative (Condominium) Map was extended to August 12, 2005.

On September 3, 2003 the Planning Commission considered a "litigation stay" request for the Vesting Tentative (Condominium) Map and approved it for up to a five (5) year period. As the result of a combination of the litigation stay and operation of state law, the map was due to expire on August 12, 2010.

As mentioned above, the Use Permit, Site Development Permit, and Coastal Development Permit were extended for one (1) year and were scheduled to expire on August 12, 2004. The Vesting Tentative (Condominium) Map was granted an extension of up to five (5) years because of the litigation stay pursuant to the Government Code sections 66452.6(c) and 66463.5(e). On December 18, 2003, staff received five extension requests for the Use Permit, Site Development Permit and Coastal Development Permit, one after another in order for the next 5 years from the applicant. The Planning Commission approved the request on January 4, 2004. This was the applicant's second extension request.

On August 3, 2009 the Commission approved a third extension of the permits (Use Permit, Site Development Permit, and Coastal Development Permit) to coincide with the expiration date of the Vesting Tentative (Condominium) Map, August 12, 2011. On August 1, 2011 the Planning Commission approved a fourth extension of the permits.

The Vesting Tentative (Condominium) Map was extended to 2011 by operation of law due to the enactment of Government Code Section 66452.21 by the California Legislature in 2008. The Governor then signed AB 333, which extended the life of the existing Vesting Tentative (Condominium) Map by an additional 24 months pursuant to new Government Code Section 66452.22. Thus, the applicant's Vesting Tentative (Condominium) Map will now expire on August 12, 2013. However, the new legislation did not affect the life of the ancillary permits.

The Use Permit, Site Development Permit, and Coastal Development Permit were due to expire on August 12, 2012. On July 18, 2012 staff received the attached extension request. The request is being made because the project approval included the Vesting Tentative (Condominium) Map and the accompanying Use Permit, Site Development Permit and Coastal Development Permit. The applicant is requesting that the permits be extended until August 12, 2014.

Extension requests are not unusual and are generally granted unless there have been significant changes in conditions or circumstances affecting the project or area. There have not been any changes that would indicate that the extension should not be granted. Staff recommends that the Use Permit, Site Development Permit, and Coastal Development Permit be extended until August 12, 2013. The Commission has approved most permit extension requests for only one (1) year.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **EXTEND** Use Permit, UP-882-01, Site Development Permit, PSD-699-01, and Coastal Development Permit, CDP-203-01, for the development of 43 residential units at the 4000 block of Palmetto Avenue (APN 009-402-250, & -260) to August 12, 2013.

Attachments:

1. Letter from Applicant, 07/18/12

An aerial photograph showing a coastal cliff. The cliff face is light brown and sandy, with some sparse vegetation. At the top of the cliff, there is a road with several cars and a cluster of houses. The houses are mostly white and light-colored. The cliff drops down to a sandy beach, and the ocean is visible at the bottom of the frame. The text "EXHIBIT 10" is overlaid on the left side of the image.

EXHIBIT 10

3790 Palmetto Ave

Pacifica, California

🕒 • Street View • Apr 2015

EXHIBIT 11

A-2-PAC-15-0046

EXHIBIT 4

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Hide imagery



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A photograph of a coastal landscape. A paved road curves from the left towards the center. To the right of the road is a grassy embankment. In the background, a steep, rocky cliff rises, topped with dense green trees. The sky is blue with some clouds. The ocean is visible on the far right.

EXHIBIT 12

A-2-PAC-15-0046

EXHIBIT 4

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EXHIBIT 13

A-2-PAC-15-0046

EXHIBIT 4

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Copyright (C) 2002-2010 Kenneth &
Gabrielle Adelman, California Coastal
Records Project,

www.Californiacoastline.org

Photo 7927027 (Photo taken in 1979)

Irrigated Lawn

Original
Stairway

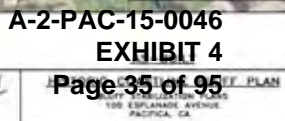
EXHIBIT 14

A-2-PAC-15-0046

EXHIBIT 4

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2-10-039 (Lands End)
Exhibit 4: Site Photographs



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Victor Carmichael

Mailing Address: 5005 Palmetto Ave, Unit 55

City: Pacifica

Zip Code: 94044

Phone: 650 991 7349

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Pacifica

2. Brief description of development being appealed:

Four detached units to be constructed on a 18,411 sq ft lot. Each unit will be 450 sq ft.4

3. Development's location (street address, assessor's parcel no., cross street, etc.):

4000 block of Palmetto Ave, Pacifica CA 94044

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: June 22, 2015

7. Local government's file number (if any): CDP-347-14

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

David Blackman and Michael O'Connell, 375 Keith Ave, Pacifica CA 94044

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) David Hirzel 5009 Palmetto Ave, Unit 32 Pacifica CA 94044

(2) William Trichon 5017 Palmetto Ave, Pacifica CA 94044

(3) John Curtis 903 Oceana Blvd, Unit 108, Pacifica CA 94044

(4) Dawn Summers 5005 Palmetto Ave, Unit 51, Pacifica CA 94044

(5) Margaret Goodale 1008 Palau St, Pacific CA 94044

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

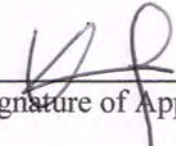
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

My grounds for appeal are attached with exhibits. Basically this appeal is based our contention that the Coastal Development Permit did not conform to the City of Pacific's Coastal Land Use Plan available on at <http://www.cityofpacific.org/civica/filebank/blobdload.asp?BlobID=7043>.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 7/14/15

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Victor Carmichael

5005 Palmetto Avenue, #55, Pacifica, California 94044
(650) 991 7349

July 14, 2015

Dr. Charles Lester, Executive Director
State of California Coastal Commission
45 Fremont Street, San Francisco CA
94105-2219

Appeal to California Coastal Commission if City of Pacifica Coastal Development Permit (CDP-347-14), 4000 Block of Palmetto Avenue, APN 009-402-270

Filed by Victor Carmichael and others (see Attachment 1).

The City of Pacifica's Notice of Final Local Action acknowledges that the project is within the Appeals Zone and the permit is appealable to the State of California Coastal Commission. The appeal must be in writing and must be filed within ten (10) working days of date of receipt by Commission which was July 1, 2015.

Included in this appeal is a copy of our appeal (Exhibit A) to the Pacifica City Council's contesting the City's Planning Commission's April 6, 2015 approval of the Pacifica Coastal Development Permit (CDP-347-14) (as well other development permits) for the construction of four (4) detached units 450 sq. ft. units on a vacant 18,411 sq. ft. lot in the 4000 block of Palmetto Avenue, Pacifica, CA.

We believe the City erred in granting a Coastal Development Permit for the reasons listed below:

- Proximity to seasonal wetlands
 - Proximity to sensitive habitat
 - Geological/hydrological issues never properly studied
 - Project's location will create a potential traffic hazard
 - Scheme for drainage of additional storm runoff unclear
-
- **Proximity to seasonal wetlands**

The Fish and Bowl appears to form a drainage corridor descending from Hwy 1 (see Exhibit 1). Significant rain causes the water tables to break through in a number of places (see Exhibit 2). A drainage pipe previously installed captures water from the east side of Palmetto Avenue and empties into the steep ravine just north of the old Dollar Radio Station now the Levin property (see Exhibit 3). That isolated seasonal wetlands exist here therefore is not surprising. In fact, in responding to the 2006 appeal addressed in **2005**

A-2-PAC-05-018 (North Pacifica LLC) Staff Recommendations on Substantial Issues and De Novo (see Exhibit B, pg 7-11) the Commission agreed that wetlands did indeed exist in the area. At least one, in fact, could be endangered by that development. The Coastal Commission also supported the appellant's contention that the possible wetland damage development would result in conflict with in Pacifica LCP's own definition of a wetland (see LCP pg C-99 below)

LCP pg C-99

A wetland is defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. In certain types of wetlands, vegetation is lacking and soils are poorly developed or absent. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.

The Commission Staff Report then stated that this definition closely tracks the definition of wetlands contained in **Section 13577(a)** of the Commission's regulations. They also noted that this LCP wetland definition contained in Pacifica Zoning Code Section 9-4.4302(aw) is effectively the same as Coastal Act Section 30121 definition of wetland with the exception of the additional terms "streams" and "creeks" stating:

"Wetland" shall mean land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats or ferns,"

Upon evaluation of previous studies, the Coastal Commission determined that at least three areas in the immediate vicinity of the proposed project were wetlands (see Exhibit B, Pg 9-10, Para 3). These were designated Wetland 1, 2 and 3 (see Exhibit 4) from a study done for the prospective developer of the Bowl 2003 or earlier.

In the present case the biological assessment provided by the developer concluded there were no rare or especially valuable species on the site and there was no evidence of wetland hydrology (see Exhibit C). However, they did identify a stand of arroyo willow (*Salix lasiolepis*) on the southwestern edge of the property (actually on the Palmetto Ave. right-of-way). A photo provided by Toyon Consultants points to the area (see Exhibit C, Pg 6) but refers to plant as red willow (*Salix laevigata*.) The USDA Natural Resources Conservation Service, Plants Database classifies both *Salix lasiolepis* and *Salix laevigata* as '**FACW**' which stands for:

Facultative Wetland Hydrophyte

Usually occur in wetlands, but may occur in non-wetlands

Thus it would appear that further study is necessary. In fact the Coastal Commission in a letter dated 6/22/15 to the City of Pacifica Planning Director (See **Exhibit D**) recommended "one-parameter wetland delineation be performed in accordance with the Commission definition of wetlands and delineation in the Coastal Zone." However, the **Notice of Final Local Action (FLAN)** submitted by the City of Pacifica dated 6/24/15 makes no mention of any response to that recommendation.

Also importantly the biological assessment commissioned by the developer made no reference to adjacent areas as if they were of no concern. Yet in the **Pacifica's LUP pg C-8, Item 18** states "Development in areas adjacent to environmentally sensitive habitat area and park and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas."

LUP pg C-8, Policy 18

18. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. (CN, OS, CD, LU)

Since adjacency to sensitive habitats is important, and adjacent areas have been identified has containing wetland areas, it would seem that some concentric parameter should be established as a buffer zone. What is the proper buffer zone to protect such biologically sensitive areas?

Again we refer to the **2006 Staff Report re: Appeal No. A-2-PAC-05-018** pertaining to this very area (see Exhibit B, pg 12). It states: "In most cases, the Commission considers 100 feet to be the minimum distance necessary to protect wetlands from adverse impacts of new development."

There is no evidence in the Biological Report by Toyon Consultants that any areas beyond the specific parcel to be developed were examined. Yet a previously identified wetland is nearby. In fact, a diagram of the proposed project provided by the developer scaled 1'=30', indicates that the nearest identified wetland area is well within 100 ft. of the project (see **Exhibit 5**), specifically Wetland Area # 2 (see **Exhibit 6**). This wetland area is shown in the fourth lot of the adjacent Fish parcel (see **Exhibit 4**).

- **Proximity to sensitive habitat**

Another concern is loss of *coastal terrace prairie habitat*. Such habitat was identified in

the 'Fish' parcels in the **2006 Staff Report California Coastal Commission Substantial Issue & De Nova Review** (see Exhibit B, pg 3). Again referring to this report, the Commission states “Grading associated with the proposed development would directly impact coastal terrace prairie habitat on the adjacent 'Fish' parcel. Grading in coastal terrace prairie habitat would conflict with the certified LCP because coastal terrace prairie habitat meets the LCP definition of *environmentally sensitive habitat* (ESHA) and LUP Policy 18 prohibits development in ESHA.”

Again the City's **LUP pg C-8, Policy No.18** (see above) refers to areas adjacent to the actual property involved in a project. Moreover, it refers to 'sensitive habitats' and states that developments “shall be sited and designed to prevent impacts which would significantly degrade such areas.”

Another aspect of the project is that it conflicts with the City's **LUP Pg C-9, Policy No 23**. In allowing a project to be placed in the midst of undeveloped area would seem to be out of accord with Policy 23 which tries to maintain a contiguous relationship with existing developed areas. Specifically it states: “New development except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas and able to accommodate it, or other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. “

LUP Pg C-8 Policy No. 23

23. New development, except as otherwise provided in this policy, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. Where feasible, new hazardous industrial development shall be located away from existing developed areas. Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors. (LU)

Placement of these (even limited number) of structures in this location leaves them totally noncontiguous with other development north, south and east, and visually adversely affects the adjacent coastal resources - the Northern Dunes. The isolation of the structures is financially advantageous to the developer while disadvantageous to the public accessing the nearby coastal resources.

Furthermore, the requirement under Policy 23 that new development “..will not have significant adverse effects, either individually *or cumulatively*, on coastal resources” also applies. While the project proposed only involves four (4) small detached units, others are waiting to see the outcome. If the project is approved, there no doubt will be a cumulative effect on coastal resources. Access to and usage of the public coastal resources of the

dune and bluff area will be very negatively impacted if cumulative development follows in the foot- steps of this project such as the 42 unit project proposed back in 2006.

- **Geological/hydrological issues were not addressed**

The instability of the coastal bluffs in the north end of Pacifica is well-known and has on occasion put Pacifica in the national news. In the late 1990s, five houses were lost along Esplanade Ave. More recently, the City had to condemn three entire apartment buildings just south of the project due to severe bluff erosion. This loss of property occurred despite extensive (and environmentally unadvisable) revetment efforts.

In an aerial view (see Exhibit 7), the coastline adjacent to the proposed project shows a large coastal gulley. This gulley (more specifically, 'deep ravine') is very close to the triangular parcel to be developed. As stated above, the entire Fish and Bowl seems to function as drainage for all of the ridges above. An informal survey back in 1996 by Bob Battalio of PWA (Phillip Williams and Associates) supports this view and recommends further study (see Exhibit E). In years of normal rainfall and certainly years of excess rainfall and storms the entire area becomes something of a bog and some of the wetland areas become actual ponds (see Exhibit 6). Furthermore, water actually erupts from the ground in the dune area on the other side of Palmetto Ave.(see Exhibit 8).

It appears that old Ocean Shore railroad and freeway grades may have slowed - but certainly not stopped - the coastal gulley's natural eastward movement. This gulley is shown on maps going back many years (see the 1915 map Exhibit 9). It appears that the two grades, one put in back in 1903 for the old Ocean Shore Railroad (which now supports Palmetto Ave.) and the more recent 1960s Hwy 1 grade, have affected the ravine's eastward movement. However, its near proximity (8-10 ft) to Palmetto Ave is undeniable.

Again, the complex hydrological factors related to this area have never been properly studied. The ravine is cutting into the same sandstone formation as the bluffs which are eroding one (1) ft per year episodically. The slopes of this particular coastal gulley appear to be held in place only by ice plant, which specifically includes the point nearest Palmetto Ave. Ground-cover supported embankments can suddenly dissolve and become mudslides during heavy rains. Such a mudslide would sever Palmetto Ave. In that event, the area of the proposed project would provide the best path for the re-routing of Palmetto Avenue.

With sea level rise on the increase, along with more erratic weather patterns due to climate change, it is irresponsible for the City of Pacifica to not take such factors into consideration when approving development in the Coastal Zone.

In fact the **Coastal Commission Sea Level Rise Draft Policy Guidance** recommends applicants for CDP take sea rise into consideration. To quote the Introduction:

"Until midcentury, the most damaging events for the California coast will likely be dominated by large

El Niño driven storm events in combination with high tides and large waves. Eventually, sea level will rise enough that even small storms will cause significant damage, and large events will have unprecedented consequences.”

Such events are exactly what could cause further erosion of this coastal gulley.

Pursuant to that possibility, the Coastal Commission is urging local Land Use Plans (LUP) to require permit applicants to engage in a series of steps prior to application submission. These include: 1) establishing projected sea rise related to the lifetime of the project; 2) determination of how potential physical impacts from sea level rise may constrain the project; 3) determination of how the project may impact coastal resources if such level occurs, and finally 4) identify project alternatives that avoid resource impacts and mitigate risks; 5) finalize design and submit permit application.

In other words, if these steps were taken sea rise could be designed into the project as an inevitability not just as an outside threat. This was not done here. The City clearly has not required the applicant of 4000 Palmetto to acknowledge the issue of sea level rise and how their project might be affected by it. In **Chapter 6, Addressing Sea Level Rise in Coastal Development Permits**, (Pg 8) in **Coastal Commission Sea Level Rise Draft Policy Guidance** the specifically the section on *erosion* speaks to this particular case:

Erosion: Both bluff erosion and long-term shoreline change will increase as the time period increases. Thus, some estimate of project life is needed to determine expected bluff and shoreline change, and to fully assess the viability of a proposed site for long-term development. The CDP application should include an erosion analysis that establishes the extent of erosion that could occur from current processes, as well as future erosion hazards associated with the identified sea level rise scenarios over the life of the project. If possible, these erosion conditions should be shown on a site map, and the erosion zone, combined with the geologic stability concerns, can be used to help establish locations on the parcel or parcels that can be developed without reliance upon existing or new protective devices (including cliff-retaining structures, seawalls, revetments, groins, buried retaining walls, and caissons) that would substantially alter natural landforms along bluffs and cliff.

Had proper erosion analysis been done, it would have led to a larger hydrological study of the entire Fish and Bowl watershed.

The **Coastal Commission Sea Level Rise Draft Policy Guidance** (Pg 10) in Step 3 in the planning process it recommends the CDP applicants first determine how the project may *impact coastal resources considering the influence of sea level rise upon the landscape over time*. This would have led to identification of an important 'coastal resource' at risk in the planning process. This coastal resource here is infrastructure, the arterial roadway Palmetto Ave. The 4000 Palmetto Avenue project is in the very path of a logical rerouting of Palmetto Avenue for a 'managed retreat' strategy. If this area is developed as planned, and if that roadway were cut off, there would be no alternate route without using 'eminent domain' to remove buildings.

- **Location of project's entrance will create a traffic hazard**

Another problem is that a potential traffic hazard created by the location of the project was not adequately considered in the Staff Report. Although the project's access road appears from an aerial or a topographic view to provide safe entry and exit to the project, this is not the case due to factors on the ground. Actually its location creates a substantial hazard. Those entering Palmetto Avenue from the project's proposed enter/exit road have very little warning of traffic northbound due to heritage trees lining the road and the ledge-like elevation of the right-of-way of Palmetto Ave. (see Exhibit 10).

In the northerly direction Palmetto Avenue curves eastward some 75 yards uphill creating yet another potential hazard. In fact, in recent years there have been two fatalities on this very stretch of Palmetto Ave. To make matters worse, the traffic on Palmetto Avenue is fairly heavy at times with large semis carrying garbage and other smaller trucks using Palmetto Avenue to reach the Mussel Rock refuse transfer station in Daly City. Allowing this project to feed cars out onto Palmetto Avenue will prove hazardous to project's residents, other pedestrians, cyclists and drivers.

Another issue is the increased number of parked cars ending out on Palmetto Avenue owned by residents and guests of this project. Although the number of parking place provided in this project's design meets city regulations, this number in practical terms is inadequate. According to the diagram provided by the developer, there is only one (1) designated parking stall for each unit plus one (1) guest parking place. Five (5) parking places is not a realistic provision. Even though these are 'studios apartments' with the only a bare minimum of floor space of 450 sq ft, they will undoubtedly be occupied by more than one working adult since they will command very high rents. This is a prime location ("location, location, location") providing a dramatic ocean view to the west and undeveloped open space views in the three other directions.

Since each working adult usually requires their own vehicle, this will cause parked cars to spill out to the west side of Palmetto Ave. Vehicles parked on Palmetto Avenue by the Northern Dunes already park on the unmarked bike path and pedestrian zone. This stretch of Palmetto Avenue is part of the popular bicycling route from Daly City's Skyline Drive to and from points south. The few cars and trucks that presently park along this stretch already force bicyclists and pedestrians out into the traffic. With this apartment complex in place this problem will be more pronounced.

- **Scheme for drainage of additional storm runoff unclear**

To handle runoff from the additional impermeable surfaces, the developer proposes to install a 'bioretention area' which will hold only a limited amount of storm runoff. The

overflow would then be conveyed to a 'catch basin' 140 yards south of the property. The actual location of the catch basin and the details involved in conveying the storm water were unclear from the diagram provided by the developer. This was also as well the case from the description provided in the City's Staff Report. It is difficult to envision this scheme in operation.

ATTACHMENT 1

Co-Appellants: The Committee to Save the Fish and Bowl 2.0
--

John Curtis Charin Garcia Margaret Goodale Caroline Herter David Hirzel Kristen Lindquist Mary Shapiro Dawn Summers William Trichon	
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EXHIBIT 1 – FISH AND BOWL



EXHIBIT 3 WATER TABLE LEAKAGE



EXHIBIT 3 drain pipe

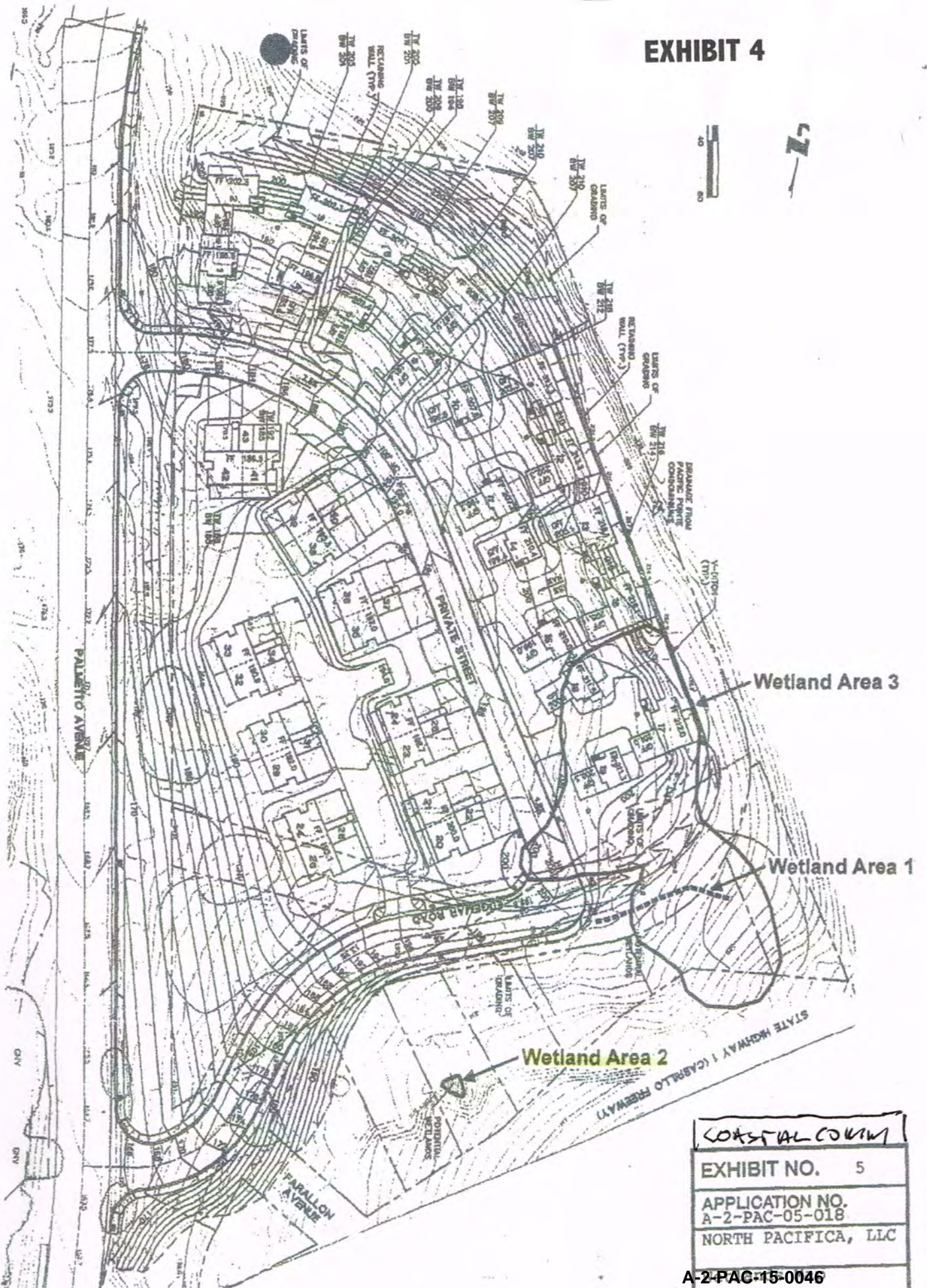


16" drain under Palmetto Ave empties into ravine. Note metal strip attached.



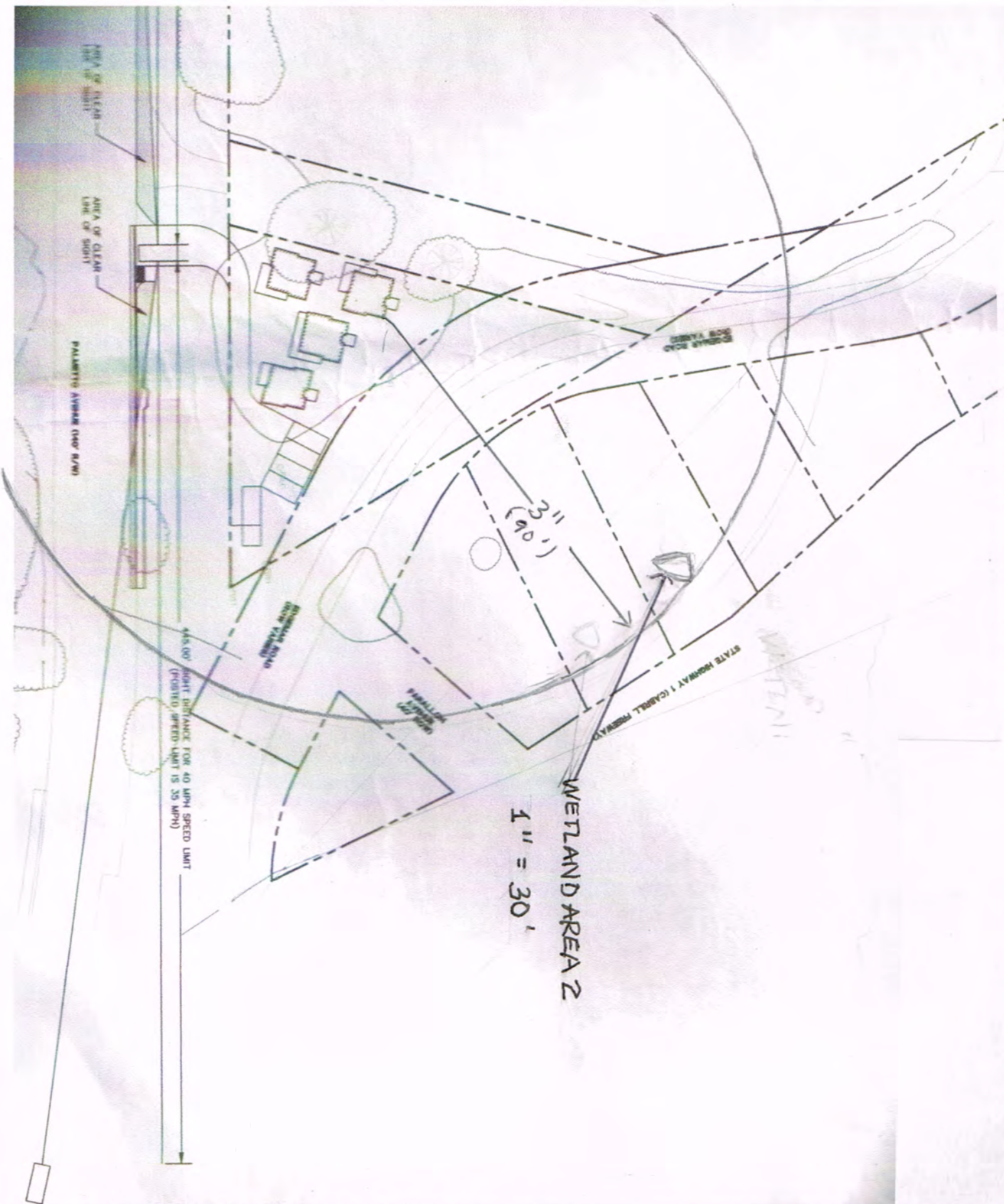
**A-2-PAC-15-0046
Appears to be a piece of concrete that once supported pipe that has led to erosion.**

EXHIBIT 4



COASTAL COMM	
EXHIBIT NO.	5
APPLICATION NO.	A-2-PAC-05-018
NORTH PACIFICA, LLC	

EXHIBIT 5 -proximity to wetland # 2



SCHEMATIC IMPROVEMENT PLANS
 4551, 4555, 4559, 4561 PALMETTO AVENUE
 BASIS OF BEARINGS: MONUMENTS IN PALMETTO AVENUE PER 16 LLS 3-8
 CITY OF PACIFICA, SAN MATEO COUNTY

PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
 375 KEITH AVENUE
 PACIFICA, CA 94044

SIGHT TRIANGLES

No.	Revisions	Approved

MIKE O'CONNELL
 900 ROSITA R
 PACIFICA, CA
 650.303.0495

SCALE
 1" = 30'

DRAWN
 MO

JOB NO.
 2014-003



EXHIBIT 6 - POND (WETLAND #2)



EXHIBIT 7 - RAVINE



EXHIBIT 8 – WATER EMERGING FROM DUNE AREA



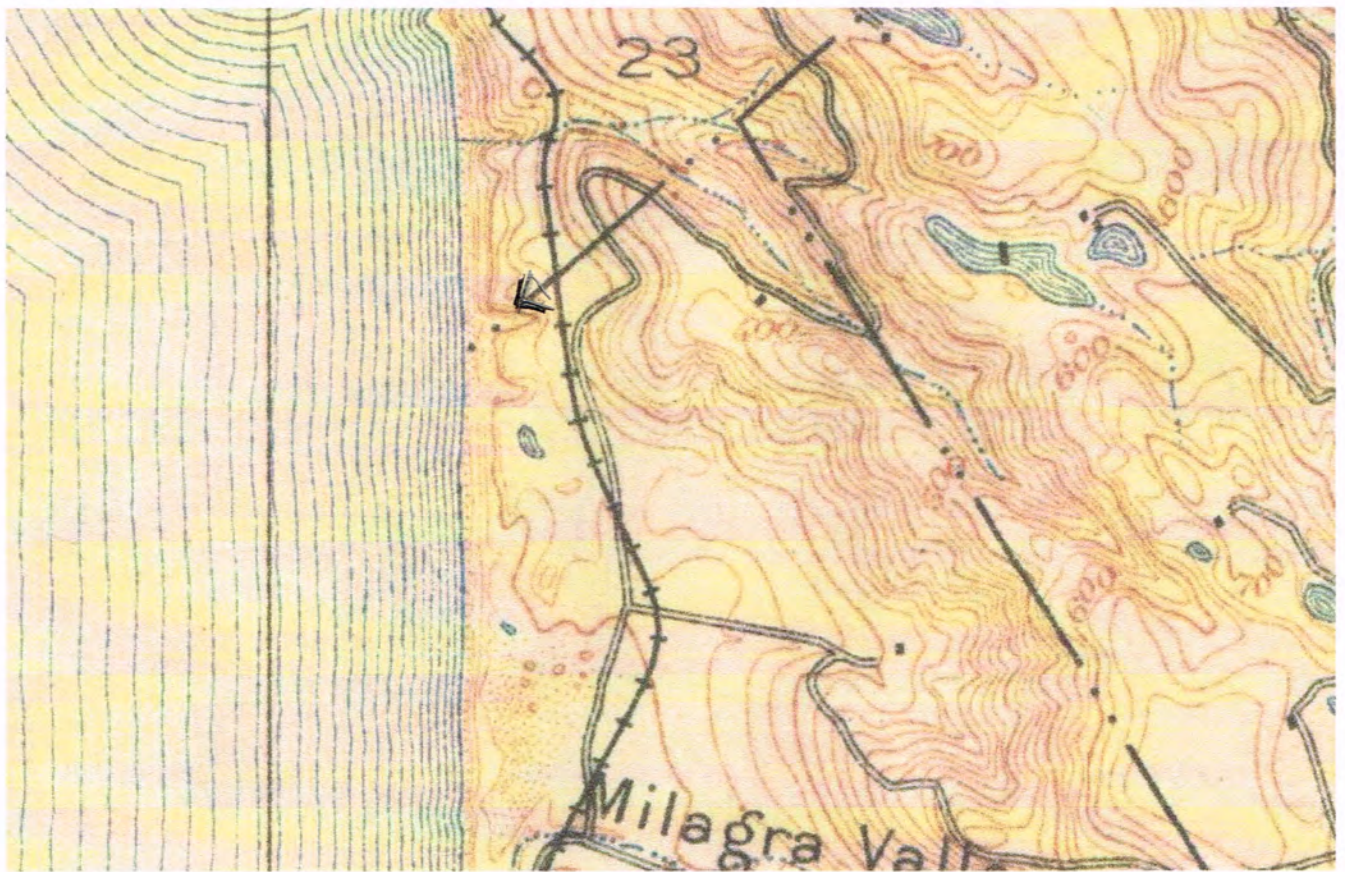


EXHIBIT 10 ENTRANCE/EXIT



Approximately where entrance/exit will be placed. Cars exceeding speed limit pose danger here. They suddenly appear.



The elevation on right-of-way to Palmetto Ave on east side is difficult to see around when exiting.

City of Pacifica
City Council Members

- Mayor: Karen Ervin
- Mayor Pro Tem: Sue Digre
- Councilwomen Mary Ann Nihart
- Councilman: Mike O'Neill
- Councilman: John Keener

Appeal: Pacifica Planning Commission decision of April 6, 2015
approving a Coastal Development Permit
for 4000 Block Palmetto Ave (APN: 009-402-270)

Appellant: The Committee to Save the Fish and Bowl 2.0

Members

Joan Arthur
Noel Blincoe
Hal Bohner
Victor Carmichael
Barbara Culp
John Curtis
Nancy Davis
Charin Garcia
Caroline Herter
David Hirzel
Helen Karr
Bonnie Keane

Celeste Langille
Leo Leon
Joyce Massola
Kristen Lindquist
Judy McCarthy
Diane Parks
Steven Rhodes
Mary Shapiro
Dawn Summers
William Trichon
Carol Young

Background

The Fish and Bowl (see Exhibit 1) is one of the last remaining open spaces in the densely populated West Fairmont district and serves as a pleasant surprise to many as they head north on Palmetto Ave after passing the commercial Manor shopping center district. The Fish and Bowl has continually faced development especially now in the current resurgent real estate market. A major project (43 units in the Bowl parcel) was blocked by the Calif Coastal Commission in 2006.

The **1980 Pacifica Coastal Land Use Plan (LUV)** envisioned the Fish and Bowl area's density as a continuation of the adjacent density of upper West Fairmont - Low Density Residential (5-9 units per acre). But at some point in the development of the LUV it was decided to designate the entire Fish and Bowl area as a 'receiver site' for a density transfer from the highly unstable dune area on the west side of Palmetto Ave site"(see Exhibit 2). So the Fish and Bowl with its generous zoning, its proximity to the ocean and the scenic and recreational dune area just 'across the street', become much more valuable property.

The Committee to Save the Fish and Bowl 2.0 comprised of the named individuals (see Pg 1 above) is appealing the Planning Commission's Apr. 6 2015 decision to approve the construction of four detached studio apartments on 4000 block of Palmetto Ave including **SITE DEVELOPMENT PERMIT, PSD-790-14, COASTAL DEVELOPMENT PERMIT, CDP-347-14, VARIANCE, PV-513-14, AND PARKING EXCEPTION, PE-160-15**. Specifically we oppose the CEQA exemption of all permits for the reasons stated below.

Grounds for Appeal

1. Exemption from CEQA is improper and forestalls adequate study that would occur through an Environmental Impact Statement (EIR.)

We disagree that the project is exempt from the **Calif. Environmental Quality Act (CEQA)** as stated in the **Planning Commission Staff Report -Apr 6, 2015** and the Resolutions of the Planning Commission. The Staff Report, citing Section 15303 of the CEQA Guidelines, fails to consider Guidelines section 15300.2(a) which limits the applicability of Section 15300.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

As shown above Section 15300.2 (a) states that "... if a project that is ordinarily in its impact insignificant on the environment may be in a particularly sensitive environment be significant." The Staff Report drawing on only a study commissioned by the developer states "...no rare or especially valuable species or habitat was observed during the site visit." However the **2005**

California Coastal Commission Staff Report on the Substantial Issue & De Nova Review (see Exhibit A, pgs 101-130) in denying the Coastal Development Permit to a previous developer of an adjacent parcel found otherwise. Specifically **A-2-PAC-05-018 (North Pacifica LLC) Staff Recommendations on Substantial Issue and De Novo, Pg 3 para 2** states (see Exhibit A pg 103):

Grading associated with the proposed development would directly impact coastal terrace prairie habitat on the adjacent "Fish" parcel. Grading in coastal terrace prairie habitat would conflict with the certified LCP because coastal terrace prairie meets the LCP definition of *environmentally sensitive habitat* (ESHA) and LUP Policy 18 prohibits development in ESHA. Although the appeal does not raise this issue, the Commission must consider whether the proposed development meets other applicable policies of the certified LCP in evaluating the proposed development de novo. Therefore, the staff recommends that the Commission find that the appeal raises a substantial issue on the grounds that the appeal is filed and deny the permit on the additional grounds that the project is inconsistent with Pacifica LCP ESHA protection policies.

Since the project under consideration is immediately west of the Fish parcel, it is entirely possible that areas of *coastal terrace prairie habitat* could also exist on some portion of that tract. Therefore Section 15300 Exemption limiting Section 15300.2 would apply.

- Additionally Section 15300.2(b) which considers 'cumulative impact' also makes a strong case against the CEQA exemption:

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

It seems rather obvious that once the area is cleared and graded and the four planned detached units (and carports w/ paved access) are erected with landscaping, retaining walls, new access to Palmetto Ave, etc., that the open space undeveloped character of the area will be substantially affected. It will no longer be a contiguous 'green belt' stretching down from Hwy 1 to the ocean. It will contain a cluster of housing units and will have lost its previous character for good. Other developers no doubt will be encouraged to either imitate this project as 'in successive projects of the same type' or else devise creative variations. *Cumulative impact* seems undeniable.

2. A full EIR is required due to the following:

As speakers made clear before the 4/6/15 Planning Commission Hearing, a whole host of issues need to be properly studied:

- **Proximity to sensitive habitat**

.As stated above areas of *coastal terrace prairie habitat* were identified in the 'Fish' parcels as part of the **2005 California Coastal Commission Substantial Issue & De Nova Review** (see Exhibit A, pg 103) re: 2005 Pacific Bowl project (see above). An EIR could definitively

determine if this project would disturb this sensitive habitat. The city's **Local Coastal Land Use Plan (LUP) Policy No.18** referring to 'sensitive habitats' states that developments "...shall be sited and designed to prevent impacts which would significantly degrade such areas":

18. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. (CN, OS, CD, LU)

Another problem is the description in the Staff Report of areas adjacent to the project. It is inaccurate. It states that the surrounding area is in a more disturbed condition than it actually is. The Staff Report on Pg 3 paragraph 7 (see 2nd sentence below) describes the areas as having been subject to "...excessive foot and bike traffic resulting in some erosion." There is no erosion due to excessive foot traffic because all foot traffic, the little that there is, stays on the paved surface of old Edgemar Rd. Bicyclists ignore the old road fragment altogether.

"The other vacant land (+/-5 acres) in this neighborhood is on the east side of Palmetto Avenue, south of the existing condominiums. This land is moderately sloping to level, and is partially covered with bluff scrub vegetation, a portion of which has been disturbed by excessive foot and bike traffic, resulting in some erosion. Geologically, the land is much more stable than the bluff area across Palmetto to the west, and it is also significantly below the grade of Coast Highway. Proper drainage improvements and prompt revegetation of exposed areas will be necessary should this land be developed in order to prevent erosion of the neighboring condominiums. Medium Density Residential use is recommended for this land and will contribute to the medium price housing stock in the neighborhood. The proposed land use designation and planning criteria for development of the site are consistent with Sections 30253 (2) (Geologic Stability), and 30250 (Concentrate Development)."

However significant damage was done to the indigenous plant communities in the Bowl back in 2003 when the prior applicant/developer of the Bowl illegally - prior to permit approval - 'cleared and grubbed' the entire 4.17 Bowl acre area. Unfortunately many invasive plants have taken over. The actual Fish and the Bowl areas proper get virtually no foot traffic. Physical access to the Fish is inconvenient due to the topography and the thickness of the plant cover. The Bowl, while easier to reach by foot, provides little incentive to do so since it can be easily viewed from old Edgemar Rd or Palmetto Ave.

- **Proximity to seasonal wetlands**

The Fish and Bowl forms a sort of V-shaped corridor descending down from Hwy 1. In fact after any significant rain the water tables breaks through in a number of places and water flows down old Edgemar Rd (see **Exhibit 3**). The Fish and Bowl seems to provide a sort of channel down from the terrain above, both above and below ground. A drainage pipe installed many years ago captures water from unknown sources above and runs under Palmetto Ave and empties into the steep ravine just north of the Levin property. That isolated seasonal wetlands exist there is not surprising.

Despite a full EIR conducted (see **Pacific Bowl Development Project FEIR, City of Pacific -June 2002**) and its complete dismissal of the issue of wetlands being at risk from that proposed project, the Calif. Coastal Commission determined that indeed it was an issue. In responding to the appeal to the city's granting of the Coastal Development Permit in **2005 A-2-PAC-05-018 (North Pacifica LLC) Staff Recommendations on Substantial Issues and De Novo** (see **Exhibit A**, pg 107) the Coastal Commission agreed with the appellant's contention that development would result in 'unnecessary filling and dredging of wetlands' or would impact nearby wetlands as specifically defined in Pacifica LCP's own definition of a wetland (see LCP C-99 below):

A wetland is defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. In certain types of wetlands, vegetation is lacking and soils are poorly developed or absent. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.

They then stated that this definition closely tracks the definition of wetlands contained in **Section 13577(a)** of the Commission's regulations. They also noted that this LCP wetland definition contained in Pacifica Zoning Code Section 9-4.4302(aw) is effectively the same as Coastal Act Section 30121 definition of wetland with the exception of the additional terms "streams" and "creeks" stating:

"Wetland" shall mean land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats or ferns,"

Then most importantly the Coastal Commission upon re-evaluation of several previous studies determined that at least three areas in the immediate vicinity of the proposed project were wetlands not just for the purpose of determining Coastal Commission jurisdiction but the areas also met the City of Pacifica's own LCP definition. These were designated Wetland 1, 2, and 3 (See **Exhibit 4**).

While the specifics and scale of the proposed "4000 Palmetto" project differs from that of the larger 2006 "Pacific Bowl" project, the same essential considerations regarding wetland proximity are at play even if fewer wetlands may be affected. Specifically Wetlands Area 2 (see **Exhibit 4**) appears to be quite close to the proposed project. Furthermore shown on **Exhibit 4** just below the 'Wetland 2' label is an area stretching westward identified as 'potential wetlands.' This area is even closer to the proposed project.

Unlike the present drought conditions, the Fish and Bowl and especially the Bowl area under normal weather patterns often become very marsh like in the rainy season. For instance the Bowl functions much like an actual bowl even as the identifiable true wetlands are at a higher elevation and are further eastward and southward. Scientifically delineated wetlands must display certain characteristics such patches of *twinberry* (*Ionicera involucrata*), *hydric soils*

and *wetland hydrology*. However none are actually present as one would expect in the concave part of the Bowl parcel. Wetland Area 3 is on Bowl side but at higher elevation (again see Exhibit 4) while Wetland Area 1 is near the Fish's tail. After significant rain there is also much standing water in the entire area (See Exhibit 5), some of it meeting the legal criteria as 'seasonal wetlands.' Exhibit 6 is a photo of what appears to be a pond not merely temporary standing water in the Fish area taken during a normal winter. It is probably the area identified as Wetland Area 2, the one nearest the proposed project.

- **Geological/hydrological issues were not addressed**

This instability of the coastal bluffs on the north end of Pacifica has on occasion put Pacifica in the national news. In the 1990s five houses were lost along Esplanade Ave. and in the last several years the city had to 'red tag' three entire apartment buildings a little farther north despite a massive revetment effort. And Lands End Apartments dwellers watch nervously as their 'front yard' becomes evermore of a sliver. A little farther north the Levin property, the old Dollar Radio Station converted into a residence, is up for sale as parts of the deck have now fallen into the ocean. Is the house itself next? The Levin property is situated directly next to the ravine in question (see Exhibit 7).

An aerial view (Exhibit 7) makes it abundantly clear that eastward moving ravine, geologically speaking, points directly at the Fish and Bowl parcels and is very close to the triangular parcel to be developed. As stated above the entire Fish and Bowl seems to function as drainage for all of the ridges above. An informal survey back in 1996 by Bob Battalio of PWA (Phillip Williams and Associates) supports this view and recommends further study(see Exhibit B).

Apparently the two grades being put in, one way back in 1903 for the Ocean Pacifica Railroad (now supporting Palmetto Ave) and the much more recent 1960s Hwy 1 grade, have restrained the ravine's eastward movement. However its near proximity (8-10 ft) to Palmetto Ave is undeniable. All of the hydrological issues related to this area have never been properly studied. The ravine is cutting into the same sandstone formation as the bluffs which are eroding 3 ft per year episodically. Slopes of the ravine appear to be held in place only by ice plant including the point nearest Palmetto Ave. Such areas are vulnerable to mudslides during heavy rains. A mudslide could sever Palmetto Ave. In that event the area where the proposed project is to be built could provide the best alternative routing for Palmetto Ave.

With sea level rise on the increase along with more erratic weather patterns due to climate change, it seems incredibly irresponsible for Pacifica to not take such factors into consideration when approving development in the Coastal Zone. The coastline along the West Fairmont will change. The question is will Pacifica be ready?

- **Location of project's entrance will create a traffic hazard**

Another problem is that a potential traffic hazard created by the location of the project was not adequately considered in the Staff Report. Although the project's access road appears from an aerial or a topographic view to provide safe entry and exit to the project, due to factors on the ground this is not the case. Actually its location creates a substantial hazard. Those entering Palmetto Ave from the proposed enter/exit road have very little warning of traffic northbound due to heritage trees lining the road and more importantly the elevation of the city

right-of-way adjacent to Palmetto Ave (see Exhibit 8).

In the northerly direction Palmetto Ave curves eastward some 75 yds uphill creating yet another potential hazard. In fact in recent years there have been two fatalities on this very stretch of Palmetto Ave. To make matters worse the traffic on Palmetto Ave is fairly heavy at times as large semis carrying garbage as well as other smaller trucks use Palmetto Ave to reach the Mussel Rock refuse transfer station. Allowing this project to feed cars out on to Palmetto Ave. will prove hazardous to local residents, pedestrians, cyclists and drivers.

- **Inadequate parking provided for residents and guests**

Although the number of parking slots provided in this project may meet city regulations, this number in practical terms is inadequate. According to the diagram provided by the developer there is only one (1) designated parking stall for each unit plus one (1) guest parking place. This is not a realistic provision for parking. Even though these are 'studios', with the only bare minimum floor space (450 sq ft.), they will no doubt to be occupied by more than one working adult since they will command very high rents. This is the case due to their prime location providing a dramatic ocean view to the west and undeveloped open space views on the three other directions.

And as we know each working adult usually requires their own vehicle. This will cause more parked cars to spill out to the west side of Palmetto Ave. Vehicles parked on Palmetto Ave by the Northern Dunes already park on the unmarked bike path and pedestrian zone. This stretch of Palmetto Ave is part of the popular bicycling route from Daly City's Skyline Drive to and from points south. The few cars and trucks that presently park along there already force bicyclists and sometimes pedestrians out into the traffic. With this new set of apartments more cars will be parked out on Palmetto Ave more of the time.

And finally a more or less permanent line of parked cars will interfere with the view from Palmetto Ave of the Northern Dune area and will violate Pacifica's **Local Coastal LUP, Policy No. 24.**

24. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan, prepared by the Department of Parks and Recreation and by local

- **Driveway and landscaping appears to be in right-of-way of Palmetto Ave.**

From the diagram provided by the developer it appears that entry/exit driveway infringes on the right-of-way of Palmetto Ave. This will especially be the case if appropriate décor and landscaping goes in next to the paved surface.

- **Drainage to existing “catch basin” may be actually a seasonal wetland area.**

The Staff Report is somewhat unclear with respect to how the proposed project will handle runoff. The developer proposes to install a 'bioretention area' which presumably would hold only a limited amount of storm runoff. The overflow would be conveyed to an existing 'catch basin' 140 yds south of the property. Once additional impermeable surfaces are added to the coastal zone the Coastal Commission takes great interest. The actual location of the catch basin, its origin and the details involved in the conveying storm water were not made available in the diagram provided by the developer.

- **A Variance is not Justified**

The staff report mentions an important requirement for granting a variance but otherwise ignores the requirement. Specifically, the Planning Commission may only grant a variance if:

the strict application of the provisions of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.

In this case the Staff Report provides no evidence or facts concerning other property in the vicinity and no evidence to support a finding by the Commission concerning other property in the vicinity as stated in Resolution PV-513-14.

Summary

This entire area is very special and it is unfortunate that it was zoned improperly in the past. It should have been zoned Open Space Residential. Then only minimal development would have been allowed. Like other parcels in Pacifica the surrounding neighbors as well as many other Pacificans in fact entire generations have grown up seeing the area as wild and open, This even as it is privately owned and vulnerable to transformation. Unfortunately that is not enough to preserve it from development and as a loss to the ambiance of an area. However in the case of the Fish and Bowl a host of other factors undermine its suitability for development.

CALIFORNIA COASTAL COMMISSION

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Filed: December 19, 2005
49th Day: February 6, 2006
Staff: CLK – SF
Staff Report: December 29, 2005
Hearing Date: January 11, 2006

**STAFF REPORT – APPEAL
SUBSTANTIAL ISSUE & DE NOVO REVIEW**

APPEAL NO.: A-2-PAC-05-018

APPLICANT: North Pacifica LLC

LOCAL GOVERNMENT: City of Pacifica

ACTION: Approval with Conditions

PROJECT LOCATION: 4000 Block of Palmetto Avenue, Pacifica, San Mateo County
APNs 009-402-250 and -260

PROJECT DESCRIPTION: Subdivision and construction of a 43 residential unit development, including 19 single-family detached homes and 24 townhouses, 72,000 cubic yards of grading and related infrastructure improvements on 5.8 acres of vacant land

APPELLANT: John Curtis

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

STAFF RECOMMENDATION: Substantial Issue Exists; Denial

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Executive Summary

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed and deny the permit application because the project is inconsistent with the policies of the Pacifica Local Coastal Program (LCP) concerning protection of wetlands and water quality.

The project would fill wetlands for residential development and would include substantial grading, vegetation removal, residential development, and road construction within the 100-foot buffer of wetlands located on and adjacent to the project site. Pacifica LUP Policy 14 does not permit filling of wetlands for residential development and restricts development within wetland habitat buffers. As such, the staff recommends that the Commission find that the appeal raises a substantial issue and deny the permit on the grounds that the proposed development is inconsistent with Pacifica LCP wetland protection policies.

The project does not include feasible site design, source control, or treatment control best management practices (BMPs) to reduce the volume or pollutant load of storm water leaving the

site. As a result, the project would result in a 70% increase in runoff of polluted storm water from the site, which would be discharged to the ocean without treatment. As such, the project is not designed or conditioned to protect the biological productivity and quality of coastal waters as required by LUP Policy 12. Therefore, the staff recommends that the Commission find that the appeal raises a substantial issue and deny the permit on the grounds that the project is inconsistent with Pacifica LCP water quality protection policies.

Grading associated with the proposed development would directly impact coastal terrace prairie habitat on the adjacent "Fish" parcel. Grading in coastal terrace prairie habitat would conflict with the certified LCP because coastal terrace prairie meets the LCP definition of *environmentally sensitive habitat* (ESHA) and LUP Policy 18 prohibits development in ESHA. Although the appeal does not raise this issue, the Commission must consider whether the proposed development meets other applicable policies of the certified LCP in evaluating the proposed development de novo. Therefore, the staff recommends that the Commission find that the appeal raises a substantial issue on the grounds that the appeal is filed and deny the permit on the additional grounds that the project is inconsistent with Pacifica LCP ESHA protection policies.

Denial of the proposed permit will not eliminate all economically beneficial or productive use of the applicant's property or unreasonably limit the owner's reasonable investment backed expectations of the subject property. Denial of this coastal development permit application would still leave the applicant available alternatives to use the property in a manner that would be consistent with the policies of the LCP.

For example, since the wetlands are all located on or near the southeastern and southern boundaries of the project site, development could be clustered in the northwestern portion of the site, allowing a similar number of residential units as approved by the City to be developed while avoiding the wetlands. Realignment of a portion of Edgemar Road and changes to the grading plan would also be necessary to avoid impacts to coastal terrace prairie ESHA on the adjacent "Fish" parcel. A clustered design would also reduce impervious surface coverage, which along with other feasible site design, source control and treatment control BMPs would allow the site to be developed in a manner that meets the water quality requirements of the LCP.

Project revisions necessary to bring the development into conformity with the certified LCP while feasible, would involve substantial site design and engineering work. Such fundamental project revisions are beyond the scope of project changes typically achieved through Commission-imposed conditions of approval on a permit application. Rather, it is the project applicant's responsibility to revise the project plans to address the issues that the Commission has identified. In this case, the applicant has indicated that it is unwilling to modify the project plans to conform to the requirements of the LCP. Therefore, the staff has no choice other than to recommend denial of the permit.

1.0 Substantial Issue Determination

1.1 Staff Recommendation on Substantial Issue

Pursuant to Section 30603(b) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeals have been filed. The proper motion is:

1.1.1 Motion

I move that the Commission determine that Appeal No. A-2-PAC-05-018 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

1.1.2 Staff Recommendation of Substantial Issue

Staff recommends a NO vote. Failure to pass this motion will result in a finding of Substantial Issue and adoption of the following resolution and findings. If the Commission finds Substantial Issue, the Commission will hear the application de novo. The motion may pass only by an affirmative vote of a majority of the Commissioners present.

1.1.3 Resolution to Find Substantial Issue

The Commission finds that Appeal No. A-2-PAC-05-018 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan (LCP) and/or the public access and recreation policies of the Coastal Act.

1.2 Findings and Declarations

The Commission hereby finds and declares:

1.2.1 Local Government Action

On August 12, 2002, on appeal from the Pacifica Planning Commission, the Pacifica City Council approved CDP-203-01 for a 43-unit subdivision and residential development including roadway and infrastructure improvements. The Commission received a Notice of Final Local Action from the City on August 21, 2002. The City designated the project as non-appealable. Commission staff disagreed with the City's determination that the project was not appealable, and informed the City and applicant that the CDP approved by the City would remain suspended and would not become effective until the dispute concerning appealability and any subsequent appeals of the City's permit were resolved. On December 16, 2005, the Commission determined consistent with Section 13569 of the Commission's regulations that the local approval is appealable to the Commission. The Commission hereby incorporates by reference the findings in support of the December 16, 2005 determination of appealability as if set forth in full.

1.2.2 Appeal Process

After certification of an LCP, Coastal Act Section 30603 provides for appeals to the Coastal Commission of certain local government actions on coastal development permit applications. Section 30603 states that an action taken by a local government on a CDP application may be appealed to the Commission for certain kinds of developments, including the approval of developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, those within 100 feet of any wetland, estuary or stream, those within 300 feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified zoning ordinance or zoning district map. Finally,

developments that constitute major public works or major energy facilities may be appealed, whether such facilities are approved or denied by the local government.

The Commission received notice from the City on August 21, 2002 designating this project as non-appealable. Pursuant to 14 CCR Section 13569, the Commission has determined that this project is appealable because wetlands as defined in 14 CCR Section 13577(a)(1) are located within 100 feet of the project and because a portion of the approved development is located between the first public road and the sea.

1.2.3 Filing of Appeal

As stated above, the Commission resolved the dispute concerning appealability of the City's action on the local CDP on December 16, 2005. Accordingly, the ten-working-day appeal period ran from December 19, 2005 (the next business-day following the determination of appealability) through January 3, 2006.

On September 5, 2002, John Curtis appealed the City's approval of CDP-203-01 to the Commission. The Commission held the appeal pending resolution of the question of appealability. Curtis' appeal, received on September 5, 2002, was filed on the first day of the appeal period, which commenced on December 19, 2005. Pursuant to Section 30621 of the Coastal Act, the appeal hearing must be set within 49 days from the date on which an appeal is filed.

In accordance with the Commission's regulations, on December 20, 2005, staff requested all relevant documents and materials regarding the subject permit from the City to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The regulations provide that a local government has five working days from receipt of such a request from the Commission to provide the relevant documents and materials.

1.2.4 Appellants' Contentions

The appellant contends that the approved development is inconsistent with the policies of the certified LCP concerning (1) wetlands, (2) water quality, (3) public access, (4) visual resources, (5) geological hazards, and (6) traffic. These contentions are summarized and discussed in greater detail below. (See Exhibit 7 for the full text of the appeal).

1.2.5 Project Description and Location

The project approved by the City consists of a subdivision and development of 43 residential units, including 19 single-family detached homes and 24 townhouses, an interior driveway and road network (including the improvement of the Edgemar Road right-of-way), necessary infrastructure and a private park/open space area on a total of 5.8 acres of land (the 4.2-acre bowl site plus approximately 1.6 acres of roadway construction and grading) at the 4000 block of Palmetto Avenue in Pacifica (APNs 009-402-250 and -260) (Exhibits 1-4). The project would involve in excess of 36,000 cubic yards each of cut and fill and substantial grading of the sloped site to create building pads. As part of the project, an existing 18-inch culvert draining to the ocean would be capped and buried and would not be incorporated into the new drainage system.

In November 2003, the applicant cleared and grubbed the site removing vegetation and disturbing the soil. The clearing and grubbing was the first stage of the development approved under the City's CDP. Because the CDP has been suspended pending the outcome of the

Commission's determination of appealability and final resolution of any appeals, the clearing and grubbing was unpermitted development. For purposes of evaluating the development for conformity with the policies of the certified LCP for both the substantial issue determination of the appeal and any subsequent de novo review of the project, the Commission will review the project as if this unpermitted development had not occurred.

The approved project is located in the City of Pacifica north of Highway 1, east of Palmetto Avenue and west of the Pacific Point housing site. The project area is in the Fairmont West Neighborhood and is zoned R-3-G (Multiple-Family Residential Garden District), which allows for an average density of 10 to 15 dwelling units per acre. However, as stated in both the Land Use Plan (LUP) portion of the City's certified LCP and the City's General Plan:

Site conditions will determine specific density and building type. Site conditions include slope, geology, soils, access, available utilities, public safety, visibility, and environmental sensitivity.

The site consists of two parcels: a 4.2-acre sloping, bowl-shaped parcel ("the Bowl") and a 1.6-acre parcel comprised of the Edgemar Road right-of-way. The land to the west of the project area, between Palmetto Avenue and the shoreline, is presently undeveloped and consists of coastal scrub habitat.

1.3 Substantial Issue Analysis

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

The contentions discussed below present valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP. These contentions allege that the approval of the project by the City raises issues related to LCP provisions regarding wetlands, water quality, public access, visual resources, geological hazards, and traffic.

Section 30625(b) of the Coastal Act states that the Commission shall hear an appeal unless it determines

[w]ith respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., title 14, section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Unless the Commission finds that none of the contentions in the appeal raises a substantial issue, the Commission must review the project on appeal de novo. Even where the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

In this case, for the reasons discussed below, the Commission determines that the development as approved by the City raises a substantial issue with regard to the appellant's contentions regarding wetlands and water quality.

1.3.1 Wetlands

The appellant contends that the approved development is inconsistent with Pacifica LUP Policy 14 because the project would result in unnecessary filling and dredging of wetlands. The appellant also contends that the approved development may impact potentially onsite and nearby wetlands.

Both the LUP portion and the IP portion of the Pacifica LCP contain wetland definitions. The LUP defines wetlands as:

[L]and where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes. In certain types of wetlands vegetation is lacking and soils are poorly developed or absent. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

This definition closely tracks the definition of wetlands contained in Section 13577(a) of the Commission's regulations. The LCP wetland definition contained in Pacifica Zoning Code Section 9-4.4302(aw) is effectively the same as the Coastal Act Section 30121 definition of wetland with the exception of the two, additional terms, "streams" and "creeks", stating:

"Wetland" shall mean land which may be covered periodically or permanently with shallow water, including saltwater marches, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats, or fens.

The Commission's December 16, 2005 determination of appealability was based, in part, on the finding that the approved development is located within 100 feet of wetlands as defined in Section 13577(a) of the Commission's regulations. The Commission's findings concerning the

presence of wetlands are attached as Exhibit 8 and are incorporated herein as if set forth in full. In addition to determining that three wetland areas located on and adjacent to the project site meet the definition of wetland contained in Section 13577(a) for the purpose of determining appeal jurisdiction, the Commission's findings also conclude that:

Since the LCP wetland definitions mirror the operative language of both Coastal Act Section 30121 and Section 13577(a), the scope of the wetland definition under the LCP is effectively identical to that contained in the Coastal Act and Commission regulations. More particularly, the broader Coastal Act and Pacifica Zoning Code definitions encompass and inform the definition contained in 14 CCR Section 13577(a) and the LUP. If the subject property contains wetlands that meet the standards of 14 CCR Section 13577(a), then the subject property also contains wetlands that meet the more general wetland definitions contained in both the Coastal Act and the certified LCP. [Emphasis added.]

Accordingly, the Commission has determined that the areas identified in its December 16, 2005 action as Wetland Areas 1, 2, and 3 are not only wetlands for the purpose of determining Commission appeal jurisdiction, but that these areas also meet the LCP definition of wetland.

Pacifica LUP Policy 14 closely follows Coastal Act Policy 30233 stating in relevant part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this policy, where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game shall be limited to very minor incidental public facilities, restorative measures, nature study.

Zoning Code Section 9-4.4403(e) specifies in relevant part:

(1) No new development shall be permitted within a recognized wetland habitat area;

(2) Limited new development may be permitted within a recognized wetland habitat buffer area subject to the following standards:

...

(ii) All diking, dredging, and filling activities shall comply with the provisions of the California Coastal Act, Sections 30233 and 30607.1;

...

(v) Alteration of the natural topography shall be minimized;

...

(vii) Alteration of landscaping shall be minimized unless the alteration is associated with restoration and enhancement of the wetlands;

Zoning Code Section 9-4.4302(f) establishes the LCP wetland buffer as follows:

(f) "Buffer" shall mean an area of land adjacent to primary habitat, which may include secondary habitat as defined by a qualified biologist or botanist, and which is intended to separate primary habitat areas from new development in order to ensure that new development will not adversely affect the San Francisco garter snake and wetlands habitat areas.

Wetland Area 1 is characterized in the applicant's March 2000 wetland delineation as a drainage ditch that lies along the edge of the Edgemar Road right-of-way. The precise location of Wetland Area 1 in relation to the approved development is not clear based on the City's administrative record for the approved development, but it appears to be located just outside of the limits of grading for the construction of Edgemar Road (Exhibit 5). Thus, it appears that the approved development would not directly impact Wetland Area 1, but that grading and road

The riparian habitat at the site provides potential nesting and foraging habitat for several unlisted, but potentially sensitive species that are designated as California Species of Special Concern. Coopers hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), northern harrier hawk (*Circus cyaneus*), merlin (*Falco columbrius*), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), and yellow warbler (*Dendroica petechia*) could utilize the site. The initial biological survey of the site was done in the nesting season, and no nesting activity was observed for these species. The project will remove much of the riparian/wetland vegetation, and will greatly reduce the function and availability of the site for these bird species. The project is also likely to greatly reduce the value of the site for other more common bird species.

Thus, while Wetland Area 3 is identified as *potential* nesting and foraging habitat for several sensitive bird species, the local administrative record does not provide evidence of actual use of this area by particularly sensitive species. Rather, the evidence shows that Wetland Area 3 provides wetland habitat functions and values typical of coastal riparian wetlands. As such, the Commission finds that neither an increased buffer based on use by highly sensitive species, nor a decreased buffer based on severely limited habitat value would be justified for Wetland Area 3. The Commission therefore finds that a 100-foot buffer should be provided to protect Wetland Area 3 from adverse impacts of the approved development.

Wetland Areas 1 and 2 are smaller than and, based on the information contained in the EIR, do not provide the habitat values as Wetland Area 3. As such, a somewhat reduced wetland buffer may be appropriate under the LCP for these wetlands and the approximately 80-foot distance between the approved development and Wetland Area 2 would likely meet the requirements of the LCP buffer policies. However, little or no buffer is provided between the approved development and Wetland Area 1.

Pacifica LUP Policy 14 does not permit filling of wetlands for residential development and Zoning Code Sections 9-4.4302(f) and 9-4.4403(e) restrict development in wetland habitat buffers. Thus, the appeal raises valid issues concerning conformity of the approved development with LUP Policy 14 and Zoning Code Sections 9-4.4302(f) and 9-4.4403(e). As discussed below, the Commission finds that the issue raised in the appeal concerning conformity of the approved development with LUP Policy 14 and Zoning Code Sections 9-4.4302(f) and 9-4.4403(e) are significant due to the statewide significance of the issue and in terms of the precedential value for future actions by the City under its certified LCP.

Wetlands are important natural resources that provide a variety of ecological, economic, and social benefits. Local government actions on coastal development permits that raise wetland protection issues are therefore of greater than local concern. Wetlands for example are important spawning habitat and nursery areas and provide nutrients for commercially important fisheries. They promote groundwater recharge, improve water quality by removing excess nutrients and chemical contaminants, reduce flooding, and provide important habitat for native plant and animal species, including threatened and endangered species. Roughly 90% of California's wetlands have been lost due to human activities. Among the chief causes of the wetland loss in California is fill for residential development. The acute reduction in wetland habitat serves to increase the value of the wetland areas that remain. Thus, the Commission finds that protection of coastal wetlands is an issue of significant statewide concern. Although much of Pacifica is substantially built out, other undeveloped properties in the City contain known and potential

construction would occur within a few feet of this wetland. Again, although the precise location of Wetland Area 1 in relation to the approved development is unclear based on the City's administrative record, it also appears that two of the approved detached single-family homes would be located within 100 feet of Wetland Area 1. Wetland Area 2 is located approximately 80 feet south of the approved Edgemar Road on the adjacent "Fish" parcel and would not be directly impacted by the approved development. However, the grading and road construction for Edgemar Road would occur within approximately 80 feet of Wetland Area 2. Wetland Area 3 is comprised of approximately 1.1 acres of riparian scrub located in southeast corner of the bowl parcel. The approved development would result in fill of a portion of Wetland Area 3 for the construction of detached single-family homes and related development and would also include substantial grading, road construction and construction of additional residential units within 100 feet of Wetland Area 3.

The LCP policy cited above defining San Francisco garter snake and wetland habitat buffers does not establish a specific wetland buffer distance for either of these habitat types. Thus, the policy requires wetland buffers to ensure that new development would not adversely affect wetland habitat to be determined on a case-by-case basis.

Wetland buffer areas are undeveloped areas surrounding wetlands that act to protect the wetlands from the direct effects of nearby disturbance (both acute and chronic), and provide necessary habitat for organisms that spend only a portion of their life in the wetlands such as amphibians, reptiles, birds, and mammals.

In most cases, the Commission considers 100 feet to be the minimum distance necessary to protect wetlands from adverse impacts of new development. Although not a standard under either the Coastal Act or the Pacifica LCP, the Commission usually considers a 100-foot buffer to be the minimum distance necessary to protect wetland habitat from adverse impacts related to development such as polluted runoff from developed areas, construction related erosion and sedimentation, and disturbance from noise, light, traffic and other activities related to increased human use and development, and to provide upland habitat areas. While 100 feet is by far the most common wetland buffer distance imposed by the Commission and local governments throughout the Coastal Zone, in some cases substantially greater wetland buffers are required when a wetland supports species that are particularly sensitive to disturbance impacts such as nesting birds or species that need large upland habitat areas near wetlands such as the California red-legged frog or San Francisco garter snake. Buffers of less than 100 feet are generally allowed only in cases where a wetland provides very limited habitat value and where restoration or enhancement of the wetland habitat is infeasible. Reduced buffers may also be necessary in cases where no feasible alternative exists that would allow a private property owner a reasonable economic use.

In this case, the most sensitive of the three wetland areas appears to be Wetland Area 3. Wetland Area 3 is described in the city certified Environmental Impact Report (EIR) for the project as comprised of approximately 1.1 acres of central coast riparian scrub dominated by arroyo willow and containing other wetland indicator plants. The EIR states that the project site does not provide habitat for any federally protected species, including the California red-legged frog or San Francisco garter snake, and that "[n]o sensitive or protected species were observed on the site during biological surveys." However, the EIR also states with respect to Wetland Area 3 that:

wetlands. To permit wetland fill for the approved residential development project would establish an adverse precedent for future actions under the LCP wetland protection policies when the City considers future development proposals in other areas in its jurisdiction containing wetlands.

For all of the reasons stated above, the Commission finds that the appeal raises a substantial issue concerning the conformity of the approved development with Pacifica LUP Policy 14 and Zoning Code Sections 9-4.4302(f) and 9-4.4403(e).

1.3.2 Water Quality

The appellant contends that the approved development is inconsistent with Pacifica LUP Policy 12 regarding protection of coastal water quality.

Pacifica LUP Policy 12 closely follows Coastal Act Policy 30231 stating:

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.

The approved development would increase storm water runoff from the site by approximately 70% due to increased impervious surface coverage, and would substantially decrease the infiltrative function and capacity of the site. Pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles, heavy metals, synthetic organic chemicals including paint and household cleaners, soap and dirt from washing vehicles, dirt and vegetation from yard maintenance, litter, fertilizers, herbicides, and pesticides, and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size, excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species, disruptions to the reproductive cycle of aquatic species, and acute and sub-lethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

To minimize impacts to the biological productivity and quality of coastal waters, development should be designed and carried out in a manner that controls the volume, velocity and pollutant load of storm water leaving the developed site. Critical to the successful function of post-construction structural Best Management Practices (BMPs) in removing pollutants in storm water to the maximum extent practicable, is the application of appropriate design standards for sizing BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP

capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs.

The approved development is not designed or conditioned to control the volume or pollutant load of storm water leaving the project site or to infiltrate, filter or treat the runoff from the 85th percentile storm runoff event. As approved and conditioned by the City, runoff from the project site would be directed to a 54-inch diameter, 180-foot storm drainpipe with a 24-inch outlet pipe and a 22-inch restrictor plate. This drainpipe would connect to the City's existing storm water system, which discharges untreated storm water to the ocean. The approved storm water detention system is designed to attenuate the rate of storm water discharge to the City's storm water system at peak flow during a 100-year storm event to less than the pre-development peak flow. Thus, the project would control the velocity of runoff from the site meeting one of the above-stated storm water pollution prevention goals. However, the approved development does not include measures to control either the volume or pollutant load of the runoff leaving the site. Thus, the approved development would result in a significant increase in polluted runoff from the project site, which would be discharged, without treatment to marine waters.

In addition to the storm water detention system described above, Conditions 9, 10, 11 and 25 of the City CDP address water quality impacts related to polluted runoff. Condition 9 specifies that all trash enclosures and dumpsters must be covered and protected from roof and surface drainage and that if water cannot be diverted from these areas, self-contained drainage systems that drain to sand filters shall be installed. Condition 10, specifies that landscaping shall be maintained and designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides, and pesticides. Condition 11 states that no wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter. Condition 25 requires all storm drain inlets to be stenciled with "No Dumping Drains to Stream." Although these conditions represent positive measures to reduce storm water pollution, the project as approved would result in a 70% increase in runoff from the site, which would be discharged with no treatment into the ocean. As such, the conditions imposed by the City are inadequate to satisfy the requirements of the certified LCP with respect to protection of coastal water quality.

In order to meet the requirements of LUP Policy 12, the project should include additional site design and source control BMPs to reduce the volume of runoff and pollutants from the site, such as:

- Reduction of total impervious surface coverage
- Use of permeable materials for driveways and walkways
- Minimize directly connected impervious surfaces
- Direct rooftop and driveway runoff to onsite pervious areas such as landscaped areas, and avoid routing rooftop runoff to the roadway, drainage ditches, or other storm water conveyance systems
- Minimize vegetation clearing and grading

- Maximize canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native, drought tolerant trees and large shrubs
- Use of infiltration basins to increase infiltration
- Use of cisterns to collect and store runoff for use in landscaping irrigation

Such measures would decrease the volume of runoff and pollutants from the project site and are required in order to protect the biological productivity and quality of coastal waters pursuant to LUP Policy 12. In addition, given the significant increase in offsite runoff resulting from the approved development, structural or treatment control BMPs to remove pollutants from the storm water prior to discharge to marine waters are necessary to meet the requirements of the City's LCP.

Protection of the biological productivity and quality of coastal waters from impacts related to polluted storm water runoff is an issue of regional and statewide significance. Polluted runoff, also known as nonpoint source (NPS) pollution, is the leading cause of water quality impairments in California and the nation. New development can have significant adverse impacts on coastal water quality and biological productivity, if adequate erosion and runoff control measures are not properly designed and implemented during grading and construction. New development can also adversely affect water quality after construction if permanent pollution prevention, reduction and treatment measures are not provided and maintained for the life of the development.

Urban development increases pollutant load, volume, and velocity of runoff by (1) increasing the amount of impervious surfaces such as paved highways, streets, rooftops, and parking lots; and (2) creating new pollution sources such as higher levels of car emissions, car maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, etc. The pollutants found in urban runoff can have damaging effects on both human health and aquatic ecosystems. In addition, the increased flows and volumes of storm water discharged from new impervious surfaces resulting from new development and redevelopment can significantly impact beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels. Even where the additional runoff is piped to the shoreline, the detrimental impacts of freshwater on the marine ecosystem are increased by the higher frequency and longer duration of freshwater runoff to the marine waters. And where dry weather runoff is not properly controlled (such as over watering of landscaping), the natural ability of benthic marine organisms to rebound from pollutant and freshwater impacts of winter rain events is diminished.

The Commission shares responsibility for regulating nonpoint source water pollution in the Coastal Zone of California with State Water Resources Control Board (SWRCB) and the coastal Regional Water Quality Control Boards (RWQCBs). The Commission and the SWRCB are co-leads for the state in implementing the *Plan for California's Nonpoint Source Pollution Control Program*, which outlines a strategy to ensure that management measures and practices that reduce or prevent polluted runoff are implemented over a fifteen-year period. The Commission has primary responsibility for protecting coastal resources, including water quality, from the impacts of development in the coastal zone. The SWRCB and RWQCBs have primary responsibility for regulating discharges that may impact waters of the state through writing

discharge permits, investigating water quality impacts, monitoring discharges, setting water quality standards and taking enforcement actions where standards are violated.

Locally, polluted runoff is a significant issue that threatens the health of the City's popular beaches and leads to beach closures. The San Francisco Bay Regional Water Quality Control Board list the Pacific Ocean at Linda Mar, San Pedro, and Rockaway Beaches in Pacifica as impaired water bodies due to high coliform counts from urban runoff/storm sewers and nonpoint source (RWQCB 2002). Linda Mar beach, which is a popular Bay Area surfing beach, has frequently exceeded the state's standards for beach water quality during wet weather periods.

Five court decisions in California in the past year have rejected challenges to strong cleanup plans, permits, and pollution prevention programs. Three of these rulings focused on cleaning up contaminated storm water runoff—the largest source of pollution to California's coastal waters—in San Diego and Los Angeles. The cases, brought by industry groups, builders, and some municipalities, challenged storm water permits issued by the Regional Water Boards for San Diego and Los Angeles in 2001. The permits contain pollution prevention and control programs that require stepped-up industrial inspections, enhanced public education, additional efforts to meet water quality standards, and a number of other improvements. Similar but weaker permits were issued in Orange County, Riverside, and San Bernardino, as well as smaller municipalities throughout California in 2002. The San Bernardino Superior Court rejected the challenge to that county's permit in late 2004 (NRDC 2005).

In December 2004, the California Court of Appeal rejected a challenge to the San Diego permit (one of the strongest pollution prevention plans in the nation), holding that state regulators can require that bodies of water are clean, not merely require that polluters make an effort to reduce contaminated runoff.

The California Supreme Court similarly rejected challenges to the Clean Water Act by the cities of Burbank and Los Angeles in treating waste from sewage plants in April 2005. The Court held that polluters cannot use cost arguments to avoid complying with federal sewage cleanup rules. The U.S. Ninth Circuit Court of Appeals also rejected challenges to the Los Angeles Trash TMDL (Total Maximum Daily Loads), a new rule to eliminate thousands of tons of trash from the Los Angeles River and Southern California coastal waters over 14 years.

In summary, the approved development does not include feasible site design, source control, or treatment control BMPs to reduce the volume or pollutant load of storm water leaving the site, and would therefore result in a significant increase in runoff of polluted storm water from the site that would be discharged to the ocean without treatment. As such, the project is not designed or conditioned to protect the biological productivity and quality of coastal waters as required by LUP Policy 12. Therefore, the Commission finds that the appeal raises a substantial issue concerning the conformity of the approved development with Pacifica LUP Policy 12.

2.0 De Novo Review

Unless the Commission finds that a locally approved coastal development permit raises No Substantial Issue with respect to the policies of the certified LCP, the Commission must consider the merits of the proposed project de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application.

2.1 Staff Recommendation on Permit Application

2.1.1 Motion

I move that the Commission approve Coastal Development Permit No. A-2-PAC-05-018 for the development as proposed by the applicant.

2.1.2 Staff Recommendation of Denial

Staff recommends a NO vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

2.1.3 Resolution to Deny the Permit

The Commission hereby denies a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of the City of Pacifica certified Local Coastal Program. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

2.2 Findings and Declarations

The Commission hereby finds and declares:

The Commission hereby incorporates by reference the Substantial Issue findings above as if set forth in full.

2.2.1 Wetlands

As stated above, proposed development would fill Wetland Area 3 for the construction of single-family homes and related development, and would be located within 100 feet of Wetland Areas 1, 2, and 3. Pacifica LUP Policy 14 does not permit filling of wetlands for the construction of roads or residential development. In addition, Zoning Code Section 9-4.4403(e) specifies in relevant part:

- (1) No new development shall be permitted within a recognized wetland habitat area;
- (2) Limited new development may be permitted within a recognized wetland habitat buffer area subject to the following standards:

...

- (ii) All diking, dredging, and filling activities shall comply with the provisions of the California Coastal Act, Sections 30233 and 30607.1;

...

- (v) Alteration of the natural topography shall be minimized;

...

- (vii) Alteration of landscaping shall be minimized unless the alteration is associated with restoration and enhancement of the wetlands;

Biological Report

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City of Pacifica

TOYON CONSULTANTS

Environmental Planning and Ecological Solutions

David Blackman
DB Construction
375 Keith Ave
Pacifica, CA 94044

Re: Sensitive Habitat Field Survey for Property on Palmetto Ave

August 26, 2014

Dear Mr. Blackman,

At your request, I visited your proposed development site in Pacifica on Palmetto Ave to assess the presence / absence of sensitive habitat. This letter summarizes the results of that visit.

Project Location

The proposed project is located in the City of Pacifica, San Mateo County, CA. The project site is on Palmetto Ave. The parcel is zoned RG-3: Multiple Family Residential / Medium Density Residential. The project falls within the coastal zone, and so is subject to the City of Pacifica's Local Coastal Program (LCP).

Figure 1 shows the project location.

APN: 009-402-250

Site Description

The proposed project is located on a single lot. The property slopes towards the west at an average of approximately 20%. The lot is surrounded on all sides by pavement.

Project Description

The proposed project is to build four units of 650 sq. ft. each and a carport of 1080 sq. ft. (See Figure 2). The units will be constructed on a raised podium deck and each will have a living roof.

309 Seabright Ave
Santa Cruz, CA 95062



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A-2-PAC-15-0046
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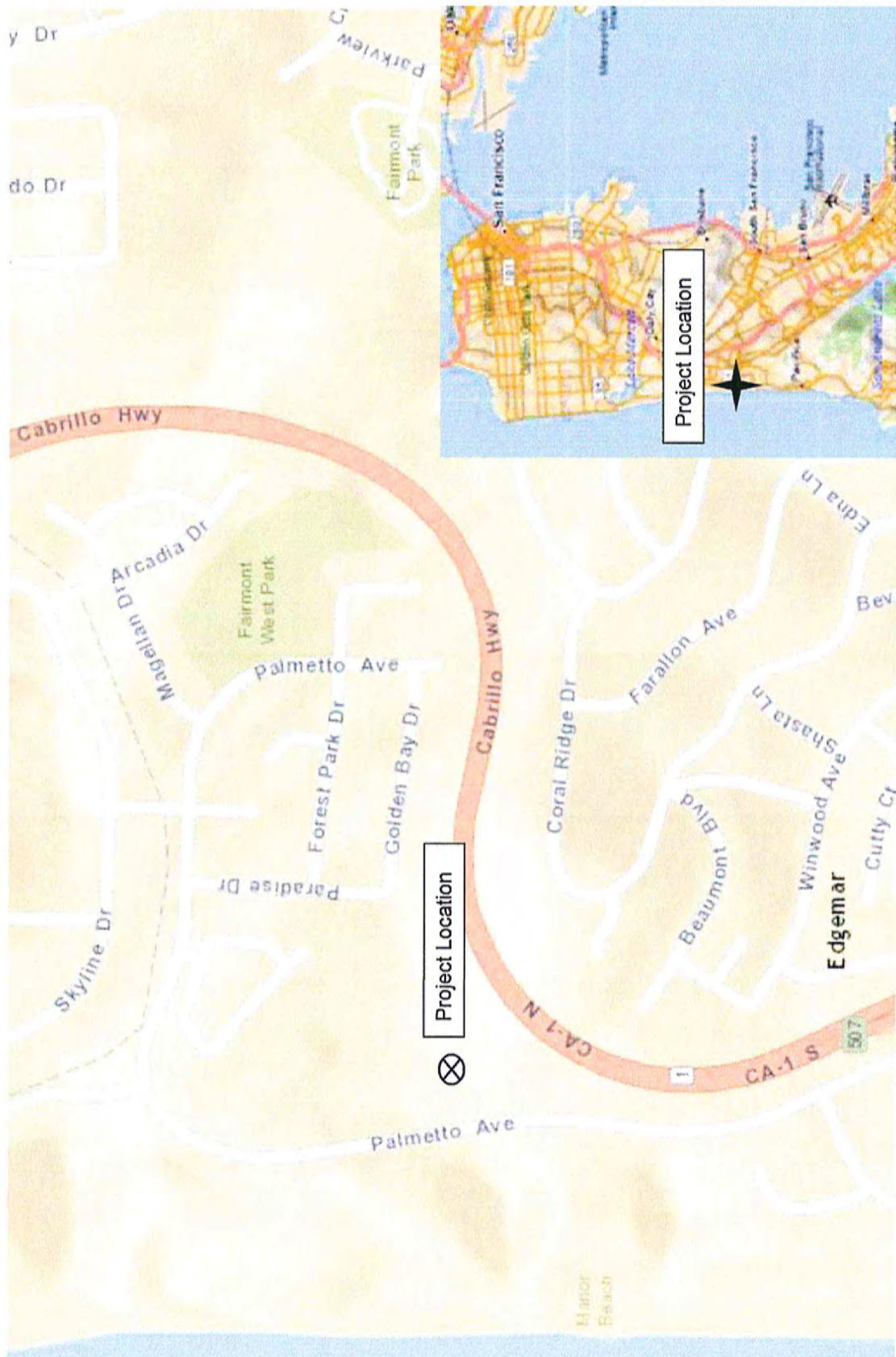


Figure 1: Project Location

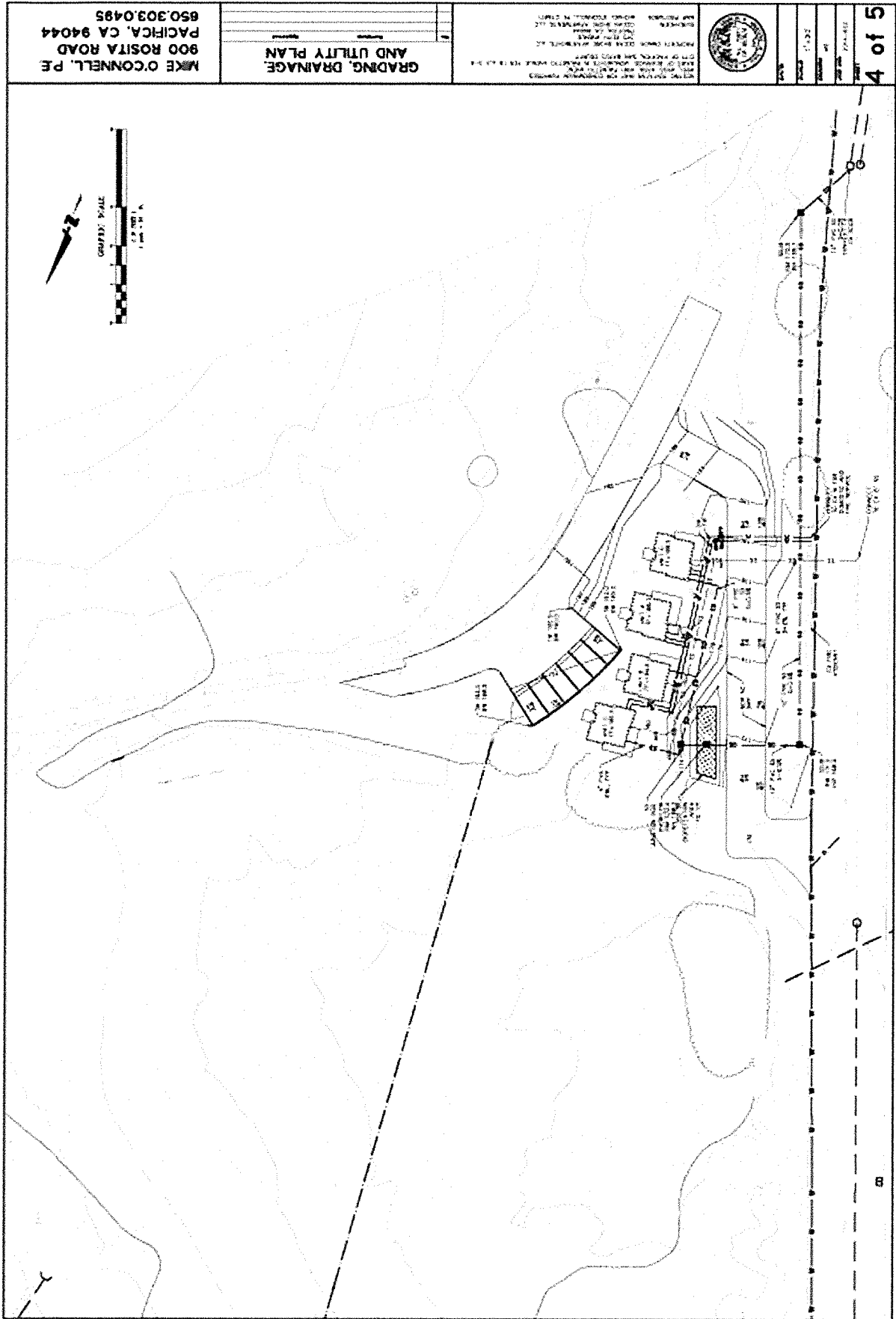


Figure 2: Proposed Project

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Methods

On August 13, 2014, I visited the project site in order to assess the presence / absence of sensitive habitat areas. All photos presented in this letter were taken during the site visit. Photos are attached at the end of this letter.

An aerial photo (Figures 3) was obtained from Google Earth™ and the approximate project boundaries were overlaid onto the photo. No GPS data was taken for this overlay.

Plant nomenclature is consistent with the Second Edition Jepson Manual.

Results

Although a full botanical survey did not occur due to the timing of the site visit, sufficient plants were available to characterize the habitat. Plants observed are presented in Table 1.

Species Name	Common Name	Native
<i>Achillea millefolium</i>	Yarrow	y
<i>Acmispon junceus</i>	Brouillet's Deerweed	y
<i>Artemisia californica</i>	Coast sagebrush	y
<i>Baccharis pilularis</i> ssp. <i>pilularis</i>	Coyote brush, chaparral broom	y
<i>Bromus diandrus</i>	Ripgut grass	n
<i>Carpobrotus chilensis</i>	Sea Fig	n
<i>Conium maculatum</i>	Poison hemlock	n
<i>Cortaderia jubata</i>	Pampas Grass	n
<i>Delairea odorata</i>	Cape Ivy	n
<i>Eriophyllum staechadifolium</i>	Lizard Tail	y
<i>Fragaria chiloensis</i>	Beach Strawberry	y
<i>Fragaria vesca</i>	Woodland Strawberry	y
<i>Genista monspessulana</i>	French broom	n
<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	y*
<i>Mimulus aurantiacus</i>	Sticky Monkey Flower	y
<i>Pinus radiata</i>	Monterey Pine	y*
<i>Rhamnus californica</i>	Coffeeberry	y
<i>Rubus ursinus</i>	California blackberry	y
<i>Salix lasiolepis</i>	Arroyo Willow	y
<i>Toxicodendron diversilobum</i>	Poison Oak	y

Table 1: Plant Species Observed

* = California Native not native to San Mateo County





Figure 3: Aerial Photo Dated February 23, 2014



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The majority of the site consists of Coastal Scrub, specifically the *Baccharis pilularis* - *Toxicodendron diversilobum* association (California code 32.060.17). The north-western area is dominated by *Carpobrotus chilensis*, a non-native species that is invading the habitat. Other invasive exotic species were found, primarily along the edges of the habitat next to the roads.

A small stand of *Salix lasiolepis* was observed on the south-western edge of the property. There was no evidence of wetland or riparian hydrology associated with this stand.

Discussion

The purpose of this site visit was to assess the subject property for the presence / absence of sensitive habitat areas. The Pacifica Zoning Code (Title 9, Chapter 4, Article 43, Section 9-4.4302) has the following definitions:

- (ad) "Environmentally sensitive habitat" shall mean an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which would be easily disturbed or degraded by human activities or development."
- (aw) "Wetland" shall mean land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats, or fens."

No rare or especially valuable species or habitat was observed during my site visit. Furthermore, although a small stand of *Salix lasiolepis* was observed, there was no evidence that this plant or the area it is growing is covered, either periodically or permanently, in standing water. In fact, no evidence of wetland hydrology appeared to be present anywhere on the site.

I therefore conclude that the lot that you propose to develop does not qualify as either an "Environmentally Sensitive Habitat Area" or as a "Wetland."

Thank you for choosing Toyon Consultants for your Environmental Consulting needs. If you have any questions, or I can be of any further assistance, please do not hesitate to contact me.

Regards,

Joe Rigney
Environmental Consultant
309 Seabright Ave
Santa Cruz, CA 95062



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A-2-PAC-15-0046
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PHOTOS



PHOTO 1: Photo from northwest corner of lot, looking south. Note large patch of *Carpobrotus chilensis* in foreground.



PHOTO 2: Photo from northwest corner of lot, looking east. Note large patch of *Carpobrotus chilensis* in foreground.

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PHOTO 3: *Baccharis pilularis* - *Toxicodendron diversilobum* association. Note *Carpobrotus chilensis* invading in lower left corner of photo.



PHOTO 4: Small stand of *Salix lasiolepis*

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



June 22, 2015

Tina Wehrmeister
Planning Director
City of Pacifica
1800 Francisco Blvd
Pacifica, CA
94044

Subject: *Commission Staff Comments on Proposed Site Development Permit PSD-790-14, Coastal Development Permit CDP-347-14 to Construct Four Detached Studio Apartments in the 4000 Block of Palmetto Avenue (APN 409-402-270)*

Dear Ms. Wehrmeister:

This evening, Pacifica's Planning Commission will hear an appeal of the aforementioned proposed development to construct four (4) detached studio apartments on a vacant 18,411 square foot parcel on APN 409-402-270 in the 4000 Block of Palmetto Avenue in Pacifica, CA.

Coastal Commission Staff previously commented on the proposed development during the Development Review Coordination process by email on September 11, 2014 (please see enclosed email). Previous comments expressed concerns about visual compatibility with the surrounding area, lot legality, sensitive biological resources and geological constraints.

The proposed development is small in scale and is appropriate for the R3-G Multi-Family Residential zoning designation. Further the proposed development has been designed with the surrounding areas in mind, i.e.-the units will be small, will be of varying elevations within required height limits to create visual interest, will have living roofs and natural landscaping in order to prevent adverse visual impacts consistent with the "Protection of Landforms" LUP Policies which require that development be contoured to existing slopes, be of density and scale subordinate to landforms and that areas disturbed by development be revegetated with native or low maintenance natural vegetation.

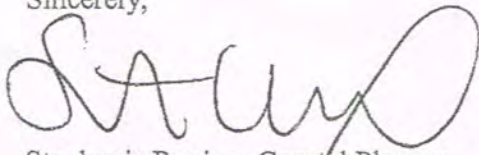
With regard to impacts to sensitive biological resources, the biological assessment submitted concludes that there are no rare or sensitive species on site and no evidence of wetland hydrology anywhere on the site. The report does state that a small stand of arroyo willow was found on the south-western edge of the property. Despite the visual presence of sensitive species and habitats, it does not appear that a one-parameter wetland delineation was performed. Commission staff recommends that a one-parameter wetland delineation of the property be performed in accordance with the Commission's definition and delineation of wetlands in the Coastal Zone. This will assure that the proposed development avoids any impacts to potential wetlands on site in accordance with LUP Policies regarding "Development Near Wetlands and Creeks" (Policy

C-102) which requires that wetlands and water quality are protected and enhanced-including through the requirement that development be adequately setback from such sensitive resources.

Another outstanding concern may be the potential geologic hazards on site. The geological report for the proposed development states that "dense brush and ground cover offers protection against erosion of the natural slopes on the site" and that "the cut slopes have remained intact without the evidence of gross instability." However, approximately 60 feet west of the site's western property line is a gullied channel that drains the subject property and the adjacent property (the Fish and Bowl, respectively). The report goes on to state that this channel has been stable and globally static for the past 55 years and finds that the site is therefore suitable for the proposed development. The report suggests that the proposed project would benefit from a detailed, design-level geotechnical investigation once the development plan has been established. The conditions of approval proposed by the Planning Commission (condition #13) require that the final plans incorporate all the recommendations from the geological report. However, this condition is not a prior to issuance condition of the approval. LUP Policies in the Protection of Landforms section (C-103) require that if permitted, development should be clustered and contoured to the existing natural slopes, should minimize grading and should be of a scale and density subordinate to the landforms. Please consider requiring that such a detailed, design-level geotechnical investigation be required prior to issuance of the coastal development permit. Such an investigation should assess impacts of the proposed development to worsening erosion and propose to mitigate any such impacts. This will assure that the development will not increase the erosion risks to the surrounding areas and will be sited and designed so as to assure the proposed development is subordinate to the landform and minimizes grading, in accordance with the "Protection of Landform" LUP Policies (Policy C-103).

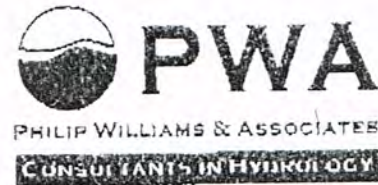
If you have any questions regarding these comments or wish to discuss the project further, please contact me at 415-597-5894.

Sincerely,



Stephanie Rexing, Coastal Planner

Enclosures

**M E M O R A N D U M**

VIA FAX: 2 Pages
FAX No.: 650-994-6579

770 Tamalpais Drive, Suite 401
Corte Madera, CA 94925

Phone 415.945.0600
Fax 415.945.0606
e-mail sfo@pwa-ltd.com

DATE: June 9, 1999

TO: Committee to Save the Fish & Bowl

FROM: Bob Battalio, P.E., Principal

RE: Impressions From June 9 Site Visit & Meeting
PWA Ref. # 99-000

It was a pleasure meeting you, Victor Carmichael and Bob Reed yesterday. I've summarized my initial impressions and observations, based on our meeting and tour of the site. I look forward to talking with you further.

- *Overview:* The hydrology, geology, topography, and habitat of the site are complex. The historic geomorphology of the site should be investigated to facilitate understanding of physical and biotic processes, and identify the likely ramifications of proposed development. The watershed encompassing the site may have extended up to the area now filled with State Route 1, and probably had topography contiguous with the large coastal gully just west of Palmetto. I presume the site was filled and drainage modified during development of the area. The pre-disturbed site conditions could be investigated by review of historic aerial photographs and maps, and possibly construction drawings.
- *Storm Water Hydrology & Erosion Potential:* The coastal gully and bluff / dune field west of Palmetto show signs of earth slides and slumps, and erosion due to ground water day-lighting and overland runoff. Based on the site conditions and the photographs you have, it appears that runoff ponds in the "bowl", and migrates as groundwater flow under Palmetto. During periods of high rainfall, the flow apparently day-lights west of Palmetto, and erodes soils as it migrates to the ocean. A storm drain pipe discharges at the head of the coastal gully, with extensive erosion resulting. These observations indicate that the drainage within and through the Fish & Bowl

parcel affects the area west of Palmetto. Construction of impermeable surfaces such as roofs and paving could increase peak flow rates of storm water runoff, potentially accelerating erosion west of Palmetto. Irrigation of lawns could also contribute to this problem. Therefore an analysis of the impacts of any proposed development on the hydrology of the site and the area west of Palmetto is appropriate. The analysis should also include evaluation of drainage facilities or other project modifications to eliminate the potential for increased erosion.

- *Coastal Erosion Potential:* The slopes of the coastal gully west of Palmetto are very steep and are eroding. The head of the gully is within about 20 feet of Palmetto Avenue. The coastal bluffs in the area are very steep with a narrow fronting beach and absence of talus deposits - this indicates active erosion of the bluffs due to wave action. To the north of the gully are active sand dunes, indicating a potential for liquefaction during earthquakes. Based on these observations, future erosion could impact Palmetto Avenue within the near future, say roughly 20 years. Hence, it is likely that the City will need to abandon Palmetto, relocate it inland, construct a bridge, or reconstruct the head of the gully within this time frame. Development of the Fish & Bowl property should be reviewed within this context. Also, future erosion (coastal bluff recession and gully expansion) should be estimated to check if it is likely that the Fish & Bowl properties will be subject to erosion hazards. The anticipated future eroded conditions should be considered in planning and design.
- *Site Hydrology:* The bowl appears to form a detention basin for storm water runoff, and may include jurisdictional wetlands and protected species. I recommend that site conditions be reviewed for wetlands characteristics and protected species, and the potential for the proposed development to cause adverse impacts.
- *Site Soil Conditions:* The geotechnical conditions of the site may not be favorable for development, since the site appears to include poorly compacted fill and /or sand dune deposits, poor drainage and is close to active faults. A geotechnical analysis of site conditions for development should address these issues.

PALMETTO AVE SINGLE PARAMETER PRELIMINARY WETLAND DELINEATION REPORT

Prepared For
Ocean Shore Apartments, LLC
375 Keith Ave
Pacifica, CA 94044

Prepared By
Toyon Consultants
309 Seabright Ave
Santa Cruz, CA 95062

July 29, 2015

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INTRODUCTION

On August 27, 2014, Toyon Consultants submitted a letter to the proponent of a proposed development on a property located in Pacifica, California, summarizing the results of a Sensitive Habitat Field Survey.

The survey concluded that there was no sensitive habitat on the property. However, a willow (*Salix lasiolepis*) was noted growing within the public right-of-way adjacent to the property. As there was no indication of wetland hydrology, this area was determined not to be a wetland, based on the three parameter definition used by the Army Corps of Engineers.

In a letter dated June 22, 2015, the California Coastal Commission requested that a single parameter wetland delineation be performed, based on the presence of the willow. The purpose of this report is to provide the basis for a one parameter delineation. Until such a time that the responsible agency verifies the results of this report, the delineation is considered “preliminary.”

PROJECT OWNER

Ocean Shore Apartments, LLC
375 Keith Ave
Pacifica, CA 94044

PROJECT LOCATION

The proposed project is located in the City of Pacifica, San Mateo County, CA. The project site is on Palmetto Ave. The parcel is zoned RG-3: Multiple Family Residential / Medium Density Residential. The project falls within the coastal zone, and so is subject to the City of Pacifica’s Local Coastal Program (LCP).

Figure 1 shows the project location.

APN: 009-402-250

SITE DESCRIPTION

The proposed project is located on a single lot. The property slopes towards the west at an average of approximately 20%. The lot is surrounded on all sides by pavement.

PROJECT DESCRIPTION

The proposed project is to build four units of 450 sq. ft. each and a carport of 1080 sq. ft. (See Figure 2). The units will be constructed on a raised podium deck and each will have a living roof. A driveway and carport will also be constructed.

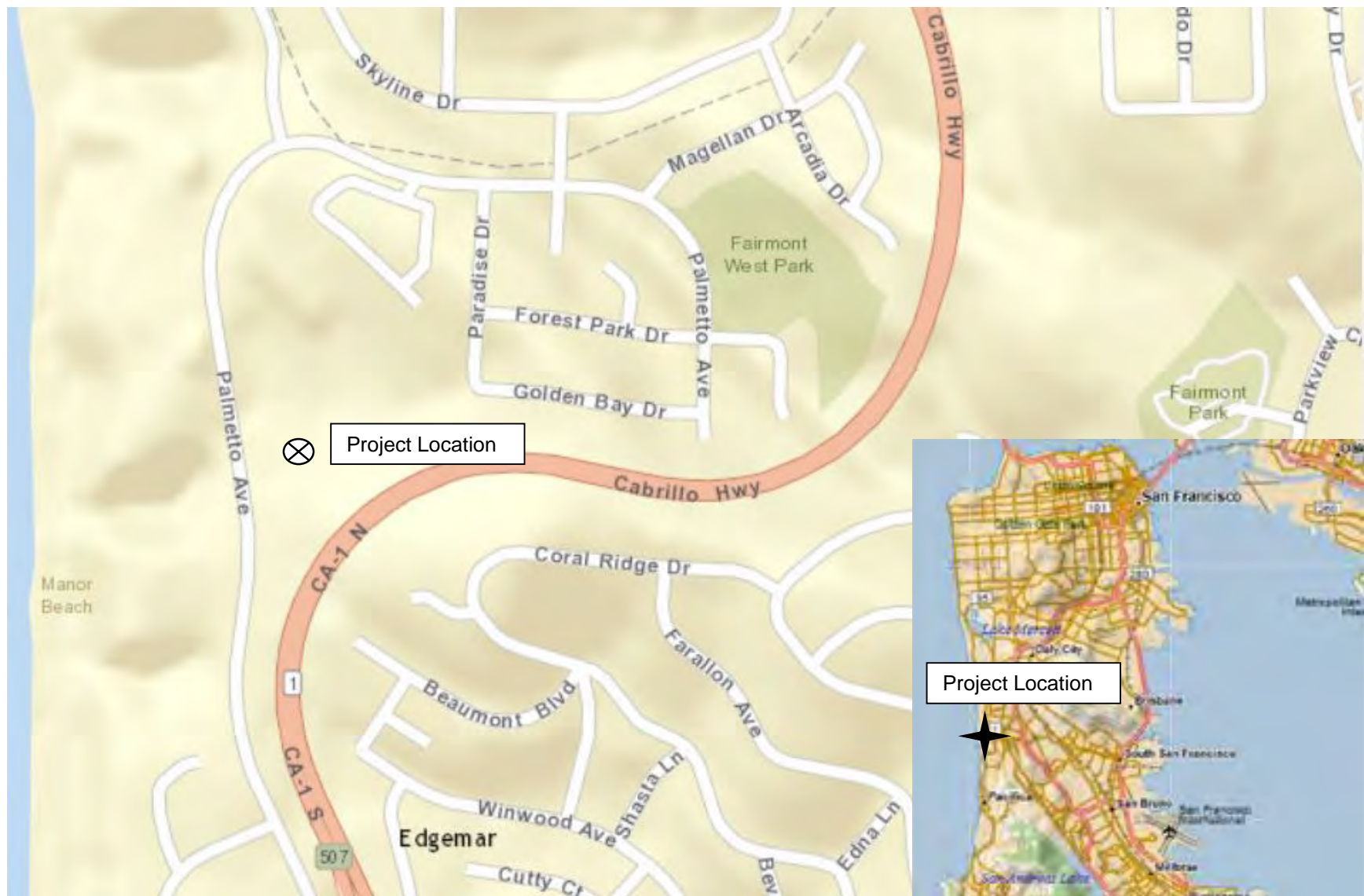


Figure 1: Project Location

METHODS

Field investigations of potential wetlands on the project site applied the routine determination method described in the ACOE Wetlands Delineation Manual (Environmental Laboratories 1987) and the ACOE Supplemental Manual for the Arid West (Environmental Laboratories 2008). This methodology includes examination of specific sample sites within suspected wetlands for hydrophytic vegetation, hydric soils, and wetland hydrology.

Field investigations occurred on July 25, 2015. Copies of the Wetland Determination Forms are attached to this letter.

Delineation points were selected based on the presence of wetland indicator vegetation. After points were selected, pits were dug to examine subsurface hydrology and soil characteristics based on the ACOE guidelines. In order to define the wetland boundaries, all sampled points were paired. GPS coordinates were taken for each delineation sampling point.

All plants were verified using the 2nd Edition of the *Jepson Manual: Vascular Plants of California* (Baldwin, *et al* 2012). Wetland Indicator Status was determined using the *2014 National Wetland Plant List* (Lichvar *et al* 2014).

Once delineation boundaries were determined, they were flagged in the field and added to Plan Sheet C-03 of the proposed project plans using traditional surveying techniques (Figure 2).

The resulting plan sheet was then digitally cropped and the size was increased in order to create the delineation map (Figure 3). The scale shown on this map is accurate.

Photos included in this report were taken on July 25, 2015 during the site visit, unless otherwise indicated.

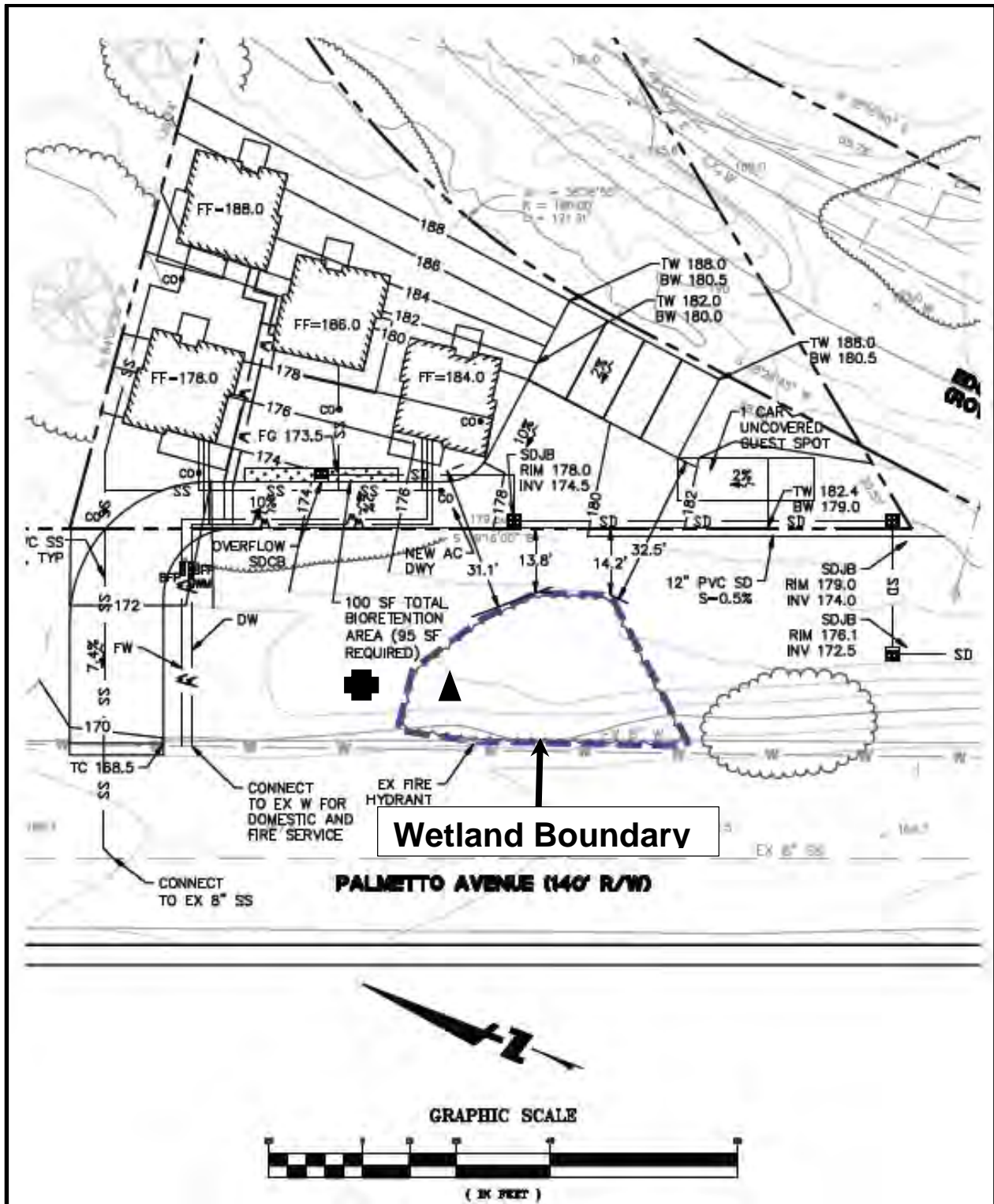


Figure 3: Palmetto Ave Preliminary Wetland Delineation Map

▲ = Sampling Pt 1 ■ = Sampling Point 2

RESULTS

Two locations were sampled for wetland indicators. As indicated in Table 1, no indicators for either soil or hydrology were observed at either sampling point.

Wetland vegetation was observed at Sampling Point 1 but not at Sampling Point 2 using the Dominance Test. The wetland boundaries were then determined based on the difference in vegetation observed along the edge of the patch of *S. lasiolepis* (see Photo 5). The delineated wetland is approximately 0.02 acres in size.

Sampling Point	Location	Soil Indicator	Hydrological Indicator	Vegetation Indicator
1	Lat: 37.65809 Long: -122.49160	N	N	Y
2	Lat: 37.65879 Long: -122.49173	N	N	N
Table 1: Wetland Indicators at Sampling Points (See attached data forms)				

Sampling Point	Dominant Vegetation	Stratum	Absolute Cover	Indicator Status
1	<i>Salix lasiolepis</i>	Sapling/Shrub	80%	FACW
	<i>Rubus ursinus</i>	Woody Vine	50%	FAC
2	<i>Baccharis pilularis</i> ssp. <i>pilularis</i>	Sapling/Shrub	40%	UPL
	<i>Carpobrotus edulis</i>	Woody Vine	8%	FACU
	<i>Fragaria chiloensis</i>	Woody Vine	5%	FACU
Table 2: Dominant Vegetation Observed at Sampling Points				



Photo 1: Vegetation Sampling Plot, Sampling Point 1



Photo 2: Soil Pit, Sampling Point 1



Photo 3: Vegetation Sampling Plot, Sampling Point 2



Photo 4: Soil Pit, Sampling Point 2



Photo 5: Wetland Boundary

DISCUSSION

By using the one parameter, rather than the three parameter, definition of a wetland, the patch of *S. lasiolepis* observed adjacent to the proposed project does qualify as sensitive habitat as defined in the Local Coastal Land Use Plan (LUP). Page C-102 of the LUP states:

“Wetlands and year-round creek environments and water quality shall be protected and enhanced by regulations in grading, setbacks, impervious surface coverage and other appropriate measures.”

As proposed, the project will have a driveway approximately 14 ft. from the delineated wetland, while the nearest structure is about 30ft away (Figure 3). The City of Pacifica has not adopted any regulations concerning the implementation of setbacks on construction projects adjacent to wetlands. For this reason, setbacks need to be determined on a case-by-case basis.

There will be no direct impacts to the delineated wetland from the proposed project. As the wetland is entirely within the road easement, no construction will occur there.

Potential indirect impacts include changes in the hydrology of the site and decreasing the availability of the surrounding upland habitat.

The wetland observed on the Palmetto property did not exhibit any indicators for either wetland soils or hydrology. This indicates that the available water is not pooling on the surface, but rather is likely underground where it can be tapped by the roots of woody plants. This water is likely being fed across the entire landscape, not just in the area where the proposed project is located.

While the wetland itself is intact, it does not contain much diversity in species composition, as evidenced by only the presence of only two dominant species, neither of which is rare or sensitive. Although no formal botanical survey was performed in the wetland area, no other plants were observed in the sampling plot other than the two dominant species.

While the removal of upland habitat might affect the movement of some animal species, this impact is partially offset by the project design. The buildings will be placed above ground, on columns, and living roofs will be implemented, both of which help maintain connectivity with the surrounding habitat. Furthermore, the eastern side of the wetland will still have connectivity to the surrounding habitat.

Much of the area to the northwest and west of the wetland is infested with *C. edulis*, an invasive non-native species (See Photo 6 and 7).



Photo 6: Taken from the Northwestern edge of the property facing northeast. Note large patch of *C. edulis*. Photo taken August 13, 2014



Photo 7: Taken from the Northwestern edge of the property facing east. Note large patch of *C. edulis*. The delineated wetland can be seen to the right side of the photo. Photo taken August 13, 2014

Taken as a whole, the proposed project will have very little impact on the delineated wetland. However, in order to ensure that the habitat value of the wetland is not degraded, the following measures should be considered:

1. Utilize pervious pavement on the driveway where it is nearest to the willow.
2. Remove ice plant (*C. edulis*) and other invasive exotic species from the areas immediately adjacent to the delineated wetland and plant with a mix of appropriate native species.

CONCLUSION

Using the single parameter of vegetation, a 0.02 acre wetland was delineated adjacent to the proposed project. Impacts from the project to this wetland are expected to be minimal, and can be further decreased by utilizing pervious pavement near the wetland and restoring native habitat in adjacent areas.

REFERENCES

- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilked, editors. 2012. *The Jepson Manual: Vascular Plants of California, Second Edition*. University of California Press, Berkeley.
- Environmental Laboratory, U.S. Army Corps of Engineer. September 2008. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region*. ERDC/EL TR-08-28 (on-line edition).
- Environmental Laboratory, U.S. Army Corps of Engineers. 1987. *Corps of Engineers Wetland Delineation Manual*. Technical Report Y-87-1 (on-line edition).
- Lichvar, R.W., M. Butterwick, N.C. Melvin, and W.N. Kirchner. 2014. *The National Wetland Plant List: 2014 Update of Wetland Ratings*. Phytoneuron 2014-41: 1-42.

APPENDIX I: WETLAND DELINEATION DATA FORMS

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Primmto Ave City/County: Pacific, San Diego Sampling Date: 7/25/15
 Applicant/Owner: Ocean Shore Investments LLC State: CA Sampling Point: 1
 Investigator(s): Joe Rigney Section, Township, Range: S23 T35 R6W
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 1%
 Subregion (LRR): Mediterranean California Lat: 32.65809 Long: -122.49160 Datum: NAD83
 Soil Map Unit Name: Rock Outcrop - On Piments complex NWI classification: none
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain in Remarks.)
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Remarks: <u>4 year drought</u> <u>Single parameter delineation</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
1. _____				
2. _____				
3. _____				
4. _____				
= Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>5ft x 5ft</u>)				
1. <u>Salix lasiolepis</u>	<u>80</u>	<u>Y</u>	<u>FACW</u>	
2. _____				
3. _____				
<u>80</u> = Total Cover				
Herb Stratum (Plot size: _____)				Hydrophytic Vegetation Indicators: _____ Dominance Test is >50% _____ Prevalence Index is ≤3.0 ¹ _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain)
1. _____				
2. _____				
3. _____				
4. _____				
= Total Cover				
Woody Vine Stratum (Plot size: <u>5ft x 5ft</u>)				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Rubus ursinus</u>	<u>50</u>	<u>Y</u>	<u>FAC</u>	
2. _____				
3. _____				
4. _____				
<u>50</u> = Total Cover				
% Bare Ground in Herb Stratum _____	% Cover of Biotic Crust _____			
Remarks: <u>No Salix had dbh > 3" so all were placed in the shrub strata</u>				

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	10YR 2/1	95					Sandy Clay	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)****Indicators for Problematic Hydric Soils³:**

- ☐ Histosol (A1)
☐ Histic Epipedon (A2)
☐ Black Histic (A3)
☐ Hydrogen Sulfide (A4)
☐ Stratified Layers (A5) (LRR C)
☐ 1 cm Muck (A9) (LRR D)
☐ Depleted Below Dark Surface (A11)
☐ Thick Dark Surface (A12)
☐ Sandy Mucky Mineral (S1)
☐ Sandy Gleyed Matrix (S4)

- ☐ Sandy Redox (S5)
☐ Stripped Matrix (S6)
☐ Loamy Mucky Mineral (F1)
☐ Loamy Gleyed Matrix (F2)
☐ Depleted Matrix (F3)
☐ Redox Dark Surface (F6)
☐ Depleted Dark Surface (F7)
☐ Redox Depressions (F8)
☐ Vernal Pools (F9)

- ☐ 1 cm Muck (A9) (LRR C)
☐ 2 cm Muck (A10) (LRR B)
☐ Reduced Vertic (F18)
☐ Red Parent Material (TF2)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.**Restrictive Layer (if present):**

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:

No soil indicators observed

HYDROLOGY

Wetland Hydrology Indicators:**Primary Indicators (minimum of one required; check all that apply)****Secondary Indicators (2 or more required)**

- ☐ Surface Water (A1)
☐ High Water Table (A2)
☐ Saturation (A3)
☐ Water Marks (B1) (Nonriverine)
☐ Sediment Deposits (B2) (Nonriverine)
☐ Drift Deposits (B3) (Nonriverine)
☐ Surface Soil Cracks (B6)
☐ Inundation Visible on Aerial Imagery (B7)
☐ Water-Stained Leaves (B9)

- ☐ Salt Crust (B11)
☐ Biotic Crust (B12)
☐ Aquatic Invertebrates (B13)
☐ Hydrogen Sulfide Odor (C1)
☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Presence of Reduced Iron (C4)
☐ Recent Iron Reduction in Tilled Soils (C6)
☐ Thin Muck Surface (C7)
☐ Other (Explain in Remarks)

- ☐ Water Marks (B1) (Riverine)
☐ Sediment Deposits (B2) (Riverine)
☐ Drift Deposits (B3) (Riverine)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Crayfish Burrows (C8)
☐ Saturation Visible on Aerial Imagery (C9)
☐ Shallow Aquitard (D3)
☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No _____ Depth (inches): _____
 Water Table Present? Yes _____ No _____ Depth (inches): _____
 Saturation Present? Yes _____ No _____ Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

No hydrology observed

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Palmets Ave City/County: Pacific / San Mateo Sampling Date: 7/25/15
 Applicant/Owner: Ocean Shores Apartments LLC State: CA Sampling Point: 2
 Investigator(s): Joe Rigney Section, Township, Range: S23 T35 R6W
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 1-2
 Subregion (LRR): Mediterranean California at: 37.65789 Long: -122.49173 Datum: NAD 84
 Soil Map Unit Name: Rock Outcrop - On the surface complex NWI classification: NAM
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain in Remarks.)
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ Soil ☐ or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Remarks: <u>4 Year drought</u> <u>Single parameter delineation</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0%</u> (A/B)
1. _____				
2. _____				
3. _____				
4. _____				
= Total Cover				
Sapling/Shrub Stratum (Plot size: <u>5ft x 5ft</u>)				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
1. <u>Baccharis pilularis</u>	<u>40</u>	<u>Y</u>	<u>UPL</u>	
2. _____				
3. _____				
4. _____				
<u>40</u> = Total Cover				
Herb Stratum (Plot size: _____)				Hydrophytic Vegetation Indicators: ___ Dominance Test is >50% ___ Prevalence Index is ≤3.0 ¹ ___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain)
1. _____				
2. _____				
3. _____				
4. _____				
= Total Cover				
Woody Vine Stratum (Plot size: <u>5ft x 5ft</u>)				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
1. <u>Carpobrotus edulis</u>	<u>8</u>	<u>Y</u>	<u>FACU</u>	
2. <u>Fragaria chilensis</u>	<u>5</u>	<u>Y</u>	<u>FACU</u>	
3. _____				
<u>13</u> = Total Cover				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				
Remarks: <u>Woody Vine</u> <u>50%: 6.5%</u> <u>20%: 2.6%</u>				

Sampling Point: _____

HYDROLOGY

Wetland Hydrology Indicators:US Army Corps of Engineers

Biological Report

SEP 02 2014
City of Pacifica

TOYON CONSULTANTS

Environmental Planning and Ecological Solutions

David Blackman
DB Construction
375 Keith Ave
Pacifica, CA 94044

Re: Sensitive Habitat Field Survey for Property on Palmetto Ave

August 26, 2014

Dear Mr. Blackman,

At your request, I visited your proposed development site in Pacifica on Palmetto Ave to assess the presence / absence of sensitive habitat. This letter summarizes the results of that visit.

Project Location

The proposed project is located in the City of Pacifica, San Mateo County, CA. The project site is on Palmetto Ave. The parcel is zoned RG-3: Multiple Family Residential / Medium Density Residential. The project falls within the coastal zone, and so is subject to the City of Pacifica's Local Coastal Program (LCP).

Figure 1 shows the project location.

APN: 009-402-250

Site Description

The proposed project is located on a single lot. The property slopes towards the west at an average of approximately 20%. The lot is surrounded on all sides by pavement.

Project Description

The proposed project is to build four units of 650 sq. ft. each and a carport of 1080 sq. ft. (See Figure 2). The units will be constructed on a raised podium deck and each will have a living roof.



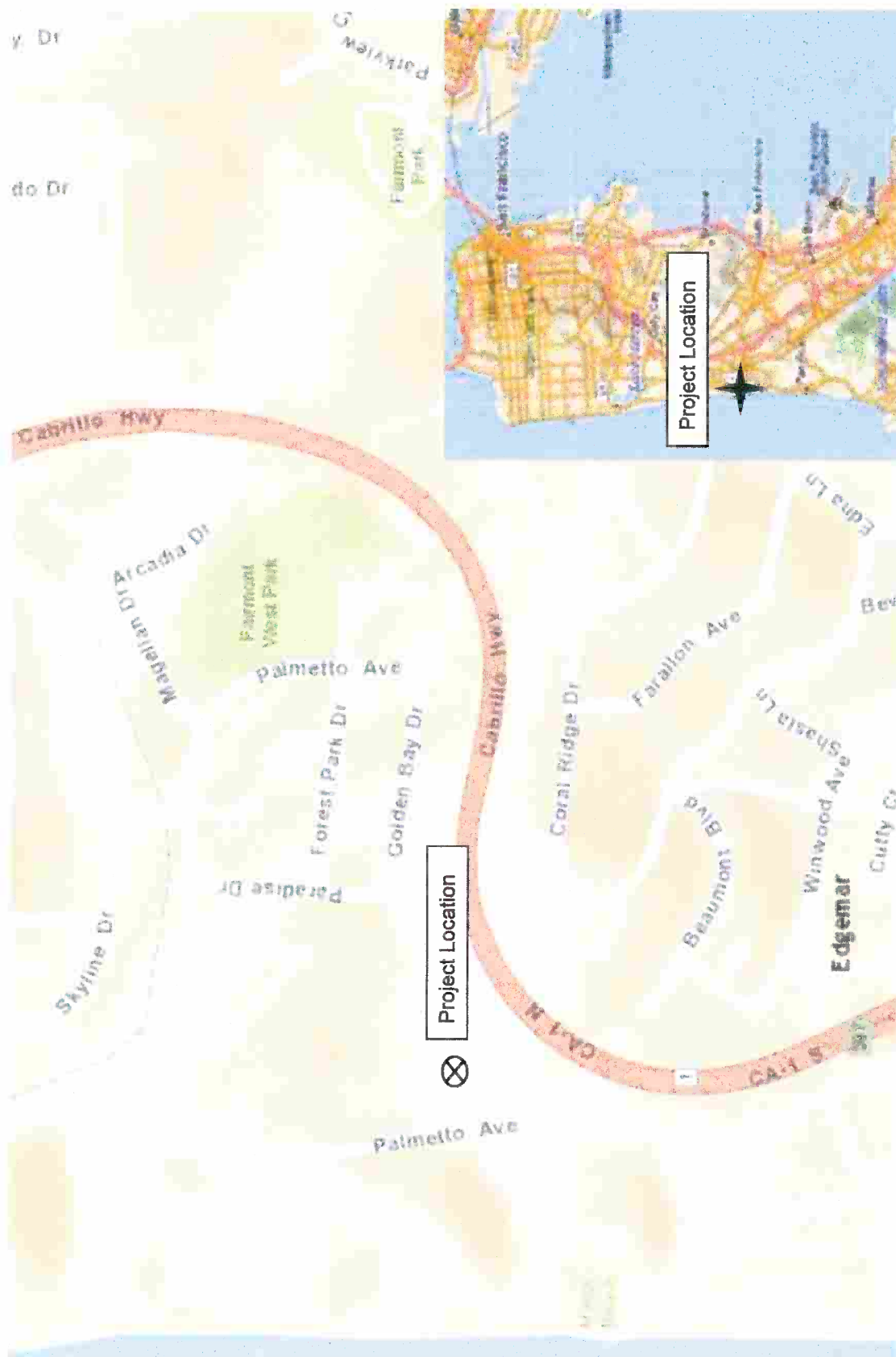
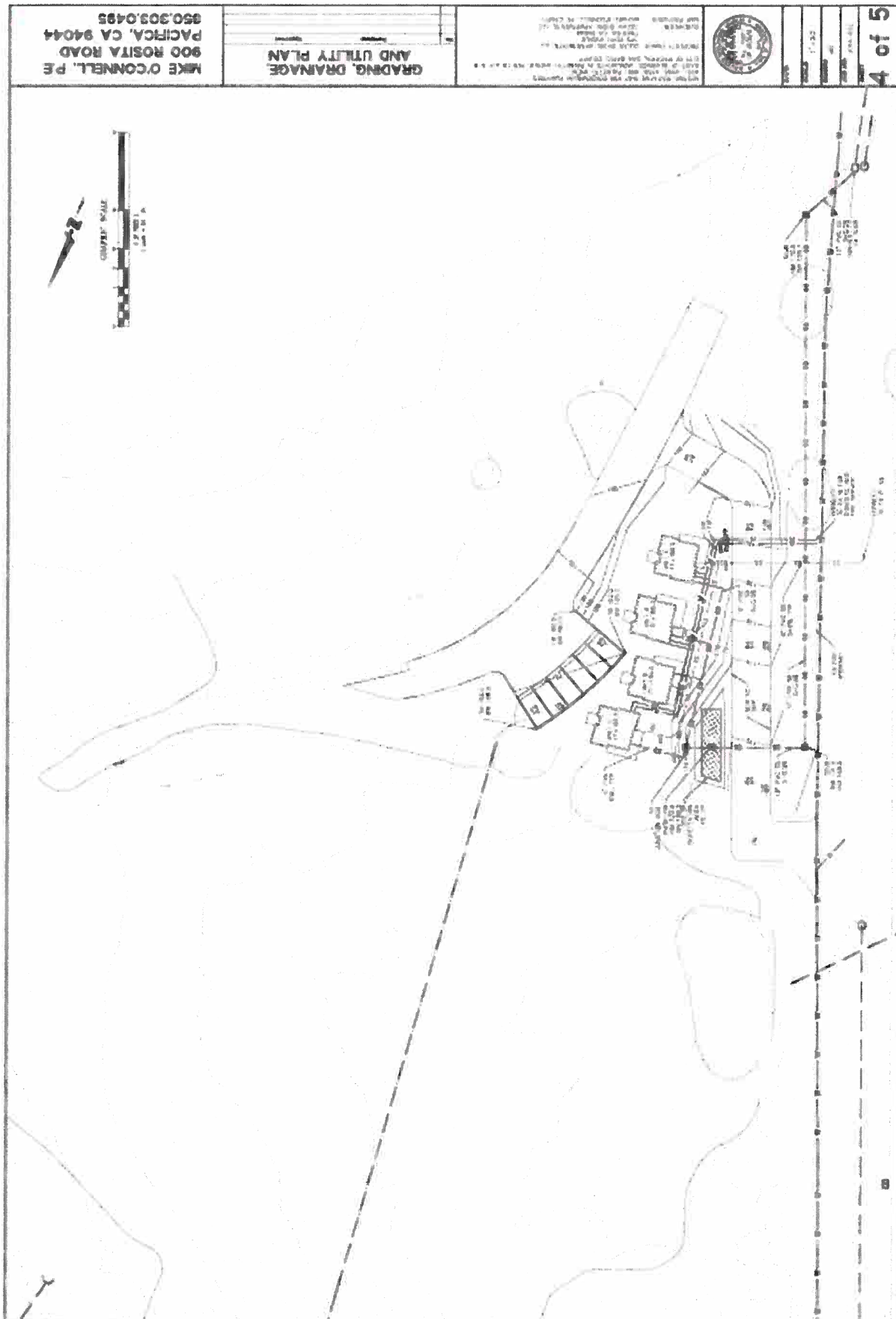


Figure 1: Project Location



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Methods

On August 13, 2014, I visited the project site in order to assess the presence / absence of sensitive habitat areas. All photos presented in this letter were taken during the site visit. Photos are attached at the end of this letter.

An aerial photo (Figures 3) was obtained from Google Earth™ and the approximate project boundaries were overlaid onto the photo. No GPS data was taken for this overlay.

Plant nomenclature is consistent with the Second Edition Jepson Manual.

Results

Although a full botanical survey did not occur due to the timing of the site visit, sufficient plants were available to characterize the habitat. Plants observed are presented in Table 1.

Species Name	Common Name	Native
<i>Achillea millefolium</i>	Yarrow	y
<i>Acmispon junceus</i>	Brouillet's Deerweed	y
<i>Artemisia californica</i>	Coast sagebrush	y
<i>Baccharis pilularis ssp. pilularis</i>	Coyote brush, chaparral broom	y
<i>Bromus diandrus</i>	Ripgut grass	n
<i>Carpobrotus chilensis</i>	Sea Fig	n
<i>Conium maculatum</i>	Poison hemlock	n
<i>Cortaderia jubata</i>	Pampas Grass	n
<i>Delairea odorata</i>	Cape Ivy	n
<i>Eriophyllum staechadifolium</i>	Lizard Tail	y
<i>Fragaria chiloensis</i>	Beach Strawberry	y
<i>Fragaria vesca</i>	Woodland Strawberry	y
<i>Genista monspessulana</i>	French broom	n
<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	y*
<i>Mimulus aurantiacus</i>	Sticky Monkey Flower	y
<i>Pinus radiata</i>	Monterey Pine	y*
<i>Rhamnus californica</i>	Coffeeberry	y
<i>Rubus ursinus</i>	California blackberry	y
<i>Salix lasiolepis</i>	Arroyo Willow	y
<i>Toxicodendron diversilobum</i>	Poison Oak	y
Table 1: Plant Species Observed		
* = California Native not native to San Mateo County		





Figure 3: Aerial Photo Dated February 23, 2014

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The majority of the site consists of Coastal Scrub, specifically the *Baccharis pilularis* - *Toxicodendron diversilobum* association (California code 32.060.17). The north-western area is dominated by *Carpobrotus chilensis*, a non-native species that is invading the habitat. Other invasive exotic species were found, primarily along the edges of the habitat next to the roads.

A small stand of *Salix lasiolepis* was observed on the south-western edge of the property. There was no evidence of wetland or riparian hydrology associated with this stand.

Discussion

The purpose of this site visit was to assess the subject property for the presence / absence of sensitive habitat areas. The Pacifica Zoning Code (Title 9, Chapter 4, Article 43, Section 9-4.4302) has the following definitions:

- (ad) "Environmentally sensitive habitat" shall mean an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which would be easily disturbed or degraded by human activities or development."
- (aw) "Wetland" shall mean land which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, streams, creeks, open or closed brackish water marshes, swamps, mudflats, or fens."

No rare or especially valuable species or habitat was observed during my site visit. Furthermore, although a small stand of *Salix lasiolepis* was observed, there was no evidence that this plant or the area it is growing is covered, either periodically or permanently, in standing water. In fact, no evidence of wetland hydrology appeared to be present anywhere on the site.

I therefore conclude that the lot that you propose to develop does not qualify as either an "Environmentally Sensitive Habitat Area" or as a "Wetland."

Thank you for choosing Toyon Consultants for your Environmental Consulting needs. If you have any questions, or I can be of any further assistance, please do not hesitate to contact me.

Regards,

Joe Rigney
Environmental Consultant
309 Seabright Ave
Santa Cruz, CA 95062



(831) 325-5754
joe@toyonconsultants.com
A-2-PAC-15-0046
EXHIBIT 5
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PHOTOS



PHOTO 1: Photo from northwest corner of lot, looking south. Note large patch of *Carpobrotus chilensis* in foreground.



PHOTO 2: Photo from northwest corner of lot, looking east. Note large patch of *Carpobrotus chilensis* in foreground.

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PHOTO 3: *Baccharis pilularis* - *Toxicodendron diversilobum* association.
Note *Carpobrotus chilensis* invading in lower left corner of photo.



PHOTO 4: Small stand of *Salix lasiolepis*

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

**M E M O R A N D U M**

TO: Stephanie Rexing, Coastal Planner, North Central Office, Coastal Commission

FROM: Laurie Koteen, Ph.D., Ecologist

RE: Palmetto Avenue Property, Pacifica, CA.

DATE: July 24, 2015

Documents Reviewed:

O'Connell, Michael P.E., Schematic Improvement Plans 4551, 4555, 4559, 4561, Palmetto Ave., City of Pacifica, San Mateo County, CA, received January 5, 2015 by City of Pacifica.

Rigney, Joe of Toyon Consultants, Letter to David Blackman of DB Construction Re: Sensitive Habitat Field Survey for Property on Palmetto Ave., dated August 26, 2014.

WRA, Delineation of Potential Jurisdictional Wetlands, A report prepared for: North Pacifica LLC, based on a Wetland Delineation completed on June 11, 1999.

This memo addresses a property overlooking the Pacific Coastline on Palmetto Avenue in Pacifica California. In reviewing the above listed documents, I concluded that a wetland may be present on site, and warrants the completion of a wetland delineation. The biological consultant who surveyed the property found two species classified as FACW, including a patch of Arroyo Willow, *Salix lasiolepis*. FACW is a classification developed by the Army Corps of Engineers that indicates a species "usually found in wetlands, but occasionally found in non-wetlands". The species of Poison hemlock, *Conium maculatum*, that was found is also classified as FACW. Because the California Coastal Commission only requires one indicator to be present on site for a wetland to be identified, the presence of these wetland indicator species, depending on their areal extent, at least strongly suggest that a wetlands is present on the site. Moreover, given that biological consultant visited the site in August 2014, a very dry time of year, and during a drought year, the lack of hydrological wetland indicators is unsurprising.

In addition, this property is directly adjacent to another Palmetto Avenue property, "the Pacifica Bowl", where a formal wetland delineation was performed previously. That delineation identified wetlands on the Pacifica Bowl property at a similar ground elevation to the indicated

location of the Arroyo willow on this property under the 3-parameter rule recognized by the Army Corps of Engineers. In June of this year, I visited the adjacent Pacifica Bowl property and found both vegetation and hydrologic wetland indicators were present. Given all these factors, a wetland delineation of the larger site at a wetter time of year should be performed before proceeding.

File: 215115
July 28, 2015

Mr. Mike O'Connell
900 Rosita Road
Pacifica, CA 94044

Subject: **Palmetto Avenue Property
4551-4561 Palmetto Avenue
Pacifica, California
GEOTECHNICAL COMMENTARY ON EROSION**

Dear Mr. O'Connell:

This letter has been prepared to document our opinions on the condition of the drainage channel which extends from the western side of Palmetto Avenue out to the ocean in the vicinity of your project. The need to address this issue stems from commentary presented to the Coastal Commission in a recent hearing on the project.

Recent Site Observations

We returned to the site area on July 27, 2015 to specifically evaluate the condition of the large drainage ravine on the western side of Palmetto Avenue. During that visit, we noted:

1 – The drainage channel extends from the beach at the Pacific Ocean up several hundred feet to the east as a very deep natural appearing drainage channel which has been cut down over a long period of time. The base of this channel is well vegetated with no signs of current down-cutting along the drainage axis.

2 – Roughly 80 to 100 feet to the west of Palmetto Avenue, there is an abrupt drop in the natural topography (“cliff”). The cliff takes on an arcuate shape around the axis of the drainage channel. The axis of the cliff does not exhibit any incising or down cutting to suggest that active erosion has occurred in the area in decades. This arcuate shape might ordinarily suggest landslide activity, but there is no apparent deposit of materials consistent with such a failure. This leads us to concur with the previous geologic consultant that this arcuate feature is most likely associated with pre-historic ocean erosion processes on the old terrace deposits occurring when ocean levels were much higher.

3 – A large diameter corrugated metal pipe was observed daylighting out of the face of the cliff. The end of the culvert had a 90 degree turn down fitting. A cloth extender ran from the mouth of the pipe down to the base of the cliff below. This cloth extender appeared to be a previous attempt to safely convey water from the pipe down to the base of the cliff without allowing the water to erode the cliff face.

4 – The lateral sides of the drainage channel downstream of the “cliff” are extremely steep, much steeper than would be practical for natural soils. It is our opinion that these materials consist of a lightly cemented sandstone which accounts for the steep nature of these slopes. While much of the overly steep slopes are vegetated, there are areas where the vegetation has sloughed off, exposing the cemented

sands. The sloughing appears to have involved the outer thin veneer (2 to 3 feet) of weathered “bedrock” and vegetation.

5 – On the eastern side of Palmetto Avenue, we observed a 12 inch diameter pipe in a concrete headwall. This pipe appears to collect the waters from the drainage basin above (easterly of) Palmetto Avenue. The pipe did not appear to be consistent with the pipe observed exiting the face of the western cliff.

6 – About 100 yards south of the subject site, we observed a catch basin on the western side of Palmetto Avenue on the street between the driveway accesses to a private property and a multifamily development. A 12 inch concrete pipe enters into this basin from the northern side. As there are no other catch basins apparent north of this catch basin on Palmetto Avenue, it would appear that this pipe is the outfall from the headwall pipe in the upper basin just north of your project site.

Previous Geologic Report

The previous geologic report by Earth Investigations Consultants opined that it was their opinion that the deep gorge represented a “prehistoric feature cut into the unconsolidated terrace deposits underlying the 100 foot high, vertical coastal bluff bordering the westy side of Palmetto Avenue.” They also concluded from a review of aerial photographs that the drainage swale had been globally static over the past 55 years, with only localized surface erosion and debris slides on the steep side slopes occurring periodically. The report recommended that geotechnical work be performed to evaluate alternative site access should the low to moderate potential of loss of Palmetto Avenue ever occur.

Geotechnical Conclusions and Opinions

Based upon our observations of the drainage channel and review of the geologic report, we offer the following conclusions and opinions:

1 - As concluded by the previous project geologist, the deep ravine does not appear to be experiencing further axial erosion and appears to have been globally stable for a protracted period of time. This may be due to the redirection of surface waters from the ravine into a storm drain system which runs down Palmetto Avenue.

2 – While there may be coastal retreat of a subsidiary bluff down by the ocean, there is no impact of ocean induced bluff erosion affecting the drainage swale within several hundred yards of Palmetto Avenue. Coastal bluff erosion is not a factor in the viable long-term stability of Palmetto Avenue in this area.

3 – The cliffs at the upstream end of the deep ravine portion of the drainage channel appear to be related to pre-historic erosion of the hillside during a period of higher ocean levels, not the result of recent erosional processes.

4 – Degradation of the cliffs is occurring, but due primarily to natural long term weathering of the lightly cemented terrace/bedrock deposits. As these areas are denuded by the surface sloughing, the exposed materials again start to weather, vegetation grows, and eventually the outer 2 to 3 feet of weathered material sloughs off the overly steep slope.

File: 215115
July 27, 2115

5 – Based upon our observations of the nature of the slope regression, it is our opinion that it will likely take hundreds of years for the observed slope failures to encroach upon the Palmetto Avenue roadway.

6 – Obviously, any diversion of waters away from the cliff area of the drainage swale will decrease the rate of weathering and will help to increase the potential long term viability of the street. To this end, we would recommend that all surface waters on the proposed new development site be collected and directed onto the street, or into the storm system under Palmetto Avenue, to further improve long term stability.

Should you have any questions please contact the undersigned.

Respectfully Submitted;
GeoForensics, Inc.



Daniel F. Dyckman, PE, GE
Senior Geotechnical Engineer, GE 2145



cc: 1 to addressee

Geological Report

SEP 02 2014

CITY OF PASADENA



Earth Investigations Consultants

August 23, 2014
Job 2394.04.00

Oceanshore Apartments, LLC
c/o Michael O'Connell, P.E.
900 Rosita Road
Pacifica, California 94044

RE: ENGINEERING GEOLOGIC SITE REVIEW
Proposed Oceanshore Apartments
4551-1561 Palmetto Avenue
Pacifica, California

Ladies and Gentlemen:

INTRODUCTION

Location and Proposed Project

Pursuant to your authorization, we have completed the referenced project, located in the northwestern part of Pacifica, California (Plates 1 and 2). You requested this review to get a preliminary characterization of the general geologic setting and potential geologic hazards as part of your project plan submittal to the City of Pacifica Planning Department.

We understand you proposed to construct 4, single story, detached, wood-framed, apartment buildings with access to a paved driveway leading to a carport on the eastern side of the buildings (Plate 3). Moderate grading and retaining walls are anticipated.

Scope of Services

The scope of services undertaken to arrive at the findings and conclusions that follow was limited to:

- Photogeologic interpretation 1956 stereo aerial photographs and interactive, historic Google Earth imagery. Plate 1 contains an annotated 2014 Google Earth image of the site area.
- Review of readily available published geologic maps by the U.S. Geological Survey and California Geological Survey (Plates 4 and 5);
- Geologic reconnaissance observations of the site on August 18, 2014.

A-2-PAC-15-0046

EXHIBIT 7

- Analysis of the data and preparation of this report.

FINDINGS

Topography and Drainage

The site is situated on a natural and graded, relatively gentle easterly slope adjoining Palmetto Avenue and downslope from Cabrillo Highway. Relief across the property is approximately 20 feet. There are 2 abandoned paved roads that coincide with the triangular property boundaries (Plates 1-3). Eroded, steep cut slopes up to approximately 5 feet high border the roads. The site would tend to sheet runoff to Palmetto Avenue. There was no observed evidence of seepage or springs on the property.

Geologic Setting

Plate 4 contains a regional geologic map covering the site area. It indicates the site is underlain by Franciscan sheared rock and greentstone at depth, as it is mantled by a variable thickness of moderately plastic, sandy clay colluvium and isolated sliver fills associated with the historic road grading activity. From the roadway cut exposures, liquefiable soil is not expected to occur on this site. The toe of an intact, steep fill embankment associated with the Cabrillo Highway was interpreted from aerial photographs and observed in the field to lie just south of the site.

Erosion and Landslides

Dense brush and ground cover offers protection against erosion of the natural slopes on the site. The eroded roadway cut slopes have remained intact without evidence of gross instability; a testament of the strength of the surficial soils. There has been no reported occurrence of landslides on the property (Bonilla, 1961; Howard-Donley Associates, Inc., 1982).

There is a large, poorly-drained depression to the north, locally known as the Fish and Bowl. From aerial photographs, gully erosion is visible but obscured from observation in the field by dense brush cover. Two landslides were mapped following heavy rainfall in the winter of 1982 (Howard-Donley Associates, Inc., 1982) on a steep, graded slope approximately 150 feet north of the site where the abandoned northern paved roadway on the site loops northward to border the

uphill side of the Fish and Bowl property. These slides present no threat to the site.

A deep gorge, approximately 60 feet from the western property line, forms the distal segment of a gullied channel draining the Fish and Bowl depression. It appears to represent a prehistoric feature cut into unconsolidated terrace deposits underlying the approximately 100-foot high, vertical coastal bluff bordering the west side of Palmetto Avenue. Stereo aerial photography from 1957 revealed that fill was placed in the headward part of the drainage where it intersects the former Highway 1 alignment. We suspect the concave-upward ground surface characterizing the headward-most reach of the gorge is related to the topographic expression, possibly modified somewhat by development of former Highway 1 prior to improvement of Palmetto Avenue. Surface erosion of the steep banks of the gorge has been mitigated somewhat by ice plant coverage.

There is subsidiary gully erosion from roadway runoff of the shoulder of Palmetto Avenue just north of the gorge. There was no observed evidence of headward erosion undermining the roadway.

Faults and Seismicity

Active faults are not known to cross the site (Plate 5). The concealed active trace of the San Andreas fault is mapped approximately 2000 feet to the northeast. Historic movement on this fault caused the magnitude 7.9, 1906 earthquake centered in Daly City north of the site. Ground rupture occurred along its trace between Mussel Rock to San Juan Bautista. Violent ground shaking in this area from that event caused various modes of slope failure in the local coastal bluffs (Lawson, 1908). Permanent ground failure from that event is not known to have affected the site (Youd and Hoose, 1978). The magnitude 5.3 earthquake centered in Daly City caused locally significant damage to residences in the southwestern part of the city. There was no ground rupture on the fault trace during that event.

The San Andreas fault Earthquake Fault Zone is mapped approximately 1500 feet northeast of the site (Plate 5). This zone in this area is approximately 500 feet wide on both sides of the mapped trace, and is such due to the potential for active faults branching off the main trace. Sites within this zone proposed for habitable building are required to be cleared of active faulting before they are permitted for development.

According to the Working Group (2008), there is a 63 percent chance of a magnitude 6.7 or greater earthquake occurring on one of the Bay Area active faults by the year 2036 years. There is a 21% of such an event occurring on the San Andreas fault.

CONCLUSIONS

This review indicates that the site is not constrained by geologic hazards, such as landslides and fault rupture. Given the soil profile exposed on the site an in the coastal bluff, potential for liquefaction is considered low. Therefore, from an engineering geologic standpoint, the site is considered suitable for the proposed residential development. However, it is important that the project design benefit from a detailed, design-level geotechnical investigation once the proposed development plan has been established.

The headward part of the gorge across the street from the site appears to have been globally static over the past 55 years, but there is field and photogeologic evidence of localized surficial erosion and debris slides landsliding of the steep slopes. However, there is low to moderate potential for undermining of the roadway by retreat of the steep banks in the event of violent ground shaking during one or more major earthquakes that could occur on the nearby segment of the San Andreas fault. This potential offsite hazard should be further evaluated in the design-level geotechnical investigation relative to alternative site ingress/egress should the segment of Palmetto Avenue ever be undermined by headward gorge retreat

INVESTIGATION LIMITATIONS

This report has been prepared in accordance with generally accepted engineering geologic principles and practices, and is in accordance with the standards and practices set by the geotechnical consultants in the area for a similar project scope. We offer no warranties or guarantees.

REFERENCES

Bonilla, M.G., 1959, geologic observations in the epicentral area of the San Francisco earthquake of March 22, 1957, *in*, San Francisco earthquake of March 1957. California Division of Mines and Geology Special Report.

Bonilla, M.G., 1960, Map of landslides in the San Francisco south quadrangle and part of the Hunters Point quadrangle, California: U.S. Geological Survey, scale 1:24,000.

Bonilla, M.G., 1971, Preliminary geologic map of the San Francisco south quadrangle and part of the Hunters Point quadrangle, California: U.S. Geological Survey Miscellaneous Field Studies Map MF-311, scale 1:24,000.

California Division of Mines and Geology, 1982, Earthquake fault hazard zones, San Francisco south 7 ½ minute quadrangle: State of California Department of Conservation, map scale 1:24,000.

Howard-Donley Associates, 1982, Geological investigation, landslide type, distribution and mechanics details of nine representative failures, January 1982 rainstorms, City of Pacifica, California: Geotechnical consultant's report to the City of Pacifica, Map Sheet 3B, scale 1 inch = 400 feet.

Lawson, A.C. (ed.), 1908, The California earthquake of April 18, 1906: Report of the California State Earthquake Investigation Commission: Carnegie Institution, Washington, D.C., v. 1, 451 pgs.

Petersen, M. and others, 1999, Seismic shaking maps of California: California Division of Mines and Geology Map 48.

Plafker, G., and Galloway, 1989, Lessons learned from the Loma Prieta California earthquake of October 17, 1989: U.S. Geological Survey Circular 1045, 48 pgs.

Working Group on California earthquake probabilities, 2008, The uniform California earthquake rupture forecast, version 2 (UCERF 2): U.S. Geological Survey Open File Report 2007-1437.

Youd, T.L., and Hoose, S.N., 1978, Historic ground failures in northern California triggered by earthquakes: U.S. Geological Survey Professional Paper P993, 177 pgs. map scale 1:250,000.

AERIAL PHOTOGRAPHS

Source	Date	Job No.	Flight Line	Frames	Scale
U.S. Soil Conservation Service	5/27/56	DDB	1R	12 & 13	1:20,000

Google Earth, 1993-2014, Interactive aerial images
The following illustrations are attached and complete this report:

- Plate 1 – Oblique Aerial Image
- Plate 2 – Vicinity Map
- Plate 3 – Site Plan
- Plate 4 – Geologic Map
- Plate 5 – Earthquake Fault Zone Map

We trust that this report provides you with the information you require at this time.
If you have any questions, please call.

Very truly yours,

Earth Investigations Consultants, Inc.



Joel E. Baldwin, II
Engineering Geologist 1132 (renewal date 2/28/15)



JEB:jb:sr

Distribution: 3 bound copies and e-file to addressee

July 30, 2015

Stephanie Rexing
Coastal Planner
California Coastal Commission
415.597.5894
Transmitted via email to: Stephanie.Rexing@coastal.ca.gov

**Subject: Appeal of Ocean Shore Apartments, Pacifica
CDP 347-14
A-2-PAC-15-0046**

Dear Stephanie,

This letter comprises our initial response to the contentions made by the appellants regarding the Ocean Shore Apartments project on Palmetto Avenue in Pacifica.

CONTENTIONS MADE BY APPELLANTS

- (1) Contention: New Proposed LUP
Response: The proposed LUP, which is irrelevant at this time, refers to a different property. The appellant is disingenuously inferring that the proposed project is on a coastal bluff.
- (2) Contention: Existing LUP
Response: Again the appellant is maliciously quoting the land use narrative of another property. The current and adopted LUP recommends medium density residential. The current LUP even goes further and actually suggests our site be a donor site for additional density.
- (3) Contention: Wetlands and Sensitive habitat (North Pacifica's appeal referenced)
Response: The appellants are referring to a different development proposal by a different owner (North Pacifica LLC) at a different site. As required by the Coastal Commission our project biologist prepared a one-parameter wetland delineation. It was determined that the willow that is in the public right of way (City property) adjacent to our site is considered a wetland based on vegetation species alone. The project biologist stated that by installing pervious pavement for the driveway and by removing the ice plant and replacing it with native shrubs the project would actually enhance the habitat for the willow. Our project does not have a negative impact on the willow.

- (4) Contention: Geological/hydrological issues & Drainage
Response: The geological report in the record states the site is not constrained by geological hazards and the gorge across the street has been globally static for 55 years. The design-level geotechnical report is attached for reference. A supplemental report was also prepared for the Coastal Commission which concurred with the feasibility study and design level report that the gorge is globally static.
- The drainage plan has been reviewed and approved by Van Ocampo, the City Engineer. He even stated at the City Council hearing our drainage plan actually improves drainage at the site and helps reduce erosion.
- (5) Contention: Coastal Armoring
Response: Our project would have no effect on the need for coastal armoring. Any coastal armoring would be required first to armor Palmetto Avenue (the public right of way).
- (6) Contention: Project's location will create a potential traffic hazard / Manor over crossing
Response: A trip generation analysis was prepared by a licensed engineer and was also reviewed and approved by the City Engineer. The project is so small that it only generates 1 AM peak hour trip and 1 PM peak hour trip and has a negligible impact on the Manor overcrossing. The project provides adequate sight stopping distance at the proposed driveway. This was also reviewed and approved by the City Engineer.
- (7) Contention: Cumulative Impacts
Response: Our project has no adverse significant impacts on coastal resources. The appellant does not provide any specific adverse significant impacts that our project might have.
- (8) Contention: Sea Level Rise
Response: It was determined that there would be no physical impacts due to sea level rise since the proposed project is 180 feet above sea level.
- (9) Contention: Scenic Resources
Response: We took the upmost care in protecting the scenic and visual qualities of the area. The project is very small, single story with living roofs. Our project should be considered a model for protecting scenic and visual qualities.
- (10) Contention: Coastal Access Bluff Area Recreation
Response: Our project meets Pacifica's off-street parking requirements. Currently it is rare to see more than 4 cars parked at the bluffs, but there is over 90 spots available in this area.

The street is 36ft wide while the public right of way is 140ft. There is plenty of space for any future trail and additional parking.

FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulation simply indicates that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." In previous decisions on appeals, the Commission had been guided by the following factors:

- (1) The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
Response: Our factual support is provided by professional engineers and biologists who prepared site specific studies. The appellants have not provided any additional site specific studies or data that would refute the studies in the record. We have prepared additional studies that refute the contentions of the appellants.
- (2) The extent and scope of the development as approved or denied by the local government;
Response: Our project is very small in scope. It is as small as is allowed to be permitted. We could not make a project that is any smaller and still meet to the local zoning code and general plan. It is the minimum allowed number of units, the minimum allowed square footage, the minimum number of stories, and the minimum required parking. The project maximizes pervious surfaces by using living roofs, pervious pavement and bio-retention drainage system. This type of development is consistent with the type and character of development in the surrounding area and is consistent with development promoted by Section 30222 of the Coastal Act.
- (3) The significance of the coastal resources affected by the decision;
Response: The significance is minimal as there are no coastal resources affected. The location of the proposed development is almost a ½ of a mile from the nearest beach access adjacent to the Land's End apartments to the south. The beach access to the North, at Mussel Rock, is more than ½ of a mile from our project. Because of its distant proximity to the beach, this area is not a primary destination for shoreline access.
- (4) The precedential value of the local government's decision for future interpretations of its LCP;
Response: The proposed development has a positive precedential value since it has less mass, height and scale of past Commission approvals for this area of Pacifica, and within the policies of the certified Pacifica's LCP.

- (5) Whether the appeal raises local issues, or those of regional or statewide significance.
Response: The City addressed CEQA with a CEQA Notice of Exemption. While there are several local issues that the City addressed, the City's approvals do not raise issues of statewide significance.

Please contact us with any questions, comments, or additional information you need.

Thank you,

Mike O'Connell
650.303.0495
Oconnelldesigns@gmail.com

Dave Blackman
650.766.6316
Dave@dbconstruction.com

Ocean Shore Apartments, Palmetto - Trip Generation Analysis							
Land Use	Units	Daily Trips		AM Peak Hour		PM Peak Hour	
		Rate (trips/unit)	Trip	Rate (trips/unit)	Trip	Rate (trips/unit)	Trip
1 Bedroom Studios (ITE Code 710 - Apartment)	4	3.19	13	0.2	0.8	0.23	0.92
Total		-	13	-	1	-	1

Notes:

1. Trips are rounded up to the nearest whole number.
2. AM Peak Hour = 7 AM - 9 AM
3. PM Peak Hour = 4 PM - 6 PM
4. Trip generation rates taken from the Institute of Transportation Engineers, 2008.



From: Stan Zeavin <margstan@sbcglobal.net>
Sent: Tuesday, July 14, 2015 9:59 AM
To: Cave, Nancy@Coastal; Rexing, Stephanie@Coastal
Subject: Pacifica CPD-347-14 permit appeal
Attachments: Juncus effusus.JPG; mud dried.JPG; 2015Jul12_5986 copy.JPG e end of culvert.JPG; 2015Jul12_5946 copy.JPG drainage pipe wpalmetto.JPG; 2015Jul12_5943 copy.JPG gorge erosion.JPG; Manor_Pacifica_Pages from workshop_packet_final.pdf

Nancy Cave
Stephanie Rexing
California Coastal Commission
San Francisco CA

Appeal to California Coastal Commission of City of Pacifica Coastal Development Permit (CDP-347-14), 4000 Block of Palmetto Avenue, APN 009-402-270

Dear Ms. Rexing and Cave,

This letter is in support of the appeal filed by Victor Carmichael, myself and others.

The Coastal Development Permit granted by the City of Pacifica for development at the 4000 block of Palmetto does not adequately address several issues. The three about which I am most concerned are:

1. Seasonal wetlands near the project may be affected by it.
2. The hydrology and geology study recommends more information.
3. Sea level rise and increasing erosion that may threaten the roadway are not addressed.

1. Seasonal wetlands

South and east and slightly uphill of the development site is a small area with *Juncus effusus* and *Rumex salicifolia*, both USAD FACW, growing at the margins of what is currently a dried pond. Please see photos of Juncus and dried mud. This area has regularly filled with and held water during the rainy season. This pond may seep to the dense stand of *Salix lasiolepis* within the development site along the edge of Palmetto Avenue. The official biological opinion, dated August, 2014, claims to find no evidence of wetland despite the thick willows on the project site, which are incorrectly labeled as red willow.

Of further concern is the area immediately north of the project site, identified as the "bowl." The very extensive willow coverage indicates a large area of hydric soil. *Juncus patens*, another wetland plant, is present at the margin of the willows in this major seep/spring riparian wetland with emergent groundwater throughout. No consideration appears to have been given to the effect of the development project on the wetlands north of the site.

2. Hydrology and Geology

Immediately west of the development site is a deep gully dropping to the beach. The city has recently added plastic tubing to the culvert apparently to reduce the erosional effects of water flowing from east of Palmetto (from the westmost part of the wetland in the "bowl") under the road to the ravine. Please see attached photos of the culvert opening east of Palmetto, the west outflow and tubing, and the visible erosion on the steep north bank of the ravine near the road.

According to the geology report prepared for the development, "...it is important that the project design benefit from a detailed, high-level geotechnical investigation... The headward part of the gorge across the street from the site appears to have been globally static over the past 55 years, but there is field and photographic evidence of localized surficial erosion and debris slides landsliding of the steep slopes. However, there is low to moderate potential for undermining of the roadway by retreat of the steep banks in the event of violent ground shaking during one or more major earthquakes that could occur on the nearby segment of the San Andreas fault. This potential offsite hazard should be further evaluated in the design-level geotechnical investigation relative to alternative site ingress/egress should the segment of Palmetto Avenue ever be undermined by headward gorge retreat."

The project was approved by Pacifica without the recommended further investigation.

Should the gorge retreat and undermine Palmetto, the placement of this development will leave Pacifica no recourse but to close the street which is now heavily used by large trucks traveling to and from the Mussel Rock transfer station. The road is also used by visitors wishing to view the ocean (and whales!) from a superb vantage point high above the sea.

3. Sea Level Rise

No consideration is given to the effects of sea level rise on erosion rates affecting the coastal bluffs and ravine west of the development. (Pacifica's LCP is out of date by 35 years.) With rates of coastal bluff erosion likely to increase, the ravine will be subject to erosion also. If the Coastal Commission Sea Level Draft Policy Guidance addressing impact to coastal resources continues to be ignored, the road and access from Pacifica to the bluffs may be lost. The attached "Pacifica: Manor Beach" map from the 2012 draft San Francisco Littoral Cell Coastal Regional Sediment Management Plan projects potential coastal erosion in this area of unconsolidated terrace deposits.

The potential effects of sea level rise must be evaluated as part of this development.

Thank you for your consideration and the important work you do,

Margaret Goodale
Retired Environmental Educator
1135 Palou Drive
Pacifica CA 94044







Study Reach dividing lines

Infrastructure

- Pump Station
- Outfalls (Storm/Combined Sewer)
- Pipeline (Sewer)
- Pipeline (Combined Sewer)
- Pipeline (Storm)

Coastal Armoring

- seawall
- mid bluff wall
- upper bluff wall
- piles
- revetment

Coastal Erosion Hazard Zones

- Existing
- 2050 Low
- 2050 Med
- 2050 High
- 2100 High

0 1,000 Feet

Manors District

storm drain at "Bluffs"

Storm Drain

Storm Drain

Beach Blvd

Ocean Shore Apartments

Project Information

Project Description:

New residential building on an existing vacant lot in Pacifica, CA
Wood framed, three stories, 4 apts, 2/ two bedroom, 2/ one bedroom, with a common garage.

Project Address:

4000 Palmetto Ave Pacifica, CA

Designer:

DB Construction Inc. 375 Keith Ave Pacifica, CA -David Blackman (650) 766-6316

Engineer:

Mike O'Connell Designs Pacifica, CA

Code Notes

Type of Occupancy:

R2/ U

Construction Type:

VB

Number of Stories:

3

Work to conform to:

2013 CRC, CBC, CFC, CPC, CMC, CEC, 2013 Energy code, 2013 CABC

Data

Zoning / General Plan:

R3G - Multifamily residential, Coastal Zone, Medium Density Residential

Number of units :

4 units proposed

4 unit min./ 6 unit max. per Coastal & General Plan

Lot Size:

18,411 sq.ft. existing
4,603 sq.ft. per unit

7,500 min. required.
2,300 min. sq.ft. per apt required.

Foot Print:

Building 3169 sq.ft. (17%)
Hardscaping(driveway, porch, ext stairs)
1575 sq.ft. (9%)
Landscaping 14,386 sq.ft. (78%)

9205 sq.ft. (50%) Max

no max
4603 sq.ft. min. (25%)

Setbacks:

Front (West) = 15'
Rear(East) = 64'
Side(North) = 5'
Deck Side Setbacks= 4'

15' min. required.
20' min. required
5' min. required
4' min. required

Apt 1&3 size

1 bedroom/ 2bath Apt - 1170sq.ft. living 400sq.ft. min.

Apt 2&4 size

2 bedroom/ 2bath Apt - 1140sq.ft. living 400sq.ft. min

Total Living Space:

4620 sq.ft no max limit.

Building Height:

35ft. 35ft. max

Parking

2/ two bedroom apt. require 2x2 =4
2 / one bedroom apt. require 1,5 =3

quest parking =1

8 total parking spots proposed

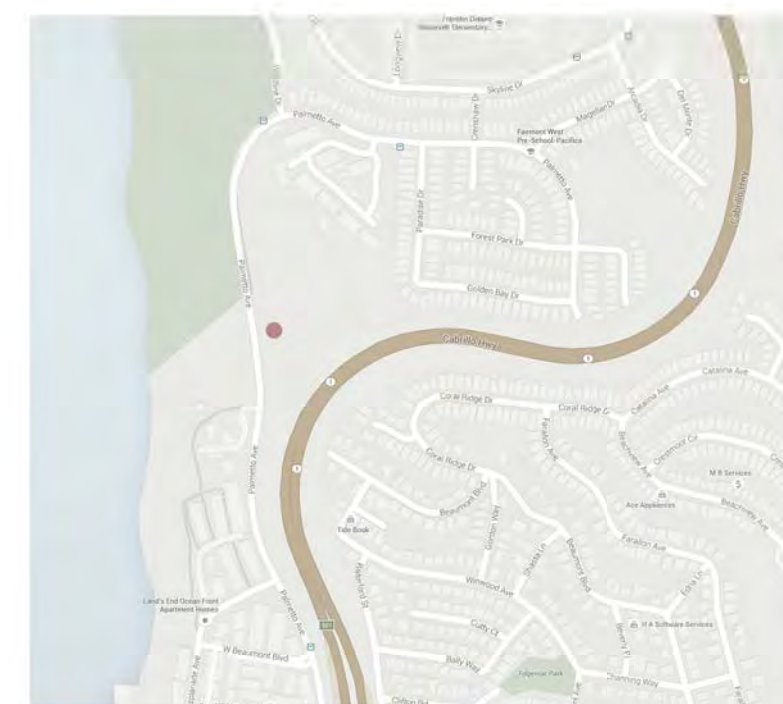
8 min. required



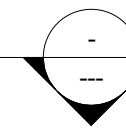
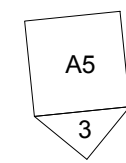
Drawing Index

A1 Cover and Data
A2 Garage Floorplan
A3 2nd Floor Apts 1&2
A4 3rd Floor Apts. 3&4
A5 Elevations

Vicinity Map



<div>DB Construction Pacifica, CA</div>		
No.	Description	Date
Ocean Shore Apt. 4000 Palmetto Pacifica, CA		
Cover		
Project number	Project Number	
Date	March 29, 2016	
Drawn by	Author	
Checked by	Checker	
A1		
Scale		



5' setback line

site retaining wall at property line (does not support building above)

columns at 5' setback supports building above

Garbage/Recycle

2/ 9'x19' parking spots

Garage

Concrete on grade

1 compact stall - city permits 20% of parking to be compact. 8 x 20% = 1.6

1/ compact parking spots

5/ 9'x19' parking spots

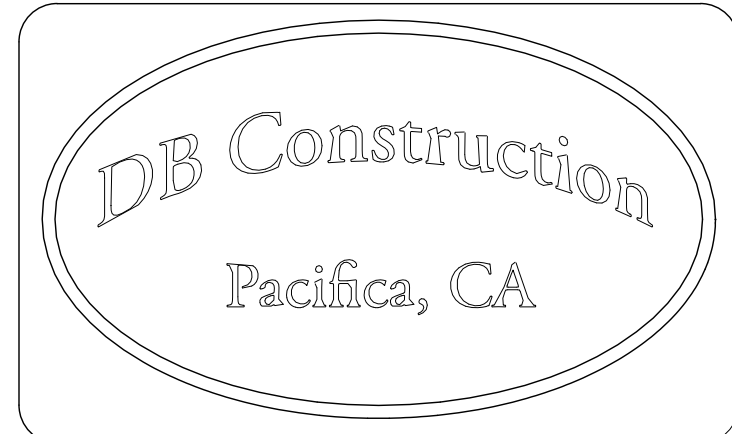
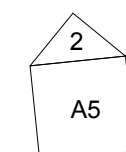
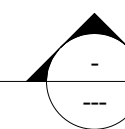
10' - 8"

9' - 5"

19' - 0"

UP

15' - 0"



No.	Description	Date

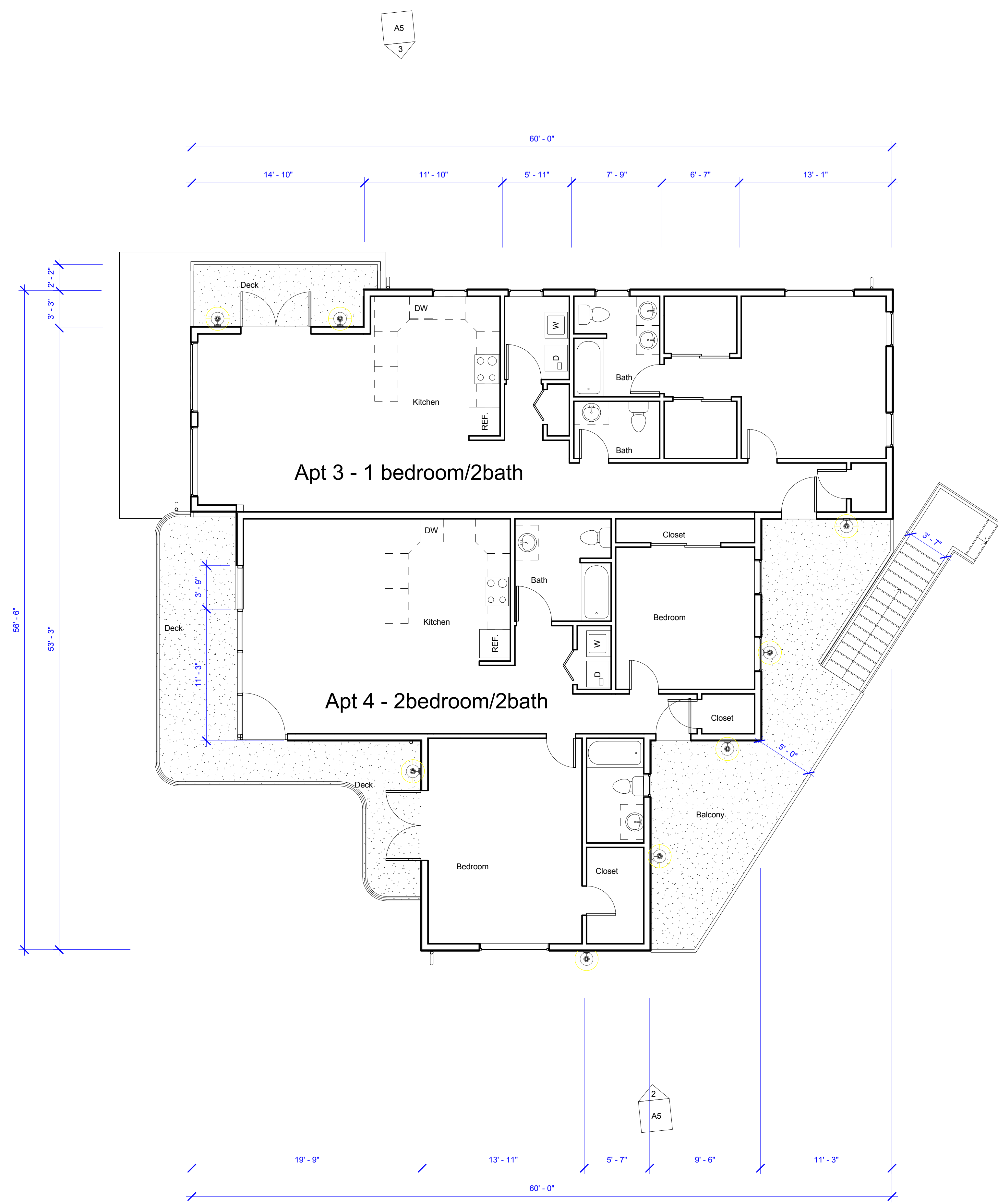
Ocean Shore Apt.
4000 Palmetto
Pacifica, CA

Garage Floorplan

Project number	Project Number
Date	March 29, 2016
Drawn by	Author
Checked by	Checker

A2

Scale 3/16" = 1'-0"



DB Construction

Pacifica, CA

No.	Description	Date

Ocean Shore Apt.

4000 Palmetto

Pacifica, CA

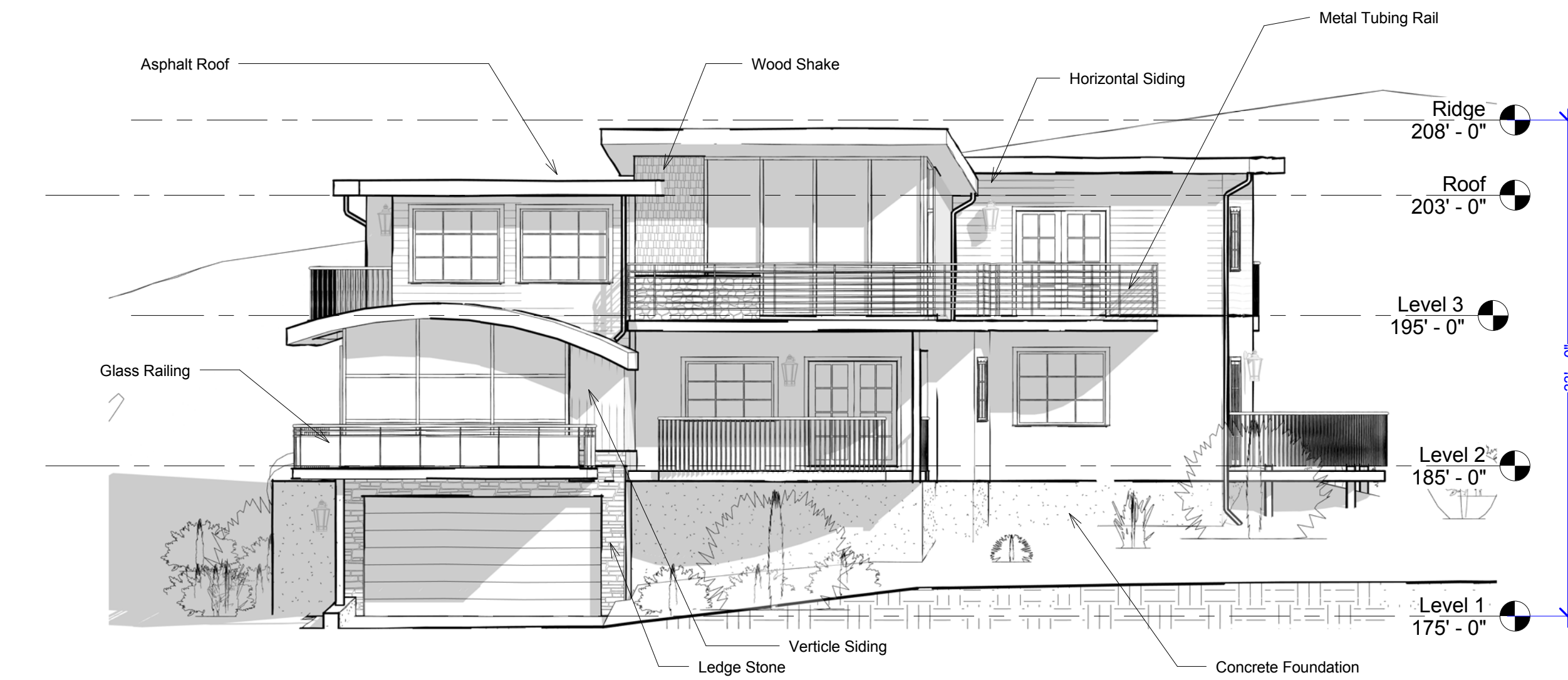
3rd Floor

Project number	Project Number
Date	March 29, 2016
Drawn by	Author
Checked by	Checker

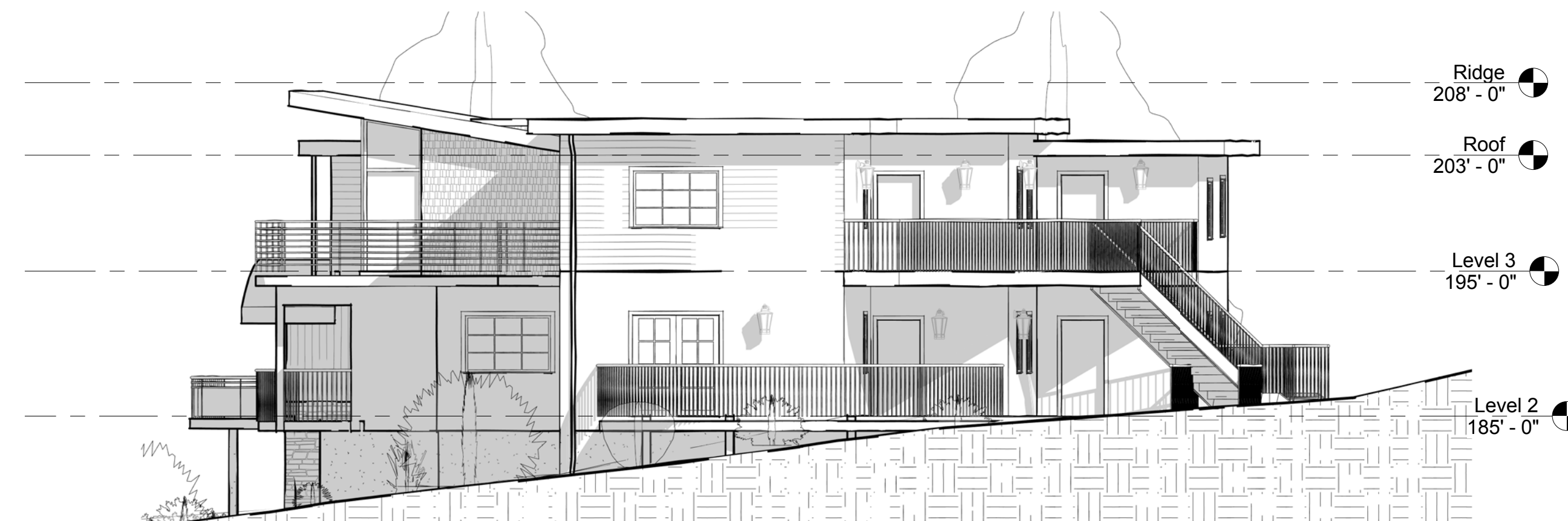
A4

Scale

3/16" = 1'-0"



① West
1/8" = 1'-0"



② South
1/8" = 1'-0"



⑤ Overview Front Left



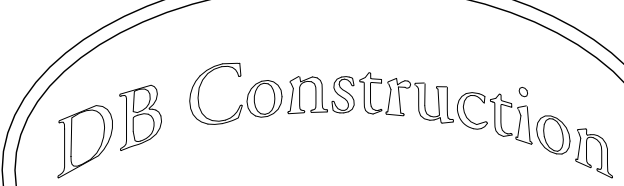
⑥ Overview Front Right

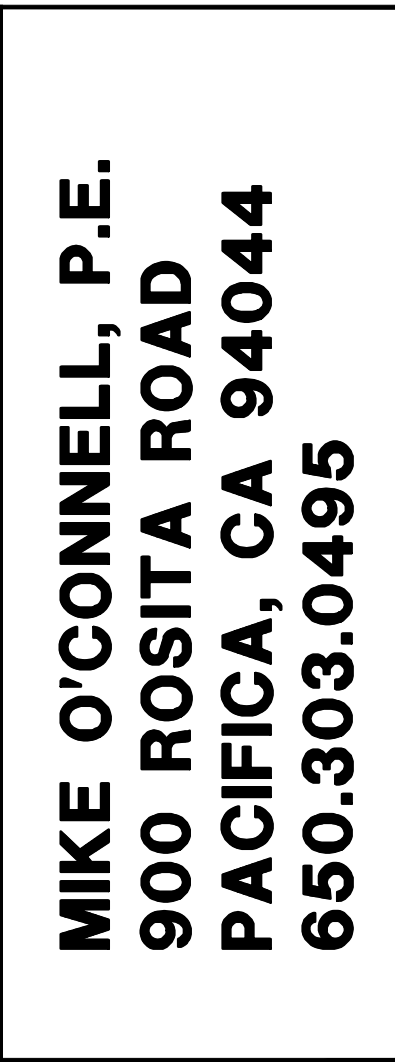


③ North
1/8" = 1'-0"



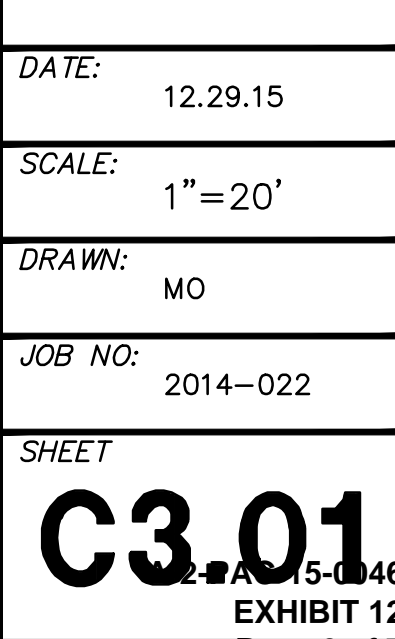
④ East
1/8" = 1'-0"

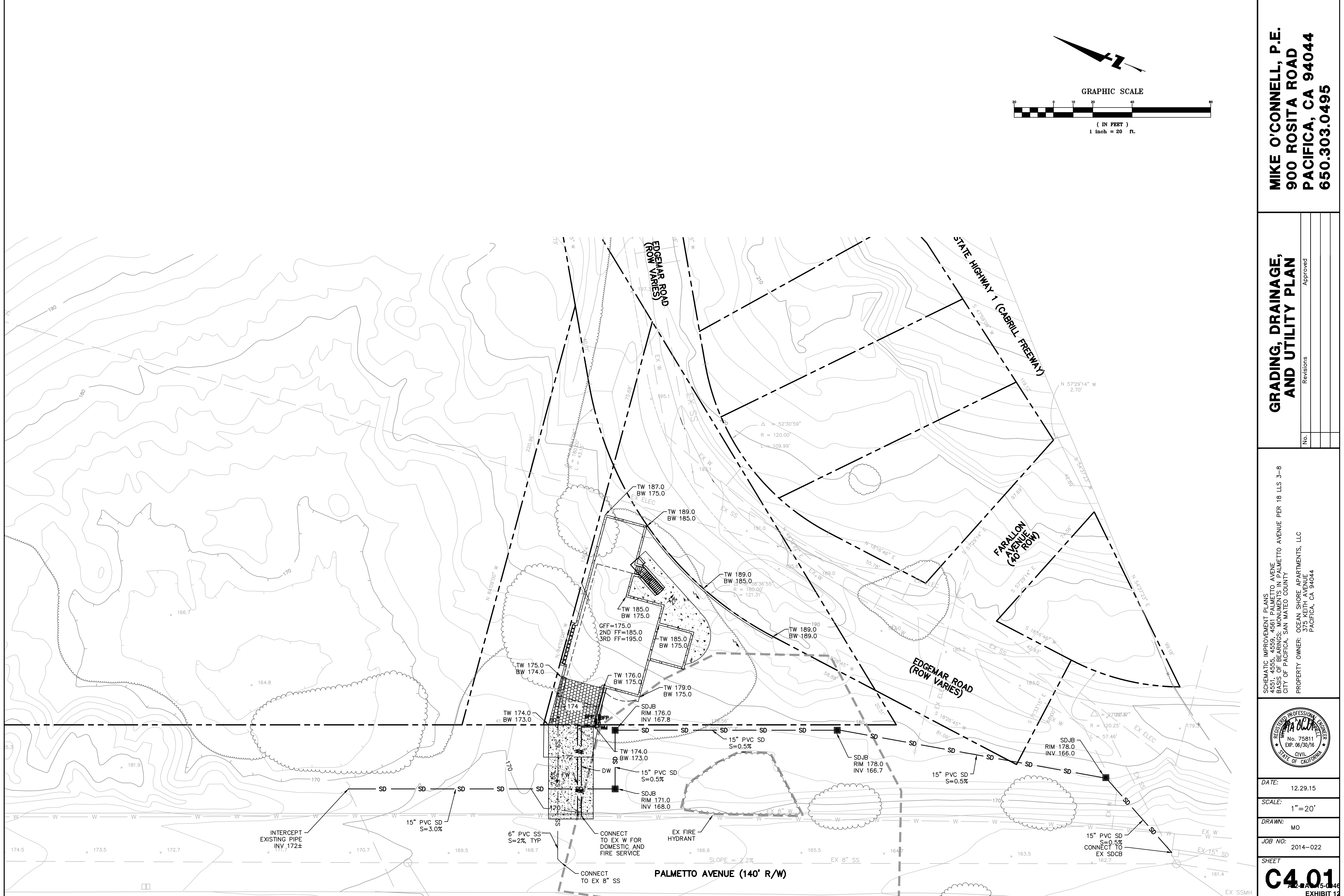
 DB Construction Pacifica, CA		
No.	Description	Date
Ocean Shore Apt. 4000 Palmetto Pacifica, CA Elevations		
Project number	Project Number	
Date	March 29, 2016	
Drawn by	Blackman	
Checked by	Checker	
A5		
Scale	1/8" = 1'-0"	



SCHEMATIC IMPROVEMENT PLANS
4551, 4555, 4559, 4561 PALMETTO AVENUE
BASIS OF BEARINGS; MONUMENTS IN PALMETTO AVENUE PER 18 LLS 3-8
CITY OF PACIFICA, SAN MATEO COUNTY

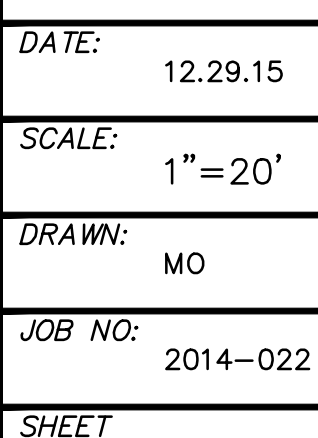
PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
3715 KEITH AVENUE
PACIFICA, CA 94044





GRADING, DRAINAGE, AND UTILITY PLAN

SCHEMATIC IMPROVEMENT PLANS:
4551, 4555, 4559, 4561 PALMETTO AVENUE
ON BASIS OF BEARINGS: MONUMENTS IN PALMETTO AVENUE PER 18 ILS 3-8
CITY OF PACIFICA, SAN MATEO COUNTY
PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
375 KEITH AVENUE
PACIFICA, CA 94044



SHEET

C4.01

A2-A15-046

EXHIBIT 12

Page 7 of 7





△ = 25°29'31"
R = 100.00'
L = 44.49'

△ = 56°12'31"
R = 70.00'
L = 68.67'

△ = 52°30'59"
R = 120.00'
L = 109.99'

△ = 38°36'55"
R = 180.00'
L = 121.31'

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

NOTE: REMOVE ALL ICE PLANT AND
REPLACE WITH NATIVE COAST
SCRUB WITHIN PROPERTY LINE AND
RIGHT-OF-WAY FRONTAGE.

PALMETTO AVENUE (140' R/W)

MIKE O'CONNELL, P.E.
900 ROSITA ROAD
PACIFICA, CA 94044
650.303.0495

PROPOSED SITE PLAN

SCHEMATIC IMPROVEMENT PLANS
4551, 4555, 4559, 4561 PALMETTO AVENUE
BASIS OF BEARINGS: MONUMENTS IN PALMETTO AVENUE PER 18 LLS 3-8
CITY OF PACIFICA, SAN MATEO COUNTY
PROPERTY OWNER: OCEAN SHORE APARTMENTS, LLC
3745 KETCHIKAN AVENUE
PACIFICA, CA 94044



DATE: 12.29.15

SCALE: 1"=20'

DRAWN: MO

JOB NO: 2014-022

SHEET

C3.01

EXHIBIT 14

Page 1 of 1



Figure 2. Coastal Commission Jurisdictional Wetland Features

Pacifica Bowl
San Mateo County, California

File: 215115
October 26, 2015

Mr. Mike O'Connell
900 Rosita Road
Pacifica, CA 94044

Subject: **Palmetto Avenue Property
4551-4561 Palmetto Avenue
Pacifica, California
GEOTECHNICAL EVALUATION OF EROSION**

Dear Mr. O'Connell:

This letter has been prepared to further document our opinions on the condition of the drainage channel which extends from the western side of Palmetto Avenue out to the ocean in the vicinity of your project. The need to address this issue stems from commentary presented to the Coastal Commission in a recent hearing on the project, and then again after a second hearing.

Recent Work

Since our previous letter on the erosion issued on July 27, 2015, we have performed the following tasks:

- 1 – discussed the conditions with the Coastal Commissions geologist;
- 2 – obtained and reviewed stereoscopic aerial photographs taken between 1938 and 2005;
- 3 – reviewed aerial photographs taken from the Google Earth website between 2005 and 2015;
- 4 – reviewed building department records for adjacent properties;
- 5 – met with officials of the Pacifica Public Works Department;
- 6 – revisited the site;
- 7 – performed slope stability analyses;
- 8 – prepared this written report.

Aerial Photographs

We obtained the following stereoscopic sets of aerial photographs to review:

<u>Date</u>	<u>ID</u>	<u>Scale</u>
1935	AV 248-9-9	1:16500
3/21/38	AV 8-1-16	1:20000
7/29/46	AV 9-11-1/2	1:23600
5-10-55	AV 170-2-18	1:10000
4/23/58	AV 279-2-24	1:7200
4/14/66	AV 710-4-29	1:36000
10/29/69	AV 933-2-13	1:12000
4/28/75	AV 1188-1-14	1:12000
5/30/79	AV1705-1-17	1:12000

Date	ID	Scale
6/19/81	AV 2020-2-19	1:12000
5/11/83	AV 2265-1-14	1:12000
3/24/87	AV 3048-1-6	1:9600
7/2/91	AV 4075-2-16	1:12000
9/7/95	AV 4916-3-15	1:12000
8/15/00	AV 6600-3-19	1:12000
10/13/05	KAV 9200-26-2	1:7200

Even in the earliest 1935 photograph, Palmetto Avenue was a paved roadway located in the same alignment as today. In addition to the existing roadway, the culvert under the roadway has been in place since that time as well. Similarly, there have been no significant changes to the subject property over the time span reviewed. Development of the subdivision to the northeast of the site (west of Highway 1) was commenced in the 1960's, which likely diverted at least a portion of the natural runoff away from the culvert under Palmetto Avenue. Bluff erosion can be seen to be slowly removing portions of the ocean bluff over the course of the years, with localized sloughing the only sign of mass soil wasting on the slopes on either side of the drainage ravine away from the ocean bluffs. Our measurements of the rate of ocean bluff retreat over the years represented in the photographs averaged 1.15 feet per year, with some time periods indicating an increase in rate, with other periods of quiescence.

In addition the stereoscopic photographs, we also used images reviewed on the Google Earth website to review post 2005 site conditions. While the site conditions have not changed, there have been changes to the position of the ocean bluff which are apparent in these Google Earth photos. Using overlays of the photos between 1993 and 2015, we have calculated a rate of approximately 2 feet per year over this set of photographs (but it covers a much shorter time sequence). As a worst case scenario, we have assumed that this rate represents a long-term increased rate associated with changing climatic conditions.

Building Department Records

We visited the building department for the City of Pacifica. In their files we reviewed information for the reconstruction of a rip-rap and shotcrete seawall for the nearby Lands End property which occurred circa 2010. While the owners of the Dollar Radio property (100 Palmetto Avenue) indicated that they were also experiencing more rapid bluff erosion, the commission denied their request to extend the seawall northward to protect their property. However, within a few years, a permit for emergency isolation piers with tie-backs was issued to Engineered Soil Repairs to protect the residence.

Public Works Records

A visit to the public works department indicated that the culvert under Palmetto Avenue was not diverted down Palmetto Avenue, but rather was retrofitted several years ago with the liner which can be seen to be draped down the hillside to the base of the ravine. During our recent site visit, we noted that the upstream end of the culvert consists of a 12 inch diameter corrugated plastic pipe, suggesting relatively recent installation. The City maps do not show that pipe crossing the Palmetto Avenue, as it is not connected to any formal system of storm drain pipes. A sanitary sewer does pass along Palmetto Avenue which is owned by the City.

During our previous visit, we noted that about 100 yards south of the subject site, we observed a catch basin on the western side of Palmetto Avenue on the street between the driveway accesses to a private property and a multifamily development. A 12 inch concrete pipe enters into this basin from the northern side. As there are no other catch basins apparent north of this catch basin on Palmetto Avenue, it would appear that this pipe is the outfall from the headwall pipe in the upper basin just north of your project site (as yet we have not heard back from DPW about the origins of that upstream culvert).

Recent Site Observations

We returned to the site area in October, 2015 to again evaluate the condition of the large drainage ravine on the western side of Palmetto Avenue. During that visit, we noted the plastic pipe used at the inlet for the drainage pipe across Palmetto Avenue, but little else varied from our previous visit in July.

Slope Stability Analysis

In the building department files for the Dollar Radio site stabilization, the City's consulting geological firm recommended that soil friction angles for the bluff soils should be assumed to be in the range of 36 to 40 degrees. No recommendations were given regarding cohesive values, although the ability of these bluff deposits to stand vertically for long periods of time indicates that cohesion is a large proportion of their strength. For our analysis, we have used three different cohesive values: 0 psf, 250 psf, and 500 psf for these deposits.

To perform our analysis, we used the computer program GSTABL7 with STEDwin (version 2.005) to model the site conditions under seismic shaking. The geometry of the slope was obtained from measurements off Google Earth. Ground water conditions were assumed to be absent as any ground water in this area is typically associated with shallow flows over the top of the terrace deposits or as localized seeps, rather than an overall water table.

The result of a slope stability analysis is presented as a Factor of Safety against sliding. The factor of safety is simply the sum of the factors which are resisting sliding, divided by the sum of the factors attempting to make the slope fail. If the resistance is greater than the driving forces, the factor of safety is above 1. If there is insufficient resistance available, then the factor of safety is below 1. A factor of safety of 1.0 implies that there is a balance between the driving and resisting forces, and the slope is assumed to be "on the brink" of failure.

Our calculations found that the factors of safety for slope failures extending from the gully up to the western and eastern sides of Palmetto Avenue were:

Cohesion (psf)	FS – West Edge of Roadway	FS – East Edge of Roadway
0	1.1	1.4
250	1.5	1.75
500	1.8	2.0

Geotechnical Conclusions and Opinions

Based upon our review of additional documents and slope stability calculations, we maintain our original conclusions and opinions. We also offer the following additional opinions:

1 - These calculated slope stability values demonstrate that the roadway is unlikely to be damaged by a deep-seated slide event. However, as with other portions of the ravine side walls, shallow sloughing will occur when the outer surface of the deposits become weathered and wet, and when portions of the slope are under-cut by erosion along the creek channel. For this reason, it will be important to minimize the potential for erosion due to the discharging pipe (already reduced by the sleeve installed by DPW, possibly diverted down Palmetto Ave to the catch basin by Lands End).

2 – While our calculations of recent bluff retreat rates appears to have increased significantly over the past 22 years, even at those current bluff retreat rates it would take over 160 years to reach Palmetto Avenue in the vicinity of the proposed project.

Should you have any questions please contact the undersigned.

Respectfully Submitted;
GeoForensics, Inc.



Daniel F. Dyckman, PE, GE
Senior Geotechnical Engineer, GE 2145



cc: 1 to addressee

File: 215115

January 21, 2016

Mr. Mike O'Connell
900 Rosita Road
Pacifica, CA 94044

Subject: **Palmetto Avenue Property
4551-4561 Palmetto Avenue
Pacifica, California
RESPONSE TO COASTAL COMMISSION**

Dear Mr. O'Connell:

This letter has been prepared to respond to a request from the coastal commission for further information as expressed in their email to you dated January 21, 2016, from Stephanie Rexing.

Calculation Print-Outs – attached are the calculation print-outs from our analysis. We have provided the cross-sectional results for all runs, but only the input section for one analysis (as all others are exactly the same except for the cohesive intercept and location of closest headscarp to the project site).

Soil Parameters – The friction values used in our analysis were based upon the prescribed values given to the investigator for the Dollaradio site by the Town's Geologic/Geotechnical review consultant, Cotton Shires & Associates. The values they prescribed to be used for the analysis was 36 to 40 degrees. For conservatism, we used a value of 36 degrees. While we used the values prescribed by the Town for a slope stability analysis on the coastal bluff materials present in this area, we did not review any slope stability analysis performed on that adjacent site, nor use any information derived as part of their study. We are unaware of any direct testing performed regarding soil strengths for that project.

Bluff Retreat Rates – we used the top of the bluff to evaluate retreat rates as the plotting of the bluff location is less sensitive to the angle of the photo (none were shot from directly overhead). The photographs we used were identified in our previous report. Rate calculations were based upon the 1938, 1955, 1955 and 2005 photographs for the earlier rates (from Pacific Aerial), and then we used Google Earth photographs from 1993 and 2015 for the most recent retreat rates. We do not have copies of any of the photographs, as they were returned to the photo-library upon completion of our measurements. The time for the bluff to reach back to the eastern side of Palmetto Avenue would be for the top of bluff to reach that position, not the base of the bluff.

Should you have any questions please contact the undersigned.

Respectfully Submitted;
GeoForensics, Inc.



Daniel F. Dyckman, PE, GE
Senior Geotechnical Engineer, GE 2145

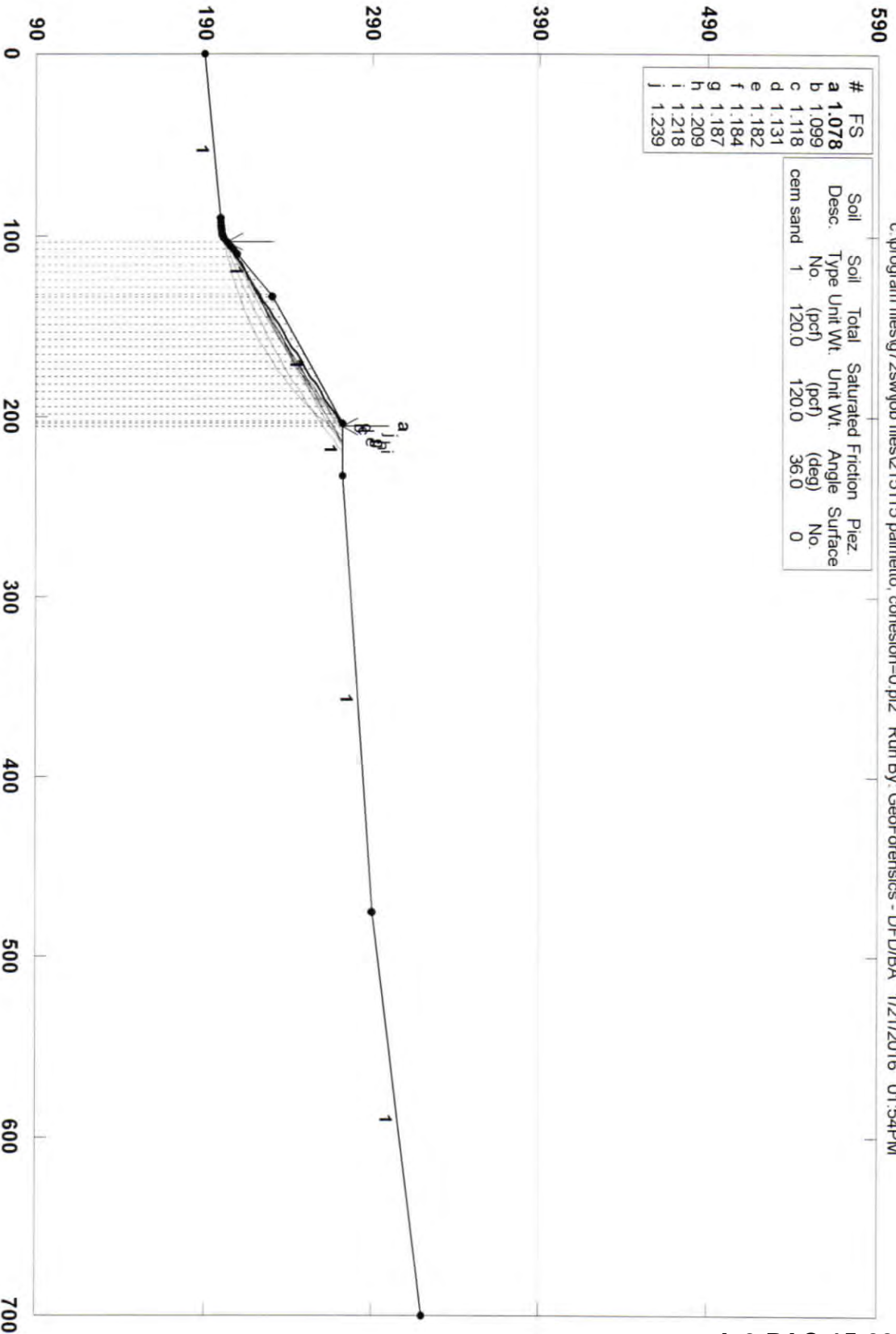
cc: 1 to addressee



**A-2-PAC-15-0046
EXHIBIT 16
Page 5 of 21**

Palmetto avenue, Cohesion=0 gross stability check from ravine

c:\program files\g72sw\job files\215115 palmetto, cohesion=0.pl2 Run By: GeoForensics - DFD/BA 1/21/2016 01:54PM



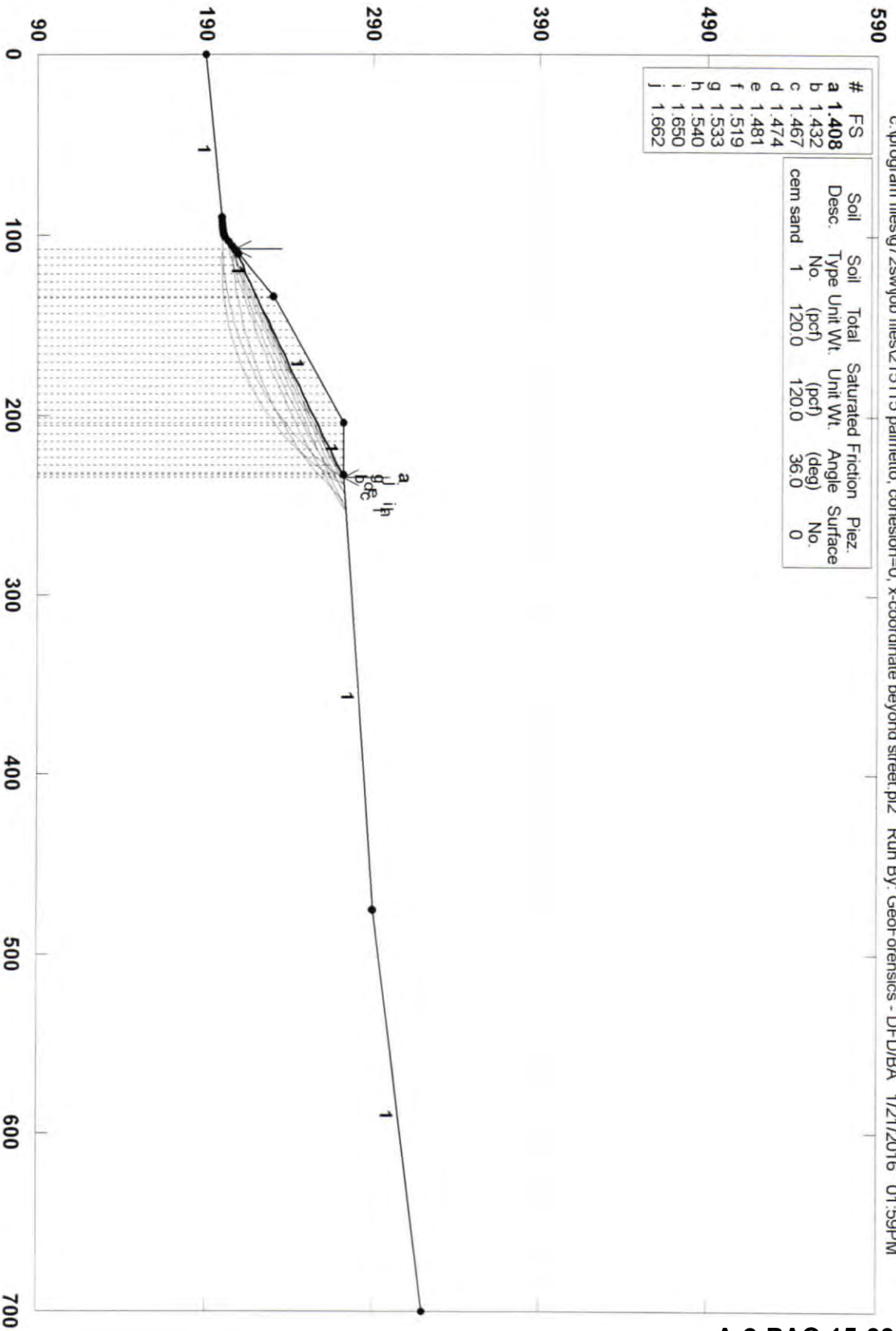
GSTABL7 v.2 FSmin=1.078

Safety Factors Are Calculated By The Modified Bishop Method



Palmetto Ave, C=0, beyond street gross stability check from ravine

c:\program files\72sw\job files\215115 palmetto, cohesion=0, x-coordinate beyond street pl2 Run By: Geof Forensics - DFD/BA 1/21/2016 01:59PM



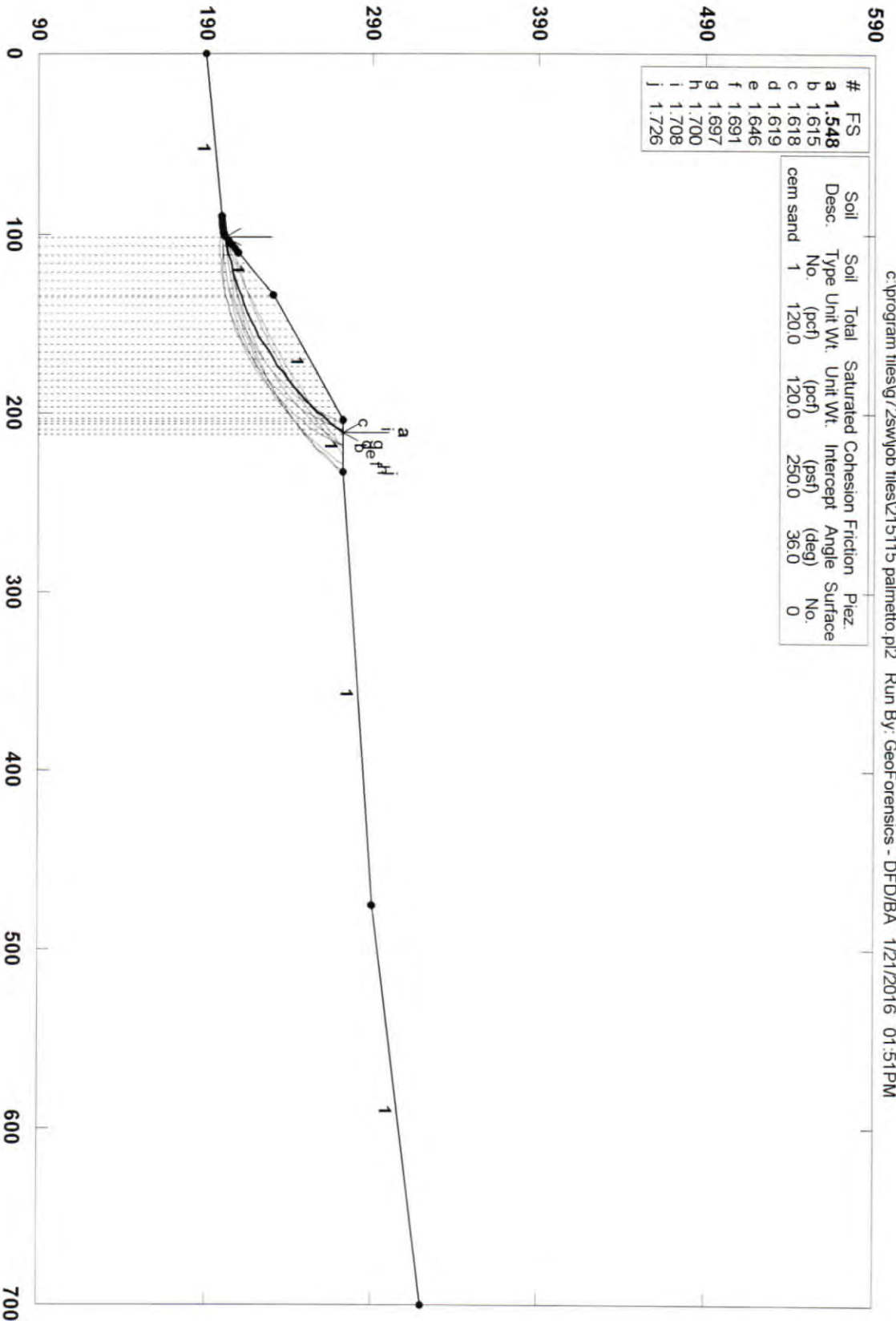
GSTABL7 v.2 FSmin=1.408

Safety Factors Are Calculated By The Modified Bishop Method



Palmetto avenue gross stability check from ravine

c:\program files\72sw\job files\215115 palmetto.pl2 Run By: GeoForensics - DFD/BA 1/21/2016 01:51PM



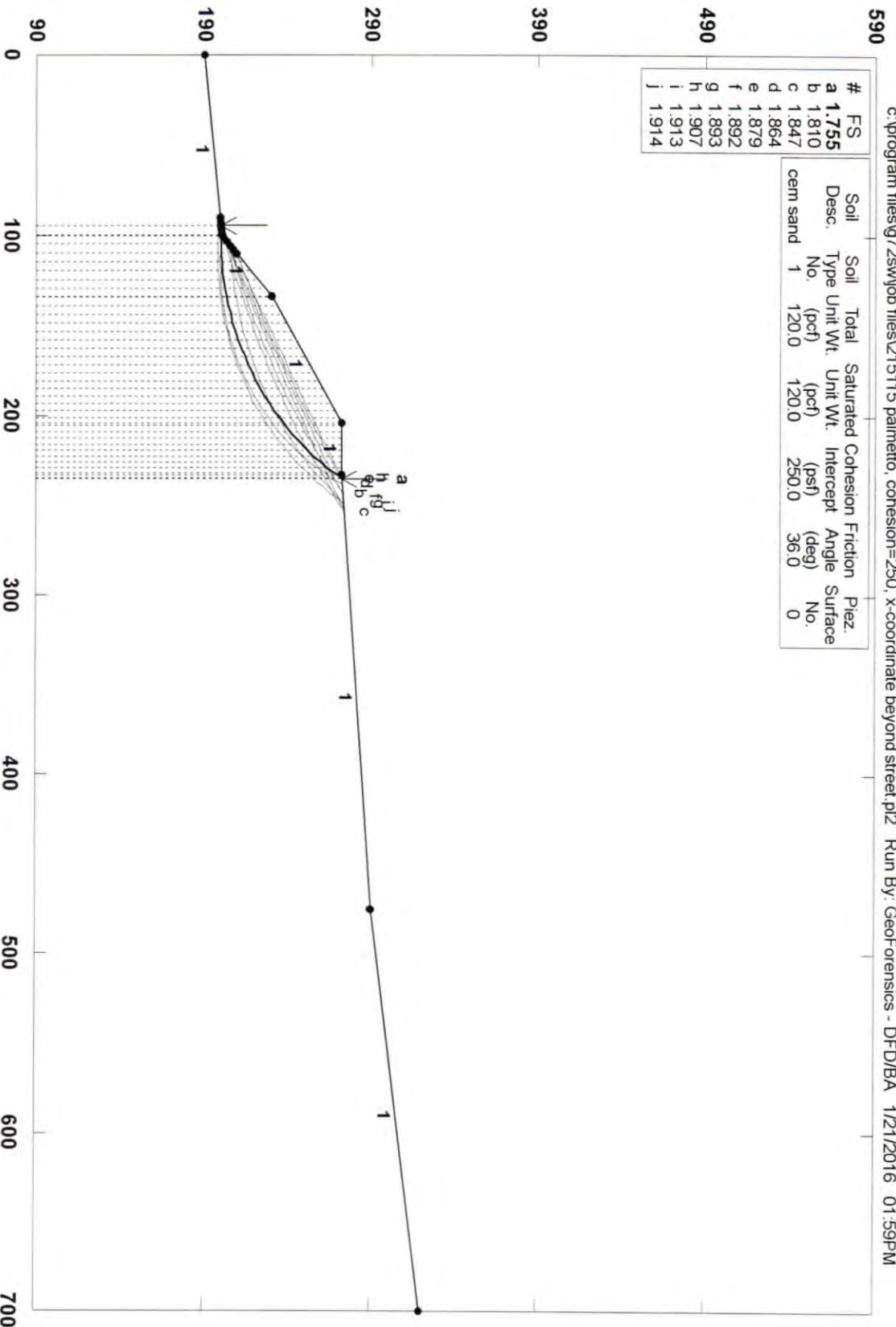
GSTABL7 v.2 FSmin=1.548

Safety Factors Are Calculated By The Modified Bishop Method



Palmetto Ave, C=250, beyond street gross stability check from ravine

c:\program files\72swjob files\215115 palmetto, cohesion=250, x-coordinate beyond street, pl2 Run By: Geoforensics - DFD/BA 1/21/2016 01:59PM



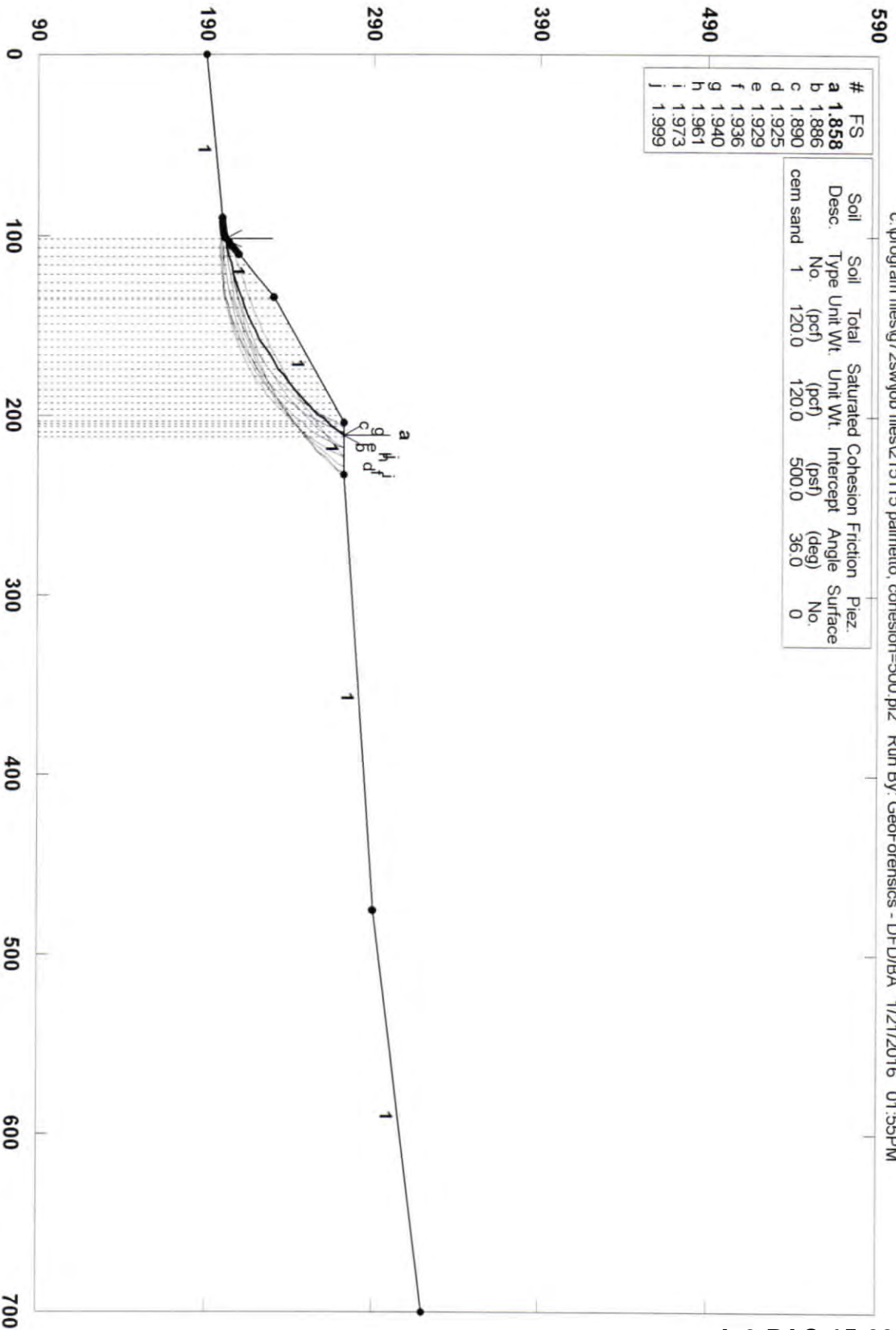
GSTABL7 v.2 FSmin=1.755

Safety Factors Are Calculated By The Modified Bishop Method



Palmetto avenue, Cohesion=500 gross stability check from ravine

c:\program files\g72sw\job files\215115 palmetto, cohesion=500.pl2 Run By: GeoForensics - DFD/BA 1/21/2016 01:55PM



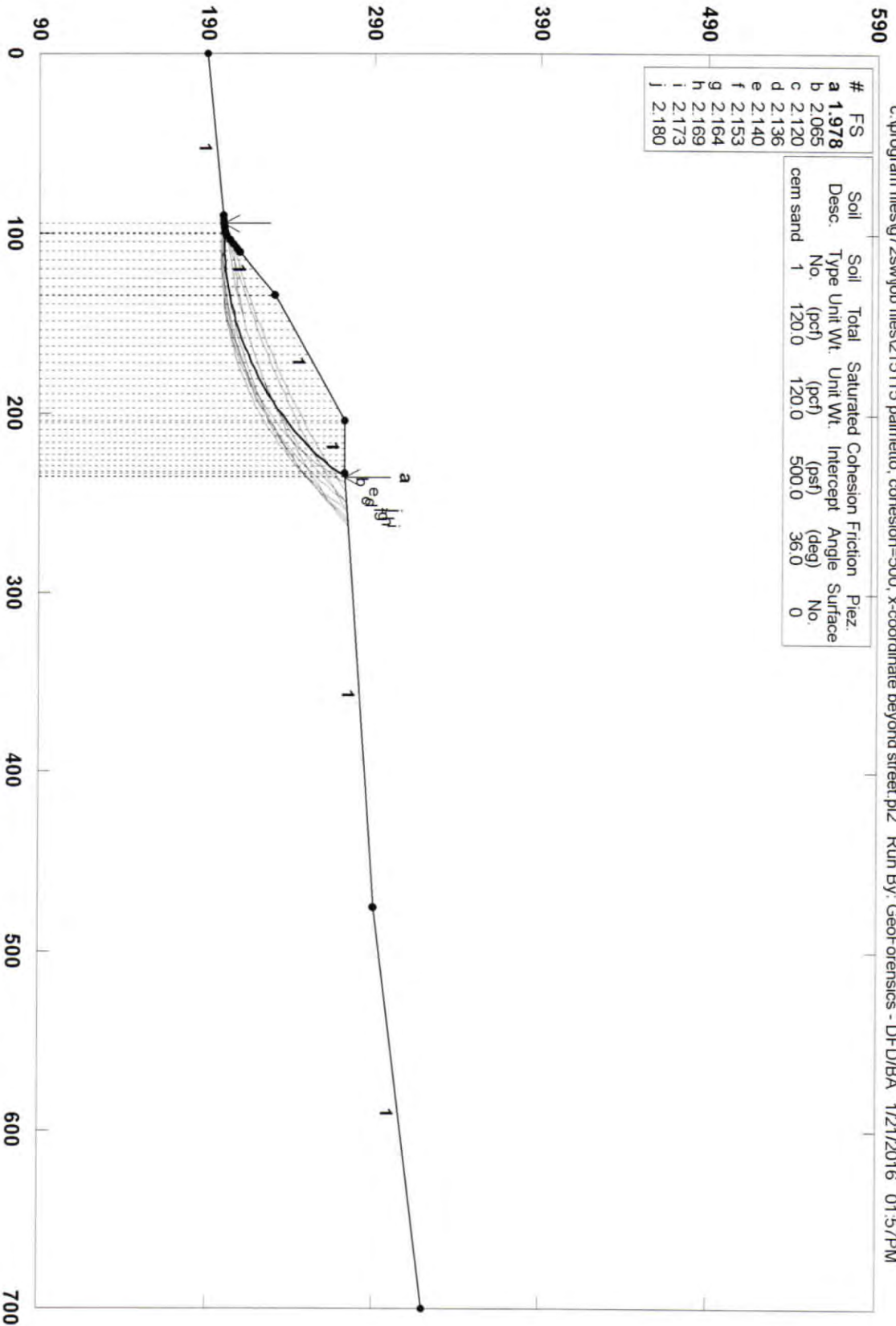
GSTABL7 v.2 FSmin=1.858

Safety Factors Are Calculated By The Modified Bishop Method



Palmetto avenue, Cohesion=500, beyond stgross stability check from ravine

c:\program files\g72sw\job files\215115 palmetto, cohesion=500, x-coordinate beyond street p12 Run By: GeoForensics - DFD/BA 1/21/2016 01:57PM



GSTABL7 v.2 FSmin=1.978

Safety Factors Are Calculated By The Modified Bishop Method




```

*** GSTABL7 ***
** GSTABL7 by Garry H. Gregory, P.E. **
** Original Version 1.0, January 1996; Current Version 2.005, Sept. 2006 **
  (All Rights Reserved-Unauthorized Use Prohibited)
*****
      SLOPE STABILITY ANALYSIS SYSTEM
      Modified Bishop, Simplified Janbu, or GLE Method of Slices.
      (Includes Spencer & Morgenstern-Price Type Analysis)
      Including Pier/Pile, Reinforcement, Soil Nail, Tieback,
      Nonlinear Undrained Shear Strength, Curved Phi Envelope,
      Anisotropic Soil, Fiber-Reinforced Soil, Boundary Loads, Water
      Surfaces, Pseudo-Static & Newmark Earthquake, and Applied Forces.
*****
Analysis Run Date:      1/21/2016
Time of Run:           01:51PM
Run By:                GeoForensics - DFD/BA
Input Data Filename:   c:\program files\g72sw\Job Files\215115 palmetto.
Output Filename:       c:\program files\g72sw\Job Files\215115 palmetto.OUT
Unit System:           English
Plotted Output Filename: c:\program files\g72sw\Job Files\215115 palmetto.PLT
PROBLEM DESCRIPTION:   Palmetto avenue
                      gross stability check from ravine

BOUNDARY COORDINATES
   6 Top Boundaries
  14 Total Boundaries
Boundary   X-Left   Y-Left   X-Right   Y-Right   Soil Type

```

No.	(ft)	(ft)	(ft)	(ft)	Below Bnd
1	0.00	190.00	100.00	200.00	1
2	100.00	200.00	134.00	230.00	1
3	134.00	230.00	204.00	272.00	1
4	204.00	272.00	233.00	272.00	1
5	233.00	272.00	475.00	290.00	1
6	475.00	290.00	700.00	320.00	1
7	0.00	0.00	0.00	0.00	1
8	0.00	0.00	0.00	0.00	0
9	0.00	0.00	0.00	0.00	0
10	0.00	0.00	0.00	0.00	0
11	0.00	0.00	0.00	0.00	0
12	0.00	0.00	0.00	0.00	0
13	0.00	0.00	0.00	0.00	0
14	0.00	0.00	0.00	0.00	0

User Specified Y-Origin = 90.00(ft)
 Default X-Plus Value = 0.00(ft)
 Default Y-Plus Value = 0.00(ft)

ISOTROPIC SOIL PARAMETERS

1 Type(s) of Soil

Type	Total Unit Wt. (pcf)	Saturated Unit Wt. (pcf)	Cohesion Intercept (psf)	Friction Angle (deg)	Pore Pressure Param. (psf)	Pressure Constant (psf)	Piez. Surface No.
1	120.0	120.0	250.0	36.0	0.00	0.0	0

Specified Peak Ground Acceleration Coefficient (A) = 0.800(g)
 Specified Horizontal Earthquake Coefficient (kh) = 0.380(g)
 Specified Vertical Earthquake Coefficient (kv) = 0.000(g)
 Specified Seismic Pore-Pressure Factor = 0.000

EARTHQUAKE DATA HAS BEEN SUPPRESSED

REINFORCING LAYER(S)

20 REINFORCING LAYER(S) SPECIFIED

REINFORCING LAYER NO. 1

3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	74.50	450.00	0.00	1.000
2	78.50	450.00	1760.00	1.000
3	92.50	450.00	1760.00	1.000

REINFORCING LAYER NO. 2

3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	74.50	452.00	0.00	1.000
2	78.50	452.00	1760.00	1.000
3	92.50	452.00	1760.00	1.000

REINFORCING LAYER NO. 3

3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	74.50	454.00	0.00	1.000
2	78.50	454.00	1760.00	1.000
3	92.50	454.00	1760.00	1.000

REINFORCING LAYER NO. 4

3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	74.50	456.00	0.00	1.000
2	78.50	456.00	1760.00	1.000
3	92.50	456.00	1760.00	1.000

REINFORCING LAYER NO. 5

3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	74.50	458.00	0.00	1.000
2	78.50	458.00	1760.00	1.000
3	92.50	458.00	1760.00	1.000

REINFORCING LAYER NO. 6					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	74.50	460.00	0.00	1.000	
2	78.50	460.00	1760.00	1.000	
3	92.50	460.00	1760.00	1.000	

REINFORCING LAYER NO. 7					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	74.50	462.00	0.00	1.000	
2	78.50	462.00	1760.00	1.000	
3	92.50	462.00	1760.00	1.000	

REINFORCING LAYER NO. 8					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	75.00	452.00	0.00	1.000	
2	79.00	452.00	1100.00	1.000	
3	93.00	452.00	1100.00	1.000	

REINFORCING LAYER NO. 9					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	75.00	454.00	0.00	1.000	
2	79.00	454.00	1100.00	1.000	
3	93.00	454.00	1100.00	1.000	

REINFORCING LAYER NO. 10					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	75.00	456.00	0.00	1.000	
2	79.00	456.00	1100.00	1.000	
3	93.00	456.00	1100.00	1.000	

REINFORCING LAYER NO. 11					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	75.00	458.00	0.00	1.000	
2	79.00	458.00	1100.00	1.000	
3	93.00	458.00	1100.00	1.000	

REINFORCING LAYER NO. 12					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	75.00	460.00	0.00	1.000	
2	79.00	460.00	1100.00	1.000	
3	93.00	460.00	1100.00	1.000	

REINFORCING LAYER NO. 13					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	75.00	462.00	0.00	1.000	
2	79.00	462.00	1100.00	1.000	
3	93.00	462.00	1100.00	1.000	

REINFORCING LAYER NO. 14					
3 POINTS DEFINE THIS LAYER					
POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR	
1	75.00	464.00	0.00	1.000	
2	79.00	464.00	1100.00	1.000	
3	93.00	464.00	1100.00	1.000	

REINFORCING LAYER NO. 15					
3 POINTS DEFINE THIS LAYER					
POINT	X-COORD	Y-COORD	FORCE	INCLINATION	

NO.				FACTOR
1	75.00	466.00	0.00	1.000
2	79.00	466.00	1100.00	1.000
3	93.00	466.00	1100.00	1.000

REINFORCING LAYER NO. 16
3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	75.00	468.00	0.00	1.000
2	79.00	468.00	1100.00	1.000
3	93.00	468.00	1100.00	1.000

REINFORCING LAYER NO. 17
3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	75.00	470.00	0.00	1.000
2	79.00	470.00	1100.00	1.000
3	93.00	470.00	1100.00	1.000

REINFORCING LAYER NO. 18
3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	75.00	472.00	0.00	1.000
2	79.00	472.00	1100.00	1.000
3	93.00	472.00	1100.00	1.000

REINFORCING LAYER NO. 19
3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	76.50	474.00	0.00	1.000
2	80.50	474.00	1100.00	1.000
3	94.50	474.00	1100.00	1.000

REINFORCING LAYER NO. 20
3 POINTS DEFINE THIS LAYER

POINT NO.	X-COORD	Y-COORD	FORCE	INCLINATION FACTOR
1	78.00	476.00	0.00	1.000
2	82.00	476.00	1100.00	1.000
3	96.00	476.00	1100.00	1.000

REINFORCING LAYER DATA HAS BEEN SUPPRESSED

A Critical Failure Surface Searching Method, Using A Random Technique For Generating Circular Surfaces, Has Been Specified.
300 Trial Surfaces Have Been Generated.

30 Surface(s) Initiate(s) From Each Of 10 Points Equally Spaced Along The Ground Surface Between X = 90.00(ft)

and X = 110.00(ft)

Each Surface Terminates Between X = 204.00(ft)

and X = 475.00(ft)

Unless Further Limitations Were Imposed, The Minimum Elevation At Which A Surface Extends Is Y = 0.00(ft)

5.00(ft) Line Segments Define Each Trial Failure Surface.

Following Are Displayed The Ten Most Critical Of The Trial

Failure Surfaces Evaluated. They Are Ordered - Most Critical First.

* * Safety Factors Are Calculated By The Modified Bishop Method * *

Total Number of Trial Surfaces Attempted = 300

Number of Trial Surfaces With Valid FS = 300

Statistical Data On All Valid FS Values:

FS Max = 7.187 FS Min = 1.548 FS Ave = 3.844

Standard Deviation = 1.490 Coefficient of Variation = 38.75 %

Failure Surface Specified By 28 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	101.111	200.980
2	106.019	201.937
3	110.896	203.037

4	115.739	204.280
5	120.544	205.665
6	125.305	207.190
7	130.020	208.854
8	134.684	210.656
9	139.293	212.595
10	143.843	214.667
11	148.331	216.873
12	152.751	219.209
13	157.101	221.674
14	161.377	224.266
15	165.575	226.982
16	169.691	229.821
17	173.723	232.779
18	177.665	235.854
19	181.516	239.043
20	185.271	242.344
21	188.928	245.755
22	192.483	249.271
23	195.933	252.889
24	199.275	256.608
25	202.507	260.423
26	205.625	264.332
27	208.628	268.330
28	211.218	272.000

Circle Center At X = 71.014 ; Y = 368.506 ; and Radius = 170.208

Factor of Safety
*** 1.548 ***

Slice No.	Width (ft)	Weight (lbs)	Individual data on the		29 slices		Earthquake		
			Water Force Top (lbs)	Water Force Bot (lbs)	Tie Force Norm (lbs)	Tie Force Tan (lbs)	Force Hor (lbs)	Force Ver (lbs)	Surcharge Load (lbs)
1	4.9	993.4	0.0	0.0	0.	0.	0.0	0.0	0.0
2	4.9	2912.1	0.0	0.0	0.	0.	0.0	0.0	0.0
3	4.8	4702.9	0.0	0.0	0.	0.	0.0	0.0	0.0
4	4.8	6361.9	0.0	0.0	0.	0.	0.0	0.0	0.0
5	4.8	7885.5	0.0	0.0	0.	0.	0.0	0.0	0.0
6	4.7	9271.0	0.0	0.0	0.	0.	0.0	0.0	0.0
7	4.0	8892.8	0.0	0.0	0.	0.	0.0	0.0	0.0
8	0.7	1615.9	0.0	0.0	0.	0.	0.0	0.0	0.0
9	4.6	11154.5	0.0	0.0	0.	0.	0.0	0.0	0.0
10	4.6	11417.2	0.0	0.0	0.	0.	0.0	0.0	0.0
11	4.5	11567.6	0.0	0.0	0.	0.	0.0	0.0	0.0
12	4.4	11608.6	0.0	0.0	0.	0.	0.0	0.0	0.0
13	4.4	11543.8	0.0	0.0	0.	0.	0.0	0.0	0.0
14	4.3	11377.1	0.0	0.0	0.	0.	0.0	0.0	0.0
15	4.2	11113.3	0.0	0.0	0.	0.	0.0	0.0	0.0
16	4.1	10757.6	0.0	0.0	0.	0.	0.0	0.0	0.0
17	4.0	10315.5	0.0	0.0	0.	0.	0.0	0.0	0.0
18	3.9	9793.4	0.0	0.0	0.	0.	0.0	0.0	0.0
19	3.9	9197.8	0.0	0.0	0.	0.	0.0	0.0	0.0
20	3.8	8535.9	0.0	0.0	0.	0.	0.0	0.0	0.0
21	3.7	7815.0	0.0	0.0	0.	0.	0.0	0.0	0.0
22	3.6	7043.3	0.0	0.0	0.	0.	0.0	0.0	0.0
23	3.5	6228.8	0.0	0.0	0.	0.	0.0	0.0	0.0
24	3.3	5380.1	0.0	0.0	0.	0.	0.0	0.0	0.0
25	3.2	4506.0	0.0	0.0	0.	0.	0.0	0.0	0.0
26	1.5	1826.3	0.0	0.0	0.	0.	0.0	0.0	0.0
27	1.6	1694.3	0.0	0.0	0.	0.	0.0	0.0	0.0
28	3.0	2042.4	0.0	0.0	0.	0.	0.0	0.0	0.0
29	2.6	570.5	0.0	0.0	0.	0.	0.0	0.0	0.0

Failure Surface Specified By 29 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	101.111	200.980

2	105.755	202.834
3	110.376	204.742
4	114.974	206.707
5	119.548	208.726
6	124.098	210.800
7	128.622	212.928
8	133.121	215.111
9	137.593	217.347
10	142.038	219.637
11	146.455	221.980
12	150.843	224.376
13	155.202	226.825
14	159.532	229.326
15	163.832	231.878
16	168.100	234.482
17	172.337	237.137
18	176.542	239.843
19	180.714	242.598
20	184.852	245.404
21	188.957	248.260
22	193.027	251.164
23	197.062	254.117
24	201.061	257.118
25	205.024	260.167
26	208.949	263.263
27	212.838	266.407
28	216.688	269.596
29	219.520	272.000

Circle Center At X = -50.944 ; Y = 588.751 ; and Radius = 416.517

Factor of Safety

*** 1.615 ***

Failure Surface Specified By 30 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	94.444	199.444
2	99.443	199.342
3	104.442	199.458
4	109.431	199.791
5	114.401	200.341
6	119.341	201.108
7	124.244	202.089
8	129.100	203.282
9	133.899	204.686
10	138.632	206.298
11	143.290	208.115
12	147.865	210.133
13	152.347	212.348
14	156.729	214.756
15	161.002	217.353
16	165.157	220.134
17	169.187	223.093
18	173.085	226.225
19	176.842	229.524
20	180.452	232.983
21	183.908	236.596
22	187.204	240.357
23	190.332	244.258
24	193.287	248.291
25	196.064	252.449
26	198.657	256.724
27	201.061	261.108
28	203.272	265.593
29	205.285	270.169
30	205.997	272.000

Circle Center At X = 99.310 ; Y = 313.997 ; and Radius = 114.656

Factor of Safety

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*** 1.618 ***
 Failure Surface Specified By 29 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	103.333	202.941
2	108.311	203.408
3	113.271	204.041
4	118.207	204.840
5	123.113	205.803
6	127.985	206.930
7	132.816	208.218
8	137.601	209.667
9	142.336	211.276
10	147.013	213.041
11	151.630	214.962
12	156.179	217.036
13	160.657	219.261
14	165.058	221.635
15	169.377	224.154
16	173.609	226.816
17	177.750	229.618
18	181.796	232.557
19	185.740	235.629
20	189.580	238.831
21	193.311	242.160
22	196.929	245.612
23	200.429	249.182
24	203.807	252.868
25	207.061	256.664
26	210.186	260.567
27	213.179	264.573
28	216.037	268.676
29	218.191	272.000

Circle Center At X = 91.846 ; Y = 352.120 ; and Radius = 149.620
 Factor of Safety

*** 1.619 ***

Failure Surface Specified By 29 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	105.556	204.902
2	110.338	206.360
3	115.096	207.898
4	119.826	209.517
5	124.529	211.216
6	129.202	212.994
7	133.844	214.852
8	138.454	216.788
9	143.031	218.802
10	147.572	220.893
11	152.078	223.061
12	156.546	225.304
13	160.976	227.624
14	165.365	230.018
15	169.714	232.486
16	174.019	235.028
17	178.282	237.642
18	182.499	240.328
19	186.670	243.086
20	190.793	245.913
21	194.868	248.810
22	198.894	251.776
23	202.868	254.810
24	206.791	257.911
25	210.660	261.077
26	214.475	264.309
27	218.235	267.605

28 221.938 270.965
 29 223.042 272.000
 Circle Center At X = 21.996 ; Y = 487.656 ; and Radius = 294.843
 Factor of Safety
 *** 1.646 ***

Failure Surface Specified By 33 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	94.444	199.444
2	99.444	199.469
3	104.441	199.653
4	109.429	199.995
5	114.404	200.497
6	119.360	201.156
7	124.293	201.973
8	129.198	202.946
9	134.068	204.075
10	138.901	205.358
11	143.690	206.795
12	148.431	208.383
13	153.119	210.121
14	157.750	212.008
15	162.318	214.041
16	166.819	216.218
17	171.248	218.538
18	175.602	220.997
19	179.874	223.594
20	184.063	226.325
21	188.162	229.188
22	192.167	232.181
23	196.076	235.299
24	199.883	238.540
25	203.586	241.900
26	207.179	245.377
27	210.660	248.966
28	214.025	252.664
29	217.270	256.468
30	220.393	260.373
31	223.390	264.375
32	226.258	268.471
33	228.566	272.000

Circle Center At X = 96.172 ; Y = 356.517 ; and Radius = 157.082
 Factor of Safety
 *** 1.691 ***

Failure Surface Specified By 33 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	90.000	199.000
2	94.969	198.444
3	99.957	198.092
4	104.954	197.945
5	109.954	198.002
6	114.947	198.264
7	119.925	198.730
8	124.880	199.399
9	129.804	200.271
10	134.687	201.344
11	139.523	202.616
12	144.302	204.085
13	149.018	205.748
14	153.661	207.603
15	158.224	209.646
16	162.700	211.874
17	167.081	214.284
18	171.360	216.872
19	175.529	219.632

20	179.581	222.561
21	183.510	225.653
22	187.310	228.903
23	190.973	232.306
24	194.493	235.857
25	197.866	239.548
26	201.084	243.375
27	204.143	247.330
28	207.037	251.407
29	209.762	255.599
30	212.313	259.899
31	214.686	264.301
32	216.877	268.795
33	218.280	272.000

Circle Center At X = 106.057 ; Y = 320.031 ; and Radius = 122.091

Factor of Safety

*** 1.697 ***

Failure Surface Specified By 32 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	101.111	200.980
2	106.096	201.368
3	111.068	201.895
4	116.024	202.562
5	120.958	203.367
6	125.868	204.312
7	130.750	205.394
8	135.599	206.613
9	140.412	207.967
10	145.185	209.457
11	149.914	211.080
12	154.596	212.836
13	159.226	214.722
14	163.802	216.738
15	168.319	218.882
16	172.774	221.152
17	177.163	223.546
18	181.484	226.063
19	185.731	228.701
20	189.903	231.456
21	193.996	234.328
22	198.007	237.314
23	201.932	240.412
24	205.768	243.619
25	209.513	246.932
26	213.163	250.349
27	216.715	253.868
28	220.167	257.485
29	223.516	261.198
30	226.759	265.003
31	229.894	268.898
32	232.250	272.000

Circle Center At X = 89.856 ; Y = 378.349 ; and Radius = 177.725

Factor of Safety

*** 1.700 ***

Failure Surface Specified By 30 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	98.889	199.889
2	103.863	199.383
3	108.856	199.123
4	113.856	199.109
5	118.851	199.341
6	123.828	199.819
7	128.776	200.541
8	133.682	201.507

9	138.534	202.713
10	143.321	204.156
11	148.031	205.833
12	152.653	207.741
13	157.176	209.873
14	161.587	212.226
15	165.878	214.794
16	170.037	217.569
17	174.054	220.546
18	177.920	223.717
19	181.624	227.075
20	185.159	230.611
21	188.516	234.317
22	191.686	238.184
23	194.661	242.202
24	197.435	246.362
25	200.001	250.654
26	202.352	255.067
27	204.483	259.590
28	206.388	264.212
29	208.064	268.923
30	208.991	272.000

Circle Center At X = 111.655 ; Y = 300.507 ; and Radius = 101.424

Factor of Safety
*** 1.708 ***

Failure Surface Specified By 32 Coordinate Points

Point No.	X-Surf (ft)	Y-Surf (ft)
1	103.333	202.941
2	108.312	203.401
3	113.277	203.995
4	118.224	204.722
5	123.149	205.582
6	128.050	206.573
7	132.922	207.696
8	137.763	208.949
9	142.568	210.332
10	147.334	211.843
11	152.058	213.482
12	156.736	215.246
13	161.365	217.136
14	165.941	219.150
15	170.462	221.286
16	174.924	223.542
17	179.324	225.918
18	183.658	228.411
19	187.924	231.019
20	192.118	233.741
21	196.238	236.574
22	200.280	239.518
23	204.241	242.568
24	208.119	245.724
25	211.911	248.983
26	215.614	252.343
27	219.226	255.801
28	222.743	259.354
29	226.164	263.001
30	229.485	266.739
31	232.705	270.564
32	233.903	272.067

Circle Center At X = 88.717 ; Y = 388.428 ; and Radius = 186.062

Factor of Safety
*** 1.726 ***

**** END OF GSTABL7 OUTPUT ****



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: August 13, 2015
To: Mr. Mike O'Connell
From: Gary Black
Subject: Trip Generation for Palmetto Avenue Ocean Shore Apartments in Pacifica, California

Hexagon Transportation Consultants, Inc. has completed a trip generation analysis for the proposed Ocean Shore Apartments in Pacifica, California. The project would construct four studio apartments on the east side of Palmetto Avenue on a currently undeveloped site.

Project Trip Generation

Through empirical research, data has been collected that quantify the amount of traffic produced by common land uses. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the future traffic increases that would result from a new development. The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates by the size of the development. The trip generation rates published in the Institute of Transportation Engineers' (ITE) manual entitled *Trip Generation, 9th Edition* (2012) for Apartment (Land Use 220) were used for this analysis.

As shown in the Table 1, the project is estimated to generate approximately 27 daily vehicle trips, with 2 trips occurring during the AM peak hour and 2 trips during the PM peak hour.

Please note that the ITE trip generation research for apartments includes apartments of all types and sizes and does not differentiate based on the number of bedrooms or the apartment size. The rates used in Table 1 represent the average trip generation rate from all the ITE studies. It is likely that the number of trips generated by this particular project would be lower than the ITE average because all of the units would be studios. We would expect studio apartments to generate fewer trips than apartments with more bedrooms.

Table 1
Project Trip Generation Estimates

Land Use	ITE Code	Size	Daily Trip Rate	Daily Trips	AM Peak Hour				PM Peak Hour			
					Pk-Hr Rate	Trips		Pk-Hr Rate	Trips			
						In	Out		Total	In	Out	Total
Proposed Use												
Apartment ¹	220	4 DU	6.65	27	0.51	0	2	2	0.62	1	1	2
Notes:												
¹ Land Use Code 220 (Apartment), average rate, Institute of Transportation Engineers, <i>Trip Generation Manual, 9th Edition, 2012.</i>												

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EXHIBIT 17

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Hal Bohner
Attorney
115 Angelita Avenue • Pacifica, CA 94044
650-359-4257
hbohner@earthlink.net

Sent by email August 24, 2015
to stephanie.rexing@coastal.ca.gov
and nancy.cave@coastal.ca.gov

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

Re: Appeal A-2-PAC-15-0046 / Appeal of CDP-347-14 issued by the City of Pacifica

Dear Stephanie:

I am writing regarding the appeal identified above which concerns CDP-347-14 issued by the City of Pacifica for construction of four 450 square foot detached apartment units on a vacant 18,411 square foot lot, within a Medium Density Residential Zoning District (R-3-G/CZ) located at the 4000 block of Palmetto Avenue in the City of Pacifica, San Mateo County (APN 009-402-270).

I understand that the Coastal Commission at its hearing on this matter August 14, 2015 decided to continue the matter for a later determination of the substantial issue question and a possible de novo hearing. I would like to take this opportunity to comment on the Staff Report dated July 31, 2015 which you prepared for the August 14 hearing as well as certain issues which may be involved with the de novo hearing should it occur.

I. The LCP prohibits the project

The certified LCP prohibits this project. However, the staff report fails to address this subject.

Traffic to and from the Fairmont West neighborhood has major problems. In recognition of those problems the LCP requires that residential development in the neighborhood shall not occur until the traffic problems are resolved. The problems have not been resolved and therefore the project should not be allowed.

The issue centers on the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection (sometimes called the Manor Drive overpass) which is not far from the project site. The LUP states (emphasis added):

All local traffic to and from the [Fairmont West] neighborhood and northbound traffic must use the combined intersections of Palmetto Avenue/Manor Drive/Oceana Boulevard. LUP p. C-21

Streets within Fairmont West are adequate to accommodate traffic generated by additional commercial and residential development. However, due to capacity problems of the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection, any significant increase in the number of vehicles resulting from intensified commercial or additional residential development in the vicinity of Manor Drive, or along Palmetto Avenue, should be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection. In order to accommodate and encourage expanded access opportunities and related visitor-serving land uses in the neighborhood to the south, residential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area. LUP p. C-21

Please see Attachment A for additional discussion of this subject.

II. The Staff Report fails to Adequately Address Cumulative Impacts

In deciding whether to grant the CDP the Commission must consider the cumulative impacts of the project. Public Resources Code Section 30250 and Pacifica Local Coastal Land Use Plan (LUP) which incorporates Coastal Act Policy 23.

Furthermore, the Coastal Act regulations require that the Staff report contain , “Responses to significant environmental points raised during the evaluation of the proposed development as required by the California Environmental Quality Act.” California Code of Regulations Title 14, Section 13057(c)(3). And the Commission must include findings which include, “all elements identified in section 13057(c).” The California Environmental Quality Act requires that cumulative impacts of a project be analyzed.

Unfortunately, in the present case the Staff report fails to address the cumulative impacts of the project. Appellant discussed cumulative impacts in his Grounds for Appeal at pages 3-4.

III. The Staff Report fails to Adequately Address Climate Change

The LUP states (emphasis added) :

The City' s Seismic Safety and Safety Element requires the bluff setback to be adequate to accommodate a minimum 100-year event, whether caused by seismic, geotechnical, or storm conditions. LUP p. C-19

A Seismic Safety and Safety Element policy prohibits the approval of new developments which require seawalls as a mitigation measure. The policy also states that projects should not be approved which eventually will need seawalls for the safety of the structures and residents. LUP p. C-19

Some of this language deserves special attention. First, for the present project the “bluff setback” should be interpreted to be the setback from the eastern edge of the ravine, which is presently quite near the project. Second, as discussed below it is clear that storm conditions expected in the future must be carefully considered in determining an adequate bluff setback, and those future conditions will be more extreme than those in the past. Third, the likelihood that seawalls would be needed during the life of the project must be carefully considered.

A. The Effects of Global Climate Change must be addressed

Many scientists tell us that we can expect storm events in the future which are more extreme than those at present.

One consequence of global warming is an increase in both ocean evaporation into the atmosphere, and the amount of water vapor the atmosphere can hold. High levels of water vapor in the atmosphere in turn create conditions more favorable for heavier precipitation in the form of intense rain and snow storms. Union of Concerned Scientists -
http://www.ucsusa.org/global_warming/science_and_impacts/impacts/global-warming-rain-snow-tornadoes.html#.Vdt375eguSo

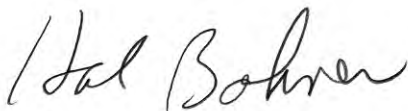
It is obvious that the project site and surrounding area are already subject to instability and especially so due to storms. Rain saturates the soil making it less stable, and waves batter the base of the cliffs and the ravine causing erosion. If rain and waves occur in the future which are more extreme in duration or intensity than at present, which is likely, then the area will be even less stable. This instability must be considered and carefully addressed, but so far it has not been.

B. Sea Level Rise must be considered

It is common knowledge that sea level rise is occurring and will continue to occur for the foreseeable future. It is obvious that in the future when waves batter the cliffs in the vicinity of the project those waves will reach higher on the shore than they do now. This must be considered and carefully addressed, but so far it has not been.

Thank you for your consideration. Please let me know how you intend to proceed.

Sincerely,

A handwritten signature in black ink that reads "Hal Bohner". The signature is written in a cursive, flowing style.

Hal Bohner

Copy to: Nancy Cave

ATTACHMENT A

All local traffic to and from a large part of Pacifica uses the combined intersections of Palmetto Avenue/Manor Drive/Oceana Boulevard. The following map of the area shows the intersections and the proposed project.



It should be understood that the only on ramp to north bound Highway 1 in this neighborhood is located near the intersection of Oceana Blvd and Monterey Road as indicated on the map. Also it is important to note that the only bridge over Highway 1 in the neighborhood is at the

Manor Overcrossing. Therefore during the morning commute there is considerable congestion at the Manor overcrossing. Also it should be noted that in order to access Highway 1 northbound commuter traffic from the vicinity of the proposed project must travel south on Palmetto Avenue, cross over Highway 1 at the Manor overcrossing and then travel north on Oceana Boulevard to reach the on ramp. The net effect of this is that during the AM commute period the combined intersection of Palmetto Avenue/Manor Drive/Oceana Boulevard intersection is highly congested.

Similarly, at many other times of day the intersection is highly congested, and visitor serving traffic is caught in the serious congestion on weekends.

In order to mitigate the congestion the City of Pacifica enacted Pacifica Municipal Code Title 8, Chapter 18 titled, "TRAFFIC IMPACT MITIGATION FEES FOR THE IMPROVEMENT OF THE MANOR DRIVE/PALMETTO AVENUE/OCEANA BOULEVARD INTERSECTION." Chapter 18 , Section 8-18.01 - Purpose states:

This chapter is enacted for the purpose of establishing traffic impact mitigation fees to defray the actual costs of constructing improvements to the Manor Drive/Palmetto Avenue/Oceana Boulevard intersection, which improvements will be required to accommodate the increased traffic flow in the area resulting from future building activity in the City.

Chapter 18 was enacted in 1984 but to date the improvements contemplated for the intersection have not been constructed, and since 1984 the traffic problems there have become worse.

To address the traffic problems at the intersection the City of Pacifica not only enacted Title 8, Chapter 18 but the City also included the following language in the LUP:

[R]esidential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area.
LUP p. C-21

Approval of the present project would be contrary to the express requirement of the LUP that traffic issues be resolved before new construction is approved which would put additional traffic load on the intersection.

Hal Bohner

Attorney

115 Angelita Avenue • Pacifica, CA 94044

phone 650-359-4257

hbohner@earthlink.net

Victor Carmichael gave me some documents you had given him. I have some questions and comments about those documents and about some other issues, and I would greatly appreciate it if you would be willing to discuss them with me.

Redirection of water from the project site would be problematical

GeoForensics Inc recommends redirection of water from the project site to the street or the storm drainage system.

Obviously, any diversion of waters away from the cliff area of the drainage swale will decrease the rate of weathering and will help to increase the potential long term viability of the street. To this end, we would recommend that all surface waters on the proposed new development site be collected and directed onto the street, or into the storm system under Palmetto Avenue, to further improve long term stability. (p. 3, item 6 of letter to O'Connell from GeoForensics July 28, 2015 (Updated geology.pdf))

However, following that recommendation would apparently involve directing water away from a wetland. It is obvious that reducing the flow of water to a wetland would adversely affect the wetland which should not be permitted.

A delineated wetland has been identified and mapped by the consultant to the developer. (letter from Toyon Consultants to O'Connell dated August 10, 2015 (palmetto.CCCletter.final.pdf)) The delineated wetland is located between the site of the proposed project and Palmetto Avenue, immediately across Palmetto from the cliff area of the drainage swale. (see Figure 3 of the Toyon letter.) The delineated wetland is also downhill from the site of the proposed project. Presently it is likely that at least some of the water that enters the wetland seeps into the ground and flows under Palmetto Avenue and into the cliffs of the drainage channel or swale. Also, at least some of the water in or near the wetland may flow into the drainage channel through a, "large diameter corrugated metal pipe daylighting out of the face of the cliff" which GeoForensics Inc observed. (p. 1, item 3 of letter to O'Connell from GeoForensics July 28, 2015 (Updated geology.pdf)) . Accordingly it is obvious that reducing the

flow of water from the project to the cliff area of the drainage swale would also reduce the flow of water to the delineated wetland.

The drainage channel

GeoForensics Inc discusses the drainage channel and concludes: “Based upon our observations of the nature of the slope regression, it is our opinion that it will likely take hundreds of years for the observed slope failures to encroach upon the Palmetto Avenue roadway.” (p. 3, item 5 of letter to O’Connell from GeoForensics July 28, 2015 (Updated geology.pdf)) I question their conclusion for a number of reasons.

1) They present no explanation of or justification for their conclusion. What is their reasoning and evidence?

2) They state that degradation of the “cliffs” of the drainage channel is occurring:

Degradation of the cliffs is occurring, but due primarily to natural long term weathering of the lightly cemented terrace/bedrock deposits. As these areas are denuded by the surface sloughing, the exposed materials again start to weather, vegetation grows, and eventually the outer 2 to 3 feet of weathered material sloughs off the overly steep slope. (p. 2, item 4 of letter to O’Connell from GeoForensics July 28, 2015 (Updated geology.pdf))

They don’t state how frequently surface sloughing occurs. Without that information it is not possible to know how fast the drainage channel is approaching Palmetto.

They state that “natural long term weathering” is the “primary” cause of degradation of the cliffs. They need to also discuss all other causes besides the primary one. All causes, not just the primary one must be considered.

3) They state:

Obviously, any diversion of waters away from the cliff area of the drainage swale will decrease the rate of weathering and will help to increase the potential long term viability of the street. To this end, we would recommend that all surface waters on the proposed new development site be collected and directed onto the street, or into the storm system under Palmetto Avenue, to further improve long term

stability. (p. 3, item 6 of letter to O'Connell from GeoForensics July 28, 2015 (Updated geology.pdf))

This raises questions about the "large diameter corrugated metal pipe daylighting out of the face of the cliff" which they observed. (p. 1, item 3 of letter to O'Connell from GeoForensics July 28, 2015 (Updated geology.pdf)) That pipe obviously is a source of water on the cliff area. What area does the pipe collect water from? What can and should be done to reduce or eliminate that water?

4) They focus on the time to "encroach upon" Palmetto. The dictionary definition of encroach is, "to gradually move or go into an area that is beyond the usual or desired limits." But the issue that should be addressed is not when the drainage channel extends into the roadway. Rather, the critical question is how soon the ravine will be sufficiently close to Palmetto that the situation becomes unsafe and the roadway needs to be moved. Presumably the roadway will be deemed unsafe when the cliff becomes an unsafe distance from the roadway and that unsafe distance is greater than zero since a margin of safety must be provided. Are the geotechnical consultants qualified to make the determination of what is a safe distance or that the situation does not become unsafe until the cliff face actually undermines the roadway?

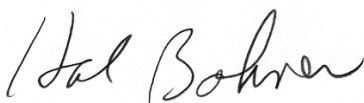
Cumulative effect of hydrology on the project site and near the project site

The consultants conclude:

Obviously, any diversion of waters away from the cliff area of the drainage swale will decrease the rate of weathering and will help to increase the potential long term viability of the street. To this end, we would recommend that all surface waters on the proposed new development site be collected and directed onto the street, or into the storm system under Palmetto Avenue, to further improve long term stability. (p. 3, item 6 of letter to O'Connell from GeoForensics July 28, 2015 (Updated geology.pdf))

The cliff area of the drainage channel (or swale) is affected by water from all sources, not just from the project site. However, the consultants do not address how to divert water that originates from sources other than from the site of the proposed project. Not to consider water from the area near the project site is absurd.

Sincerely,



Hal Bohner

Hal Bohner

Attorney

115 Angelita Avenue • Pacifica, CA 94044

phone 650-359-4257

hbohner@earthlink.net

1. Have there been 1) a design level geotechnical analysis and drainage plan and 2) an analysis of the viability of an alternative access to the project via the Edgemar right-of-way? Could we get copies?

The staff report for the project (**APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION 7/31/2015**) states (emphasis added):

The City approval included conditions that require the Applicant to comply with the site review's recommendations, require submission of an erosion control plan prior to issuance of a building permit and require drainage improvements and prompt revegetation of exposed areas to prevent erosion. While the Earth Investigations preliminary geologic site review concluded that the ravine was a static feature that had been static for the past 55 years, the review also concluded that a design-level geotechnical investigation should be conducted. While Coastal Commission Coastal Engineer Dr. Lesley Ewing agrees with the conclusion that the ravine is static and likely does not pose a threat to the proposed development, she did also agree that such a design level analysis and drainage plan should be required prior to issuance of the CDP, not issuance of a building permit to adequately evaluate the potential site hazards and ensure the proposed development is properly sited per the requirements of the LCP. This type of analysis is also required in order to assure the CDP has been issued in conformance with LCP policies which require that development be designed to minimize erosion impacts to surrounding areas. (**APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION 7/31/2015**, p. 11)

Information Needed for *De Novo* Review of Application

An updated hazards report that is a design level geotechnical investigation, specific to the hazards present on the site and that identifies the impacts of coastal hazards and recommends proper siting and design to avoid or mitigate for hazards without the need of future shoreline armoring including but not limited to: an erosion control and drainage plan; hazards associated with future sea level rise and resultant exacerbated coastal bluff erosion; the potential need for future shoreline armoring; an analysis of the potential for coastal erosion to A-2-PAC-15-0046 (Blackman and O'Connell) 17 impact ingress and egress for the proposed project on Palmetto Avenue; and an analysis of the viability of an alternative access to the project via the Edgemar right-of-way.

(APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION 7/31/2015, p. 16)

2. Bob Battalio who is a consultant in hydrology with the firm of Philip Williams and Associates says that the gully will reach Palmetto in “roughly 20 years.”

See APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION 7/31/2015, p. 157 of pdf

3. The project cannot be permitted due to its impact on the Manor overcrossing.

My argument is on page 74 of APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION 7/31/2015

Basically I argued that the Pacifica Local Coastal Plan prohibits approval of this project due to its potential adverse effect on the Manor Overcrossing. As far as I know the Commission Staff has not responded to that argument. Here's my argument copied from my appeal:

The Manor Drive Overpass

Traffic to and from the Fairmont West neighborhood has major problems and the project would make those problems worse. The issue centers on the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection (sometimes called the Manor Drive overpass) which is not far from the

project site. The LUP states (emphasis added):

“All local traffic to and from the [Fairmont West] neighborhood and northbound traffic must use the combined intersections of Palmetto Avenue/Manor Drive/Oceana Boulevard.” LUP p. C-21

“Streets within Fairmont West are adequate to accommodate traffic generated by additional commercial and residential development. However, due to capacity problems of the Palmetto Avenue/Manor Drive/Oceana Boulevard intersection, any significant increase in the number of vehicles resulting from intensified commercial or additional residential development in the vicinity of Manor Drive, or along Palmetto Avenue, should be accompanied by traffic studies which anticipate peak hour traffic impacts on the intersection.”

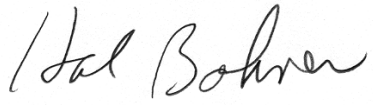
“In order to accommodate and encourage expanded access opportunities and related visitor-serving land uses in the neighborhood to the south, residential development in Fairmont West shall not occur without resolution of traffic impacts which could adversely affect the viability of access related and visitor-serving commercial development in the area.”

This traffic issue is further illuminated in Pacifica Municipal Code Title 8, Chapter 18 titled, “TRAFFIC IMPACT MITIGATION FEES FOR THE IMPROVEMENT OF THE MANOR DRIVE/PALMETTO AVENUE/OCEANA BOULEVARD INTERSECTION.” Chapter 18, Section 8-18.01 - Purpose states:

“This chapter is enacted for the purpose of establishing traffic impact mitigation fees to defray the actual costs of constructing improvements to the Manor Drive/Palmetto Avenue/Oceana Boulevard intersection, which improvements will be required to accommodate the increased traffic flow in the area resulting from future building activity in the City.”

Chapter 18 was enacted in 1984 but to date the improvements contemplated for the intersection have not been constructed, and since 1984 the traffic problems there have become worse. Approval of the present project is contrary to the express requirement of the LUP that traffic issues be resolved before new construction is approved.

Sincerely,

A handwritten signature in black ink that reads "Hal Bohner". The signature is written in a cursive style with a large, stylized "H" and "B".

Hal Bohner

From: v carmichael [<mailto:vcarmichael@comcast.net>]
Sent: Sunday, August 23, 2015 7:07 PM
To: Rexing, Stephanie@Coastal
Subject: Additional photos

08/23/15

Nancy Cave
Stephanie Rexing

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

**Appeal to California Coastal Commission of City of Pacifica Coastal Development
Permit (CDP-347-14), 4000 Block of Palmetto Avenue, APN 009-402-270**

Dear Ms. Rexing and Ms. Cave:

In going through some old material from the activities surrounding our 2005 appeal (W-16.5a) re: the North Pacifica LLC application to build 42 units in the Bowl, I uncovered some interesting and pertinent photographs. One of the issues we brought up in our present appeal and that the Commission has agreed was substantive was the inadequate addressing of geological/ hydrological issues. The entire watershed that includes the Fish and Bowl properties is in many ways *Terra incognita*. Two of the photographs we provided as exhibits with our appeal showed seepage from water tables and the curious phenomena of the eruption of water from the sand dunes west of the Fish and Bowl during the last serious El Nino (1997-98). Attached are ten (10) more photographs from that same period. They show mudslides, further depiction of water table seepage and most interestingly water emerging out of the sand dune area west of the Fish and Bowl. The dune area is obviously geologically and hydrologically interconnected with the upward slopping corridor above. This entire area cries out for a definitive study. It has never been investigated in any comprehensive way. Again the 1999 letter from PWA makes this same point (see Attachment 4 in our appeal).

This is especially the case with now emerging global concern over impending sea level rise (SLR). Local coastal and bay-front municipalities are being urged not only by the Coastal Commission but mostly recently by a San Mateo County Grand Jury (see: http://www.sanmateocourt.org/documents/grand_jury/2014/sea_level_rise.pdf) to begin serious planning for coastal flooding and erosion. This grand jury report urges the County to plan for SLR *well beyond* the previous projected levels, possibly as much as 15 ft. If SLR this drastic were to occur, the steep ravine west of the applicant's project would be impacted in unknown ways. Pacifica has already lost housing due to bluff erosion, and that was *before* SLR was an officially recognized concern.

We apologize for any redundancy in this letter. We are simply including it as commentary to the attached newly rediscovered photographs.

Sincerely,

Victor Carmichael, CSFB 2.0



No evidence of direct flow of water from across Palmetto Ave. Instead water apparently erupts to the surface near the cliff face. The complex hydrologic inter-relationship of the Bowl, the ravine and the cliff erosion process was conspicuously ignored in the EIR.

The top picture provides a reference point and the next three shows the water coming to the surface near the cliffs. |





This dramatic seepage occurred during the same El Nino winter in which 8 houses were lost on Esplanade Blvd less than 1/4 mile away south.





↑
More pictures of water coming out of the dunes...
↓





Fish and Bowl mudslides during El Nino. The extensive planned reengineering of the hydrology beneath the Bowl is supposed to alleviate all of these issues. However, the EIR did not address the relationship between water seeping out of the dunes and the drainage from the Bowl.





↑ Crumbling of cliffs west of Fish and Bowl. Note water emerging from bluff.

↓ Seepage onto roadway from ice plant covered dunes east of Palmetto Ave.



From: v carmichael [<mailto:vcarmichael@comcast.net>]
Sent: Monday, August 31, 2015 3:11 PM
To: Rexing, Stephanie@Coastal
Subject: Ravine ledges

8/31/15

Nancy Cave
Stephanie Rexing

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

**Appeal to California Coastal Commission of City of Pacifica Coastal Development
Permit (CDP-347-14), 4000 Block of Palmetto Avenue, APN 009-402-270**

Appeal No. A-2-PAC-15-0046

Dear Ms. Rexing and Ms. Cave:

We are providing some additional photographs of the 'deep gorge' as it is referred by GeoForensics Inc. in their July 28, 2015 letter to Mike O'Connell (Exhibit 7 of A-2-PAC-15-0046). I think everyone agrees that stability of this geological formation just west of the 4000 Palmetto Avenue project is critical to the long term usability of Palmetto Ave since the head of this deep gorge or ravine is within 8-10 ft of the road's pavement. The report by GeoForensics Inc. reassures the reader that the ravine is essentially stable at least in the near term. On Page 2 under Geo technical Conclusions and Opinions, Item 1 states "...the deep ravine does not appear to be experiencing further axial erosion and appears to be globally stable for a protracted period of time". And in Item 2, while they acknowledge ongoing bluff erosion or "coastal retreat" as they call it, they state that "there is no impact of ocean induced bluff erosion affecting the drainage swale within several hundreds yards of Palmetto Avenue". It is not clear what exactly comprises the entire "drainage swale" but the eruption of water from the dunes west of Palmetto Avenue during heavy rains (see our letter titled *Additional Photos* dated 8/23/15) seems to indicate hydrological complexity not previously acknowledged. Moreover the nearly vertical ledges of 'lightly cemented sandstone' seem to tell a different story (see attached photos). What is the difference between the ledges on both sides of the ravine (see attached photos) and those of the actual ocean facing bluffs also of "lightly cemented sandstone"? Would not the normal "coastal retreat" (eroding episodically at 3 ft per year) also be occurring along the sides of the ravine/drainage swale as well?

Also importantly, there is not a single reference or acknowledgment in this report of *impending sea level rise* and *erratic weather patterns* (more storms) stemming from the now inexorable process of climate change. Why is this not mentioned? Another interesting point is that this report in referring to a previous geologic report by Earth Investigations Consultants states that aerial photographs show that the drainage swale has been static for 55 years. In geologic time 55 years is very short time span. Furthermore are not planners supposed to plan for 100 year time spans? Also this same referenced report theorizes that this drainage swale is a "...prehistoric feature cut into unconsolidated terrace deposits..." which makes it sound ancient and primordial. But recorded history of this area only goes back several hundred years. Categorization of it as a *drainage swale* more or less substantiates what appears to the layman to be the case, that this ravine is the result of some major watershed that once ran down from well above what is now the Hwy 1 grade and may still do so on a subsurface basis. So in calling it a drainage swale are they not all but admitting to the hydrological interconnection with the entire zone above?

Thank you,

V. Carmichael, CSFB 2.0

**A-2-PAC-15-0046
EXHIBIT 18
Page 19 of 26**



**South ledge of ravine on the north edge of the Lavin property.
Note active erosion.**



North ledge of ravine. Note active erosion.



Head of ravine relative to Palmetto Avenue looking south.



Head of ravine relative to Palmetto Avenue looking east.



Ocean bluffs

From: victor carmichael [<mailto:vcarmichael@comcast.net>]
Sent: Wednesday, March 16, 2016 8:33 AM
To: Rexing, Stephanie@Coastal
Subject: Drainage of Fish and Bowl

Stephanie:

I am aware you are in contact Hal Bohner regarding concerns he has raised over the drainage of the Fish and Bowl and other geotechnical issues. Here is some more information that needs to be considered.

March 13th and 14th during the recent rains I was curious as to the amount of water coming out of the white pipe protruding from below Palmetto Ave (with a fabric apron presumably to mitigate erosion below) which has been previously discussed and photographed. GeoForensics Inc. refers to it in section 3, Pg 1 under Recent Site Observations of their July 28, 2015 report as "A large diameter corrugated metal pipe observed daylighting out of the face of the cliff".

Recall that the input and outpoint under Palmetto Ave is still something of a mystery. In section 5- of the same report GeoForensics states:

" On the eastern side of Palmetto Ave we observed a 12 inch diameter pipe in a concrete headwall. This pipe appears to collect the waters from the drainage basin above (easterly of) Palmetto Avenue. The pipe *did not* appear to be consistent with the pipe observed exiting the face of the western cliff. " (my italics)

In GeoForensics' Oct 26 follow-up report under the **Public Works** section they again discuss a '12 inch diameter corrugated plastic pipe', this time saying that it appears to be of relative recent installation and that it does not appear on City maps.

I mention the above because my photos show something surprising and apparently unknown to the GeoForesic investigators. Water is flowing out from two different previously unacknowledged points on the western cliff face, one approximately 15-20' from the top (see upper pipe.jpg), the other is flowing from another pipe right next to the one we knew about which has the fabric hanging down from it (see lower pipe.jpg). It appears but it is difficult to tell for sure that there is no water at all coming out of the originally known pipe. I will take binoculars and a telephoto lens out there the next time it rains.

This new information would seem to mean that GeoForensics needs to do further research with respect to the complicated hydrology of that whole area.





From: victor carmichael [<mailto:vcarmichael@comcast.net>]
Sent: Wednesday, March 16, 2016 11:18 AM
To: Rexing, Stephanie@Coastal
Subject: Wetland #2

Stephanie:

In Exhibit 6 from my appeal I have a photo of a pond taken years ago well before the drought. Recall this pond was designated as Wetland #2 from the original wetland study prepared for the 32 unit proposed 2005 project in the Bowl that did not meet LCP requirements and was denied a Coastal Development Permit. That pond is again fully functional as an seasonal wetland. It is within the 100' buffer zone, approximately 80' from the proposed Blackman/O'Connell project.

vc



CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
 45 FREMONT STREET, SUITE 2000
 SAN FRANCISCO, CA 94105
 PHONE: (415) 904-5260
 FAX: (415) 904-5400
 WEB: WWW.COASTAL.CA.GOV

**Memorandum****April 12, 2016**

To: Commissioners and Interested Parties

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

Re: *Additional Information for Commission Meeting*
Wednesday, April 13, 2016

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
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W16a	Appeal No. A-2-PAC-15-0046 Blackman/O'Connell, Pacifica	Correspondence, Victor Carmichael, Committee to Save the Fish and Bowl	1-10
W17a	A-2-SON-13-0219 California Dept of Parks and Recreation, Sonoma County	Email, Michelle Irwin Email, Mary Williams & Peter Elias Email, Andrea Granahan Correspondence, George Capone III	11-12 13-14 15-18 19

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County

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G-2-16-0026

04/08/16

(A-2-PAC-15-0046) - Item 16

Victor Carmichael
Committee to Save the Fish and Bowl 2.0

California Coastal Commissioners

California Coastal Commission Staff / North Central Coast District Office
Nancy Cave
Stephanie Rexing
Patrick Foster

COMMENTS ON STAFF REPORT W16a**RECAP**

Starting in the mid 1990s and culminating in the 2006 California Coastal Commission decision (A-2-PAC-05-018) we have been attempting to preserve an undeveloped coastal zone known as the 'Fish and Bowl'. A 2006 Coastal Commission decision blocked a 43 unit development in the Bowl portion. The primary reason for that decision was to that several isolated wetlands in and around the 4.3 acre Bowl parcel would be damaged by such a development. Aside from its value as natural habitat containing wetlands and examples of intact indigenous prairie coastal scrub plant communities, the Fish and Bowl provides a sweeping greenbelt down from the Hwy 1 grade meeting at a protected and popular area known as the Northern Dunes. It is the last undeveloped coastal space in the West Fairmont District of Pacifica. Unfortunately the Bowl is zoned for intense development - medium density residential (MDR) and the intersecting Fish parcels are zoned as low density residential (LDR) making the Fish and Bowl together very valuable properties - if development permission can be obtained.

This present appeal (A-2-PAC-15-0046) involves a much smaller but no less important development than the 2006 project. On a 0.42 acre site (part of original Bowl parcel but not part of the 2006 project) another project has been proposed. Originally four small detached units were proposed (but a revised plan now calls for a single larger structure). Two appeals were filed with the Coastal Commission based among other issues the following:

- Adverse in impact to biological resources
- Coastal hazards not adequately analyzed
- Traffic and parking issues exist
- Public access and recreation impacted
- Scenic and visual character of area adversely affected
- Cumulative impact

Coastal Commission staff found 'substantive issues' with regard to three issues: biological resources, coast hazards and traffic. As part of the process further analysis was required including a wetland delineation based on Coastal Commission criteria, a design level geotechnical investigation of adjacent coastal area and an independent traffic study.

PRESENT RECOMMENDATIONS FROM STAFF

The latest (A-2-PAC-15-0046) Appeal Staff Report dated 3/30/16 has recommended approval of a project on the site but with a revised design. Instead of four 450 sq ft studio size units, a much larger three story structure containing four one to two bedroom/ two bath units is proposed.

The acceptance of the redesigned project by staff was based on several factors:

- By removing the parking area and driveway and building instead of four small detached structures over the entire parcel, one large structures would be placed at the extreme north end of the parcel, therefore the wetland *on the property* would presumably be protected.
- Coastal hazard issues were discounted.
- Increased traffic was deemed insignificant.
- And the size and scale of this structure although much larger was deemed not to adversely affect the scenic and visual character of area .

BIOLOGICAL RESOURCES

The original Coastal Development Plan was approved by the City of Pacifica. This was even after we pointed out to the City that several wetland areas identified by prior studies were immediately adjacent to the property. Coastal Commission staff did however take note that a wetland indicator willow patch existed right on the property and requested a second biological survey. A further study by the developer's biological consultants was conducted as part of the 'substantive issues' determination. And in fact a facultative wetland species, Arroyo Willow (*Salix lasiolepis*) and Poison hemlock (*Conium maculatum*) were identified which qualified the area as a wetland. This meant the developer had inadvertently purchased coastal zone property with a wetland right on it.

Normally this would have been a 'show stopper'. The 2006 43 unit project was halted because of a wetland within 100' of the project. It was determined at the time that damage to this sensitive biological habitat would probably occur during the construction phase of the project. The 100' buffer is considered the minimum distance by the Coastal Commission. However in some cases even greater amounts are required (see Pg 10, para 4 of the 2006 staff report on Appeal No. A-2-PAC-05-018). Yet when this new wetland was verified as actually on the developer's property as well two more close by (see Exhibits A, B and C attached) well within the 100' buffer zone, the 100' standard was suddenly abandoned and a new 50' buffer zone was authorized. The justification was that "Due to the small size of the subject parcel, a larger buffer requirement would essentially render the lot undevelopable". This is crucial. Had we known that the buffer zone was adjustable based on economic circumstances, we

probably would not have pursued this appeal. The developers purchased this small 0.42 parcel voluntarily. No one forced it on them. It was totally *caveat emptor* decision. The entire Fish and Bowl is interpenetrated with a number of wetland areas and no overall hydrological study has ever been done. By reducing the buffer zone standard to 50' the feasibility (and inevitability) of further larger and more intrusive projects will be greatly increased – 'cumulative impact'.

COASTAL HAZARDS

The deep ravine (see Exhibits D and E attached) that is adjacent to the proposed project nearly reaches Palmetto Ave. If the head of that ravine moves any farther east Palmetto Ave will be severed. The only alternative re-routing lies right where the new project is to be placed. The geotechnic studies seem to concentrate on everything but that key factor, the rate of erosion of the head of the canyon. They discuss the nearby coastal bluffs, the sides of the ravine but very minimally the head of the ravine. It must be composed of the same soft sandstone that is being rapidly eroded all along the coast of Pacifica and Daly City.

In fact the whole question of the drainage of the Fish and Bowl is never really addressed in a forthright way. And the culverts under Palmetto Ave draining the lowest point of the Fish and Bowl remain a mystery. Recently we photographed two active additional drainage pipes previously unknown and unmentioned in the two geotech reports commissioned by the the developer. These pipes extrude from the head of the ravine (see Exhibit F attached) and no doubt the water coming out contributes to erosion.

Yet all parties concerned seem sanguine as to the possibility of damage to Palmetto Ave, categorizing the possibility as 'low to moderate'. To quote the latest staff report (underlines added):

Pacifica's coast regularly experiences erosion, flooding, and significant storm events, and sea level rise will only exacerbate these natural forces. Therefore, sea level rise and coastal bluff erosion may require inland realignment of Palmetto Avenue to maintain the roadway as a viable transportation route, and may ultimately result in the project needing access via another route, such as the existing Edgemar right-of-way. Therefore, this approval is conditioned upon an assumption of risk regarding coastal hazards (Special Condition 8), as well as an obligation on the part of the Applicants to provide alternate access to the development if and when Palmetto Avenue becomes degraded (Special Condition 7.d).

This agreement (Special Condition 7.d) is only about new ingress and egress to the development being the responsibility of the developer not about any rerouting of Palmetto Ave in which the new structure would be right in the way of the any logical rerouting path.

With Pacifica's Esplanade Avenue apartment buildings being dramatically lost to recent coastal erosion along with problems with extensive damage incurred to the Beach Blvd promenade, and to the north the collapse in Daly City's Avalon Canyon, one would think the Coastal Commission would take a more prescient view especially with every worsening forecasts of sea level rise.

SCENIC AND VISUAL CHARACTER ADVERSELY AFFECTED

Originally this issue was deemed not to be 'substantive' due mainly to the minimal scale and height of the structures as well their other 'natural' characteristics (like their ever appealing earthen roofs). However in making the case for 'adverse effect to scenic and visual character of the area' it was pointed in Hal Bohner's appeal that the development would not be contiguous north, south, and east and west and would adversely affect views of adjacent coastal resources to the west (Northern Dunes). Also it asserted, rightly, that adding buildings could not possibly improve the open space nature of the area. Staff disagreed and agreed with the developer who said they took "care in protecting the visual qualities of the area". Yet now that the original design has been altered drastically from four small diminutive structures to one large obtrusive one, that argument no longer holds. Yet according to staff the project still passes muster as to not adversely affect the scenic and visual character of the area. Mentioning set back and lower elevation relative to the surrounding ridgeline of now a 35 ft high., three story building seems like begging the question. It will stand out more than the four little ones would have. And it will certainly do nothing for the open space ambiance that once existed.

SUMMARY

We urge the Commissioners resist staff's recommendation to move forward with a CDP on this project. Once this project goes in it will set in motion an inexorable process leading to total loss of this mosaic of wetlands interspersed with wild open space. Once it's gone, it's gone for forever.

EXHIBIT A

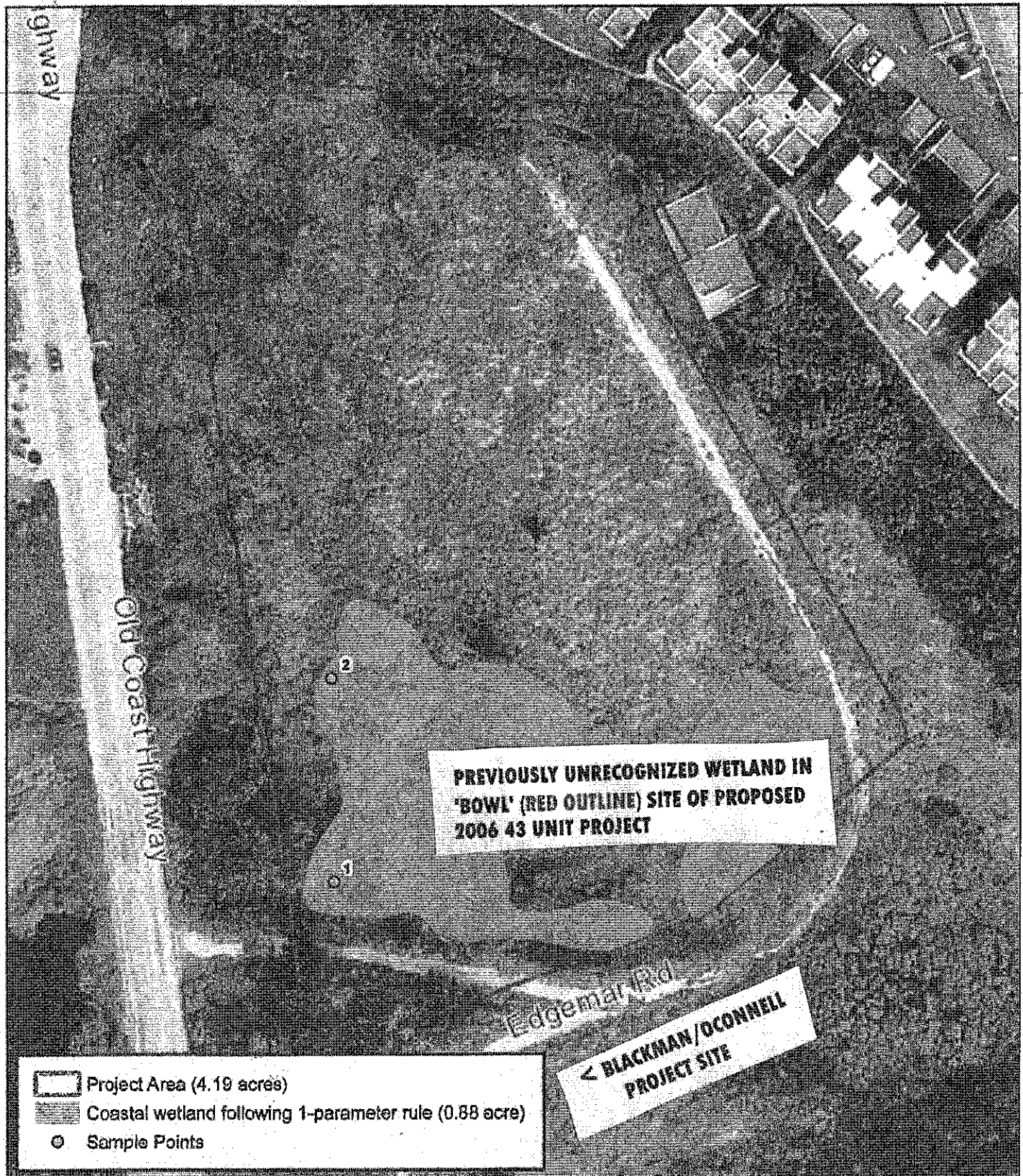


Figure 2. Coastal Commission
Jurisdictional Wetland Features

Pacifica Bowl
San Mateo County, California



0 50 100 200
Feet



A-2-PAC-15-0046

Map Prepared Date:
Map Prepared By:
Base Source: San
Data Source(s): V.

proximity to well and #2



SIGHT TRIANGLES

MIKE O'COI
900 ROSIT
PACIFICA,
650.303.0.

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EXHIBIT C

WETLAND #2

**APPROXIMATELY 80 FT
FROM PROPOSED PROJECT**



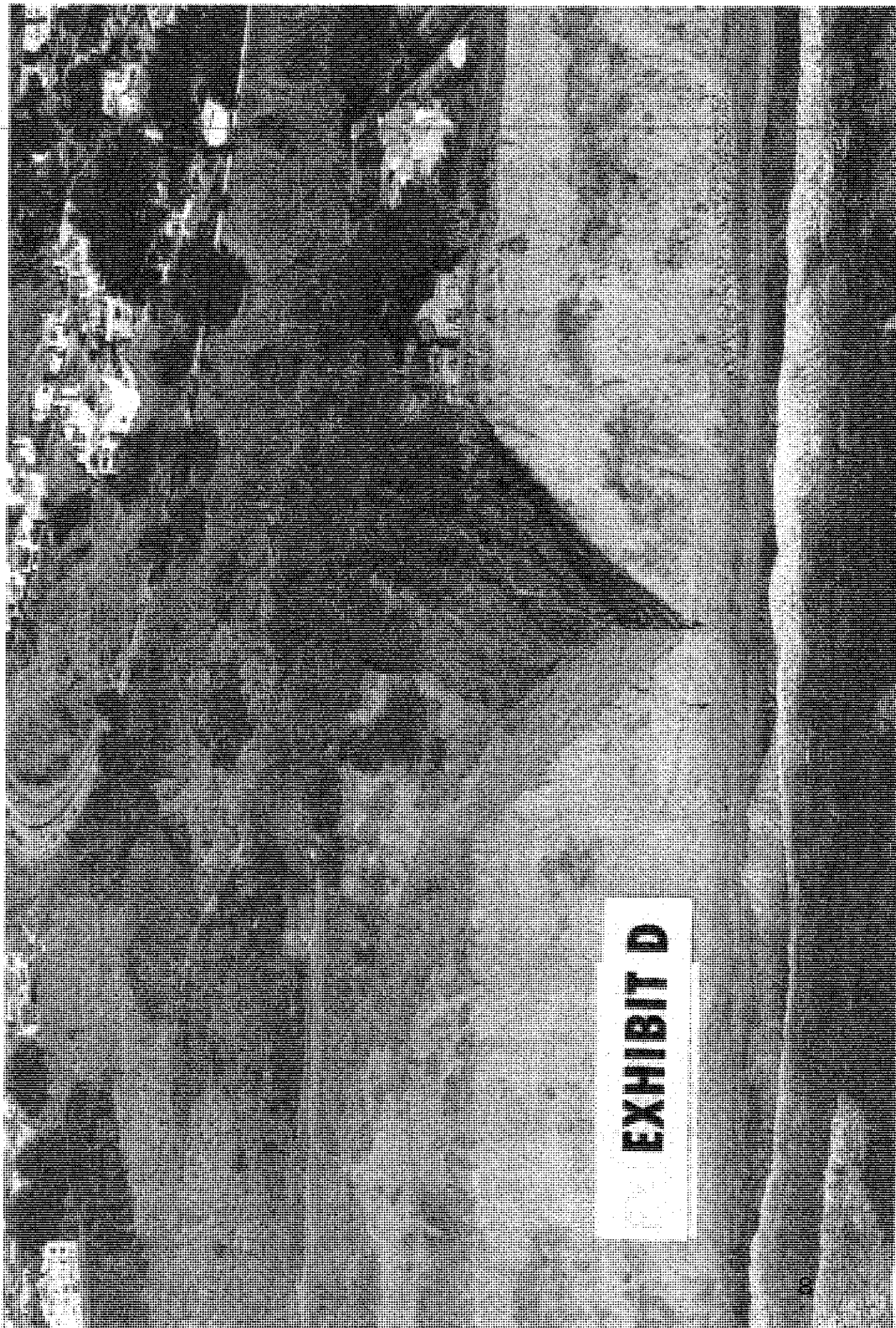


EXHIBIT D



EXHIBIT F

