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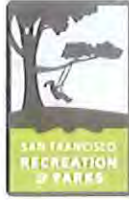


W9a

2-17-0702 (SHARP PARK ARMORING)

NOVEMBER 8, 2017

CORRESPONDENCE



Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

November 2, 2017

Patrick Foster
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Applicant Response to Staff Recommendation for CDP Application No. 2-17-0702

Dear Mr. Foster,

Attached please find the Applicant Response to the California Coastal Commission Staff Recommendation for Coastal Development Permit Application No. 2-17-0702.

Sincerely,

Spencer Potter

A handwritten signature in blue ink, appearing to read "Spencer Potter", is written over the typed name.

Natural Resources Regulatory Specialist
San Francisco Recreation and Park Department

Applicant Response to Coastal Commission Staff Recommendation

Date: 11/2/17

Application No.: 2-17-0702

Applicant: San Francisco Recreation and Park Department

Location: Shoreline and beach area fronting Sharp Park in the City of Pacifica, San Mateo County (APN 016-430-020)

Description of Project: Request for after-the-fact authorization of portions of already constructed berm (3,200 foot seawall including 1,425 feet of rock riprap) protecting Sharp Park's endangered species habitat, public recreational amenities, surrounding residential and commercial areas, and pumping infrastructure, and serving as a section of the California Coastal Trail and necessary vehicular and emergency access route.

Summary of Applicant Response: agree with recommendation, but request alteration to special conditions (as detailed below).

Introduction

The San Francisco Recreation and Park Department (SFRPD) respectfully submits the following formal response to the California Coastal Commission (CCC) Staff Recommendation for Coastal Development Permit (CDP) application number 2-17-0702. The full Staff Report and Staff Recommendation for this CDP application was filed and made available to SFRPD on Friday, October 27, 2017. The recommendation for CDP application 2-17-0702 is "Approval with conditions."

SFRPD appreciates CCC staff's recommendation of this project for approval, and recognizes the large amount of work that went into crafting a recommended mitigation package that works towards serving the public at Sharp Park while also continuing to reduce risk to Sharp Park's biological, recreational, infrastructure, and other assets. While SFRPD largely agrees with the CCC Staff Recommendation, we request alteration to several conditions. The requested alterations are described below and our suggested

edits to the Special Conditions are detailed in the attached red-line version of the Special Conditions (Appendix 1).

Requested Alterations to Special Conditions

Action and Implementation Timeline

Special Condition 1 states that all special conditions (including submittal of the Public Access Management Plan) must occur within 180 days. Special Condition 3(k) states that implementation of the access improvements must occur by Memorial Day (May 27), 2019.

SFRPD requests altering these deadlines out to one year for the action deadline and out to 2021 for the implementation deadline to take into account SFRPD's extensive financial, permitting and community processes. The duration and extent of these processes will depend on the scale of the park improvement. For a renovation involving significant improvements SFRPD must identify a funding source and obtain approvals for the funding expenditure, hold public meetings to ascertain community support and input on the project components, submit permits to other regulatory agencies, and undergo CEQA and Americans with Disabilities Act (ADA) review. Given the scope and complexity of the proposed improvements and procedures, it will not be possible for SFRPD to deliver within the timelines listed in the conditions.

Public Access Management Plan

Special Condition 3 states that SFRPD must provide a Public Access Management Plan, and Special Conditions 3(b) through 3(g) detail the requirements of this plan with a high level of specificity and give direction on what it must include.

We request that some of these provisions be generalized. Given the complex nature of park design and construction, which must balance various interests, must provide competing amenities, and must serve the diverse needs of the public, we request that some of the specificity be removed from the Special Conditions to provide flexibility in what and how many of the required access improvements will be built. This flexibility will allow SFRPD to defer the specificity of the park design until the Public Access Management Plan is prepared and has received community input, engineering evaluation and ADA review.

While small-scale site improvements are unlikely to affect the rustic character of the site, larger scale amenities such as formalized lookouts (Special Condition 3(d)), picnic areas, and other features may involve more structural elements such as concrete pads and pathways, which may not be consistent with the coastal aesthetic.

For the reasons described above, SFRPD requests modification of the Public Access Management Plan Special Conditions so that some of the specificity is removed, while still fulfilling the intent of the provision to provide enhanced public shoreline amenities.

Vertical Accessways

Special Condition 3(c) calls for at least two vertical accessways from the top of the berm to the sandy beach.

SFRPD requests that this language be modified to require SFRPD to evaluate the feasibility of installing up to two accessways to the beach. While SFRPD is fully in favor of recreational access, we are concerned that installation of a hardened stairway into the soft seawall may result in accelerated erosion. Furthermore, installation of accessways may require further hardening of the berm around the accessways to make them structurally sound and to address possible erosion issues (and such seaward armoring is potentially prohibited by Special Condition 6). SFRPD believes the best way to address these issues is to evaluate the feasibility of the two accessways in the Public Access Management Plan.

Landscaping Improvements

Special Condition 3(f) calls for removal of all non-native and/or invasive plants along the berm area and replanting with native, drought tolerant plants in this area, as well as monitoring and maintenance of the remediated areas along the berm.

SFRPD requests altering this condition to focus on erosion control. While SFRPD fully supports the removal of invasive plants and the restoration of areas with native wildlife supporting vegetation, providing habitat along this high traffic public use area is of extremely low ecological value and may in fact be detrimental to listed species by encouraging them to use areas with regular human, dog, bike and vehicle presence. Additionally, SFRPD is concerned that removal of invasive vegetation may accelerate erosion on the berm.

Drinking Fountains

Special Condition 3(g) states that the Plan shall provide for an adequate number of drinking fountains along the berm.

SFRPD requests removal of the provision to provide water fountains. SFRPD currently has no potable water infrastructure in this area of the property. Installation of a water fountain on SFRPD property would be onerous as it would likely require the installation of costly water lines and a water meter. Also, construction on and through the berm may compromise the integrity of the berm. Additionally, installation of a water fountain on SFRPD property would serve only a marginal need as there is already a drinking

fountain a short distance away at the Pacifica Municipal Pier (north of Sharp Park). SFRPD also believes this type of amenity may be aesthetically inconsistent with the rustic nature of the berm, and would not sufficiently blend in with the surrounding shoreline environment.

Hours inconsistent with Park Code

Special Condition 3(i) states that the Plan's public access areas shall be available to the general public 24 hours per day.

SFRPD requests altering this provision to be consistent with the San Francisco Park Code Sec. 3.21, which provides that SFRPD parks are only open between 5 am and midnight.

Shoreline Authorization

Special Condition 5(a) states that authorization for the shoreline armoring terminates when all or part of the Sharp Park Golf Course is redeveloped. Special Condition 5(b) defines the term "redevelopment."

SFRPD requests that this termination provision be revised to reflect the fact that the seawall provides protection to habitat for California red-legged frog and San Francisco garter snake as well as surrounding residential and commercial areas. As written, this provision states that CDP authorization for the seawall terminates when alterations occur on the Sharp Park Golf Course (or when it is no longer present or no longer requires protection), without regard to the importance of the seawall to listed species' habitat or the surrounding residential and commercial areas. Our suggested revisions change Special Condition 5(a) so that termination is triggered when the seawall (1) no longer provides protection for habitat; (2) no longer protects surrounding residential and commercial areas; and (3) the Sharp Park Golf Course is redeveloped, is no longer present, or no longer requires protection. We believe these revisions more fully fulfill the intent of the provision, which is that the authorization for the seawall should be revoked when it no longer protects what it is intended to protect.

SFRPD also provides suggested edits to Special Condition 5(b) to clarify ambiguities in this section and to revise the definition of "Alterations by Type" to mean 50% or greater of the total golf turf area or 50% or more of all Major Structural Components (or a 50% increase in gross floor area of such facilities). We believe the draft as written is ambiguous and will be difficult to apply. Our intent with the revisions was to provide an easy to interpret and fair means of calculating and tracking alterations by type.

SFRPD requests that Special Condition 5 include an exemption for the Laguna Salada Restoration Plan as described in the San Francisco Recreation and Park Department's Natural Resource Areas Management Plan. As the CCC is aware, the Laguna Salada Restoration Plan has been 20-years in development and has recently been approved by

the San Francisco Recreation and Park Commission, the San Francisco Planning Department, and the San Francisco Board of Supervisors, has 30% construction documents that have been developed, and has undergone CEQA review. The Laguna Salada Restoration Plan project outlines a 19-acre habitat restoration project and the relocation of a golf hole to create more contiguous habitat and will be extremely beneficial to Sharp Park's listed species. Development of the Laguna Salada Restoration Plan assumes the ongoing existence of the Sharp Park berm to prevent saltwater intrusion from impacting the Laguna Salada habitat. SFRPD requests that this project, which is under development, be grandfathered in and exempt from this termination clause. Similarly, SFRPD requests that development previously approved by the Commission, including the De Minimum Waiver 2-08-022-W, February 5, 2009 (North Coast County Water District, recycled water project), also be exempted from Special Condition 5.

20-year Mitigation Period

Special Condition 7 states that the mitigation in Section 3 is intended to mitigate for a 20-year period (until November 8, 2037), and that SFRPD must apply for a CDP amendment (and potentially receive a full new set of mitigations), if SFRPD intends to keep the seawall in place later than 2037.

SFRPD requests removal of this provision. As described above, the mitigation package set forth in Special Condition 3 amounts to the creation of a new park along the top of the seawall. SFRPD's parklands are intended to be long term recreational investments that serve the public in perpetuity, not temporary improvements that will be removed after a fixed duration. It will be challenging for SFRPD to plan, review, receive approvals, and build these improvements with no fixed assurance that they will serve the public in the long term.

Reporting

Special Condition 8(c) states that reporting including resurveying of the berm is required every three years.

SFRPD requests that the requirement to resurvey the berm occur every five years instead of every three years. While SFRPD recognizes the need to document possible changes in the seawall over time, the allocation of funds to resurvey every three years is onerous and SFRPD believes that a five-year survey periodicity is appropriately scaled to capture potential changes.

Indemnification and Liability Provisions

Special Condition 10 states that SFRPD indemnifies CCC from liability arising from hazards at the Project Site. Special Condition 11 states that SFRPD will reimburse CCC for all costs and attorneys' fees incurred in connection with the defense of this CDP.

SFRPD requests revision of Special Condition 10 so that CCC must notify SFRPD of any claims and that SFRPD has the authority to settle such claims. SFRPD requests revision of Special Condition 11 so that SFRPD is only required to indemnify "reasonable" costs. Additionally, SFRPD requests that the reimbursement deadline be extended out to accommodate the time it takes to process reimbursement under the City of San Francisco's accounting system. Finally, SFRPD requests the addition of a provision that requires the Commission to notify and consult with SFRPD regarding the defense of an action, and also requires that the retention of outside counsel shall be subject to prior written approval.

Other Important Clarifying Language

The attached red-line version of the Special Conditions also includes various other small edits to clarify what we believe to be the intent of the document.

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 Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Permit Expiration and Condition Compliance.** Because all of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire until one of the events cited in Special Condition 5 occurs. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.
- 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 Permittee 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:

- 1. Condition Compliance.** Unless otherwise specified by a particular Special Condition, WITHIN 365 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the Permittee shall satisfy all requirements specified in these special conditions. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.
- 2. Approved Project.** Subject to these conditions, this CDP authorizes: expansion of the earthen berm in the configuration shown on the plan sheets titled "Topographic Survey of the Sharp Park Berm South of Clarendon Road in Pacifica, CA", and received in the Commission's North Central Coast District Office on June 20, 2017; public access and related improvements and amenities as identified in the approved Public Access Management Plan (see Special Condition 3); and repair and/or maintenance of the approved berm and the access improvements and amenities (see Special Condition 9).
- 3. Public Access Management Plan.** The Permittee shall submit two sets of a Public Access

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Management Plan (Plan) to the Executive Director for review and approval. The Plan shall clearly describe the manner in which public recreational access along the seaward side of the berm, on the earthen berm, and to the east of the earthen berm adjacent to the golf course is to be improved, provided and managed, with the objective of maximizing public recreational access and utility in this area, including specifically through existing trail maintenance, as well as installation of new public serving amenities such as accessways to the beach, benches and signage. All improvements shall be sited and designed to maximize coastal view protection and minimize visual intrusion, including through use of materials appropriate to the shoreline context that blend with the natural environment and existing improvements in the area. The Permittee shall maintain all such improvements and amenities in their approved state, including replacing any improvements or amenities that are damaged or destroyed by natural or artificial causes. The construction and ongoing maintenance of the public recreational access improvements required under the Plan shall not be considered "development" that requires issuance of additional Coastal Development Permit authorization. The Plan shall at a minimum evaluate the feasibility of, and include, the following:

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(a) Public Access Areas and Amenities. The Plan shall clearly identify all existing and required public access areas and amenities with hatching and closed polygons, including the coastal trail, stairways, lookouts, parking spaces, and other public access amenities and improvements described herein.

(b) Trail Improvements. The Plan shall provide for the trail along the top of the earthen berm adjacent to the sandy beach to be regraded and improved so that it extends along the full length of the berm, it is a minimum of ten feet wide, it is surfaced with a mixture of dirt and gravel (or equivalent) to provide a smooth travel way, and includes appropriate connections to parking areas on Clarendon Road and Beach Boulevard at the northern end, and it uses a consistent and uniform design that seamlessly integrates into and blends with the surrounding shoreline environment as much as possible. The trail shall be sited and designed to eliminate the need for railings or other such safety barriers as much as possible, including via siting and design away from berm slopes, as well as use of vegetation as a barrier and through maintenance of gradual slopes on both sides of the berm.

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(c) Vertical Access Improvements. The Plan shall evaluate the feasibility of, the installation of at up to two new vertical accessways from the top of the berm to the sandy beach, where such accessways may be stairways, or ramps, or similar facilities as long as they provide safe pedestrian access. Such accessways shall be designed to blend as much as possible into the berm and trail aesthetic (including through use of similar materials and design), and shall be sited and designed to eliminate the need for railings or other such safety barriers as much as possible, including via the use of vegetation as a barrier. It is understood that some accessway improvement may require hardening of the berm adjacent to the accessway for structural integrity and/or to prevent erosion.

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(d) Lookout Improvements. The Plan shall consider the installation of resting or lookout areas on top of the berm and seaward of the trail that are integrated with the trail design where such areas shall be similarly surfaced as the trail and provide associated recreation

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amenities, where feasible, The amenities and materials shall be sited and designed to maximize public utility and blend into the coastal aesthetic.

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(e) **Signage Improvements.** The Plan shall provide for the installation of informational and directional signage at appropriate locations. The signs shall be designed so as to provide clear information without adversely impacting public views and site character. At a minimum, at least two public access interpretive signs (appropriate to City of Pacifica shoreline issues, information, and/or history) shall be located at appropriate locations along the trail or at a lookout location. Sign details showing the location, materials, design, and text of all public access signs shall be provided. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location.

(f) **Erosion Control Improvements.** The Plan shall provide for erosion control improvements along the entire length of the berm, especially focusing on gullies that form on the sides of the berm and may undermine or threaten accessibility along the California Coastal Trail. These improvements will utilize some combination of biotechnical materials and approaches such as seeding, and the installation of wattles, coir rolls, and erosion blankets in exposed areas. The Plan shall also provide regular monitoring and maintenance of the berm, including provisions for continued erosion control improvements and remedial action to ensure erosion control success.

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(g) **Other Access Amenities.** In addition to that specified above, the Plan shall provide for other access amenities such as benches, bicycle racks, garbage and recycling receptacles, dog mitt stations that are distributed appropriately along the trail on top of the berm, in the berm area, and at either end in a way that maximizes their public access utility and minimizes their impact on public views.

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(h) **No Public Access Disruption.** Development and uses within the Plan's public access areas that disrupt and/or degrade public access, including areas set aside for private uses, barriers to public access (such as planters, temporary structures, private use signs, fences, barriers, ropes, etc.) shall be prohibited. The public use areas shall be maintained consistent with the approved Plan and in a manner that maximizes public use and enjoyment.

(i) **Public Access Use Hours.** Consistent with the San Francisco Park Code, access to the Plan's public access areas shall be available to the general public free of charge between 5:00 a.m. and Midnight.

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(j) **Public Access Areas and Amenities Maintained.** All of the public access areas, improvements, and amenities shall be constructed in a structurally sound manner and maintained in their approved state consistent with the terms and conditions of this CDP, including through ongoing repair, maintenance, or relocation (if necessary to respond to shoreline erosion) of all public access improvements. In addition, the lateral maintenance road on the golf course side of the earthen berm shall be maintained in a manner that ensures continuous lateral access, including, if necessary to respond to erosion or other hazards modifying, moving, or replacing access improvements. Prior to any modification,

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movement, or replacement of access improvements, the Permittee shall obtain an amendment to this CDP to authorize such development, unless the Executive Director determines that an amendment is not legally necessary. Public use areas shall be maintained consistent with the approved Public Access Management Plan and in a manner that maximizes public use and enjoyment.

- (k) **Implementation Timeline.** An implementation schedule shall be included in the Plan that identifies expected installation timelines for the improvements and amenities described above, all of which shall be constructed, installed, operational, and available for general public use as soon as possible, but no later than Memorial Day of 2021.

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All requirements above and all requirements of the approved Public Access Management Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Public Access Management Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Plan, which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

4. **Construction Plan.** PRIOR TO CONSTRUCTION ASSOCIATED WITH THE APPROVED PUBLIC ACCESS MANAGEMENT PLAN DESCRIBED IN SPECIAL CONDITION 3, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include and provide for 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 and/or staging are to take place shall be minimized to the fullest extent feasible in order to have the least impact on public access and ocean resources, including by using, as feasible, inland areas for staging and storing construction equipment and materials.
 - (b) **Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use and habitat areas (including using unobtrusive fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not, to the maximum extent feasible, significantly degrade public views during construction.
 - (c) **Construction BMPs.** The Construction Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including at a minimum the following: (1) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and sediment from discharging to the beach, wetlands, or ocean; (2) equipment washing, refueling, and servicing shall take place at least 50 feet inland from the berm, and preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction

equipment shall be inspected and maintained at an inland location to prevent leaks and spills of hazardous materials at the project site; (3) 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 (4) 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 Construction Plan shall provide that copies 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 such copies 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 Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Plan, which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

5. Shoreline Armoring Authorization. This CDP authorizes the approved augmented berm pursuant to the following terms:

(a) Termination. The authorization for the shoreline armoring approved pursuant to this CDP terminates when:

- i. [the Laguna Salada populations of California red-legged frog and San Francisco garter snake which currently rely on the existence of the Sharp Park](#)

berm for their long-term survivorship: (1) are no longer present in the Laguna Salada wetland complex; or (2) no longer require shoreline armoring, whichever occurs first; and

ii. the surrounding residential and commercial areas which currently rely on the existence of the Sharp Park berm for protection: (1) are no longer present; or (2) no longer require shoreline armoring, whichever occurs first; and

iii. the Sharp Park Golf Course: (1) is redeveloped as defined in subsection (b) of this Special Condition; (2) is no longer present; or (3) no longer requires shoreline armoring, whichever occurs first.

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Prior to the anticipated termination of the authorization or in conjunction with redevelopment of the property, the Permittee shall apply for a new CDP or amendment to this CDP to remove the shoreline armoring or to modify the terms of its authorization.

(b) Redevelopment. Development that meets the criteria in sections i or ii below shall be considered redevelopment:

i. Alterations by Type. Development at Sharp Park Golf Course that consists of: (1) additions to the existing (as of November 8, 2017) golf course holes; (2) additions or exterior or interior renovations to the existing golf course-related structures or related development; (3) improvements or renovations to the pumping infrastructure; or (4) demolition or replacement of the existing holes, structures or related development, or portions thereof, which results in:

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a. (1) Alteration (including demolition, renovation or replacement) of the total golf turf area at Sharp Park Golf Course (i.e., total sum of all acreage of all fairways, roughs, tees and greens) by 50% or more; or (2) Alteration (including demolition, renovation or replacement) of 50% or more of all Major Structural Components including exterior walls, floors, roof structures or foundations of related facilities (including pumping infrastructure), or a 50% increase in gross floor area of such facilities. Alterations are not additive between individual Major Structural Components; however, changes to individual Major Structural Components are cumulative over time from the date of this CDP authorization (i.e., from November 8, 2017). The Permittee shall track all such additions in order to evaluate cumulative impacts over time.

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b. Alteration (including demolition, renovation or replacement) of: (1) less than 50% of the total golf turf area where the proposed alteration would result in cumulative alterations exceeding 50% or more of the total golf turf area, taking into consideration previous alterations approved on or after the date of this CDP authorization; or (2) less than 50% of all Major Structural Components where the proposed alteration would result in cumulative alterations exceeding 50% or more of all Major Structural Components, taking into consideration previous alterations approved on or after the date of this CDP authorization; or (3) an alteration that constitutes less than 50% increase in total floor area of all Major Structural

Components where the proposed alteration would result in a cumulative addition of greater than 50% of all Major Structural Components, taking into consideration previous additions approved on or after the date of this CDP authorization.

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ii. **Alterations by Cost.** Development at Sharp Park Golf Course that consists of any alteration of the existing holes, structures or related development, the cost of which equals or exceeds 50 percent of the market value of the existing golf course before the start of construction, based on the documented construction bid costs and either an appraisal by a professional property appraiser or County assessor data, to be submitted by the Permittee consistent with the time frame in subsection (a) of this Special Condition.

iii. **Alterations Tracked.** The Permittee shall track all alterations, and shall submit a report on same to the Executive Director annually by January 1st of each year, beginning January 1, 2019.

iv. **Laguna Salada Restoration Plan.** The Laguna Salada Restoration Plan as described in the Natural Resource Areas Management Plan and approved by the San Francisco Recreation and Park Commission, the San Francisco Planning Department, and the San Francisco Board of Supervisors, which outlines a 19-acre habitat restoration project and the relocation of a golf hole, shall not be considered “redevelopment” within the meaning of this Condition.

v. **Development Previously Approved by the Commission.** Development previously approved by the Commission, including De Minimus Waiver 2-08-022-W, February 5, 2009 (North Coast County Water District, recycled water project), shall not be considered “redevelopment” within the meaning of this Condition.

6. **No Future Seaward Encroachment.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that no future enhancement, reinforcement, or any other activity affecting the shoreline armoring approved pursuant to this CDP, as described and depicted on approved as-built plans, shall result in any encroachment seaward of the authorized footprint of the shoreline armoring. By acceptance of this CDP, the Permittee waives, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235, the Pacifica LCP, or other applicable laws. However, nothing in this provision shall prohibit the Permittee from maintaining the berm and its public amenities under Special Condition 9 below or 3(j) above, as long as this maintenance does not result in any seaward encroachment.

7. **Coastal Resource Impact Mitigation.** The adverse coastal resource impacts of the approved project have been mitigated through the terms and conditions of this CDP for the life of the berm.

8. **Monitoring and Reporting.** The Permittee shall ensure that the condition and performance of the approved as-built project is regularly monitored and maintained. Such monitoring evaluation shall, at a minimum, address whether the earthen berm structure is within its

Deleted: first 20 years from the date this CDP is approved (i.e., until November 8, 2037). If the Permittee intends to keep the armoring in place after November 8, 2037, the Permittee must submit a complete CDP amendment application prior to that time that analyzes the continued need for armoring and proposes any necessary or desired project modifications. The complete application shall be submitted no later than 6 months prior to the end of the original mitigation period (i.e., no later than May 8, 2037). The application shall include analysis of feasible alternatives to modify the shoreline armoring or the related development it fronts to reduce or eliminate to the maximum extent feasible the shoreline armoring’s impacts on coastal resources, and shall propose mitigation for unavoidable coastal resource impacts associated with the retention of the armoring beyond the initial 20-year mitigation period. If the Executive Director determines that the CDP amendment application does not demonstrate that the public access improvements installed under this approval would sufficiently mitigate for the adverse coastal resource impacts associated with the retention of the armoring beyond the preceding 20-year period, additional mitigation may be required.

approved footprint and three-dimensional configuration, whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural or other damage or wear and tear requiring repair to maintain in a structurally sound manner and in its approved state, including at a minimum:

(a) **Armoring.** The earthen berm and rock riprap shall be regularly monitored by a licensed civil engineer with experience in coastal structures and processes to ensure structural and cosmetic integrity, including, at a minimum, evaluation of berm competence, cracks, movement, and outflanking.

(b) **Public Access Improvements and Amenities.** The public access improvements and amenities described in Special Condition 3 shall be regularly monitored to ensure that all required public access elements are appropriately maintained as required, including modifying access improvements as necessary as a result of shoreline erosion, sea level rise, or other shoreline events, in order to ensure continued public use and enjoyment.

(c) **Reporting.** Monitoring reports regarding the armoring and public access improvements/amenities shall be submitted to the Executive Director for review and approval at five-year intervals by December 31st of each fifth year, with the first report submitted by December 31, 2020, for as long as the approved as-built project exists at this location. The reports shall identify the existing configuration and condition of the armoring and public access improvements/amenities, including vertical and horizontal reference distances from armoring structures to surveyed benchmarks for use in future monitoring efforts, and shall recommend any actions necessary to maintain these project elements in their approved and required state, and shall include photographs (in color hard copy and .jpg or other appropriate electronic format) that clearly show all components of the as-built project. At a minimum, photographs shall be taken from representative viewpoints on the beach directly upcoast, downcoast, and seaward of the approved armoring, with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan. Any proposed actions necessary to maintain the approved as-built project in a structurally sound manner and its approved state shall be implemented within 30 days of Executive Director approval, unless a different time frame for implementation is identified by the Executive Director. In addition to the every five-year requirement, separate and additional monitoring reports shall be submitted within 30 days following either (1) an El Niño storm event comparable to a 20-year or larger storm, or (2) an earthquake of magnitude 5.5 or greater with an epicenter in San Mateo County or San Francisco County. Thus, monitoring reports may be submitted more frequently than every 3 years depending on the occurrence of the above events in any given year.

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9. **Future Maintenance Authorized.** This CDP authorizes future maintenance and repair subject to the following:

(a) **Maintenance.** “Maintenance,” as it is understood in this special condition, means development that would otherwise require a CDP whose purpose is to maintain in the approved state of the earthen berm, rock riprap, and public access improvements and amenities, and that does not qualify as redevelopment per Special Condition 5.

- (b) **Other Agency Approvals.** The Permittee acknowledges that these maintenance stipulations do not obviate the need to obtain permits and/or authorizations from other agencies for any future maintenance or repair.
- (c) **Maintenance Notification.** At least two weeks prior to commencing any maintenance activity, the Permittee shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office. The notification shall include: (1) a detailed description of the maintenance proposed; (2) any plans, engineering and geology reports describing the event; (3) a construction plan that clearly describes construction areas and methods; (4) other agency authorizations; and (5) any other supporting documentation describing the maintenance event. Maintenance may not commence until the Permittee has been informed by planning staff of the Coastal Commission's North Central Coast District Office that the maintenance proposed complies with this CDP. If the Permittee has not been given a verbal response or sent a written response within 30 days of the notification being received in the North Central Coast District Office, the maintenance shall be authorized as if planning staff affirmatively indicated that the maintenance complies with this CDP. The notification shall clearly indicate that maintenance is proposed pursuant to this CDP, and that the lack of a response to the notification within 30 days constitutes approval of it as specified in the CDP. In the event of an emergency requiring immediate maintenance, the notification of such emergency shall be made as soon as possible, and shall (in addition to the foregoing information) clearly describe the nature of the emergency.
- (d) **Maintenance Coordination.** Maintenance activity shall, to the degree feasible, be coordinated with other maintenance activity proposed in the immediate vicinity with the goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach and beach access points. As such, the Permittee shall make reasonable efforts to coordinate the Permittee's maintenance activity with other adjacent property maintenance activities, including adjusting the Permittee's maintenance activity scheduling as directed by planning staff of the Coastal Commission's North Central Coast District Office.
- (e) **Restoration.** The Permittee shall restore all beach areas impacted by construction activities to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office upon completion of restoration activities to allow for a site visit to verify that all beach-area restoration activities are complete. If planning staff should identify additional reasonable measures necessary to restore beach areas, such measures shall be implemented as quickly as feasible.
- (f) **Noncompliance Provision.** If the Permittee is not in compliance with permitting requirements of the Coastal Act, including the terms and conditions of any Coastal Commission CDPs or other coastal authorizations that apply to the subject property, at the time that a maintenance event is proposed, then maintenance that might otherwise be allowed by the terms of this future maintenance condition shall not be allowed until the Permittee is in full compliance with the permitting requirements of the Coastal Act,

including all terms and conditions of any outstanding CDPs and other coastal authorizations that apply to the subject properties.

(g) Emergency. Notwithstanding the emergency notifications set forth in subsection (c) of this Special Condition, nothing in this condition shall affect the emergency authority provided by Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).

(h) Duration of Covered Maintenance. Future maintenance under this CDP is allowed subject to the above terms throughout the duration of the armoring authorization (see Special Condition 5). The intent of this permit is to allow for maintenance to occur without the need to obtain additional CDPs throughout the period of development authorization, unless there are changed circumstances that may affect the consistency of this maintenance authorization with the policies of Chapter 3 of the Coastal Act. The Permittee shall maintain the approved armoring structure, public access improvements, and related development in their approved state.

10. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. By acceptance of this CDP, the Permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise; (ii) to assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such hazards in connection with this permitted development; (iii) to waive any rights that the Permittee may have under Coastal Act Section 30235, the Pacifica LCP, or other applicable laws, to shoreline armoring beyond what is recognized in this CDP to protect the development authorized by this CDP; (iv) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (v) to defend, indemnify, and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP 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 hazards; and (vi) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner. With respect to item (v), the Commission shall promptly notify Permittee of any actual or prospective claim for which indemnification is sought and Permittee shall have complete authority to settle such claims.

11. Liability for Costs and Attorneys' Fees. The Permittee shall reimburse the Coastal Commission in full for the Coastal Commission's reasonable costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission and/or its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP, the interpretation and/or enforcement of the CDP conditions, or any other matter related to this CDP. The Permittee shall reimburse the Coastal Commission within 180 days of being informed by the Executive Director of the

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amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission and/or its officers, employees, agents, successors and assigns; provided, however, that the Commission shall promptly notify and consult with Permittee regarding the defense of any such action and the retention of outside counsel shall be subject to prior written approval of Permittee which shall not be unreasonably withheld.

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12. Other Permits and Permission. WITHIN 180 DAYS OF CDP APPROVAL (or within such additional time as the Executive Director may grant for good cause), the Permittee shall provide to the Executive Director verification that the approved project has been authorized by the California State Lands Commission and the U.S. Army Corp of Engineers, or evidence that no permit or permission is required. The Permittee shall inform the Executive Director of any changes to the project required by any other authorizations. Such changes shall not be incorporated into the project until the Permittee obtains a Commission amendment to this CDP, unless the Executive Director issues a written determination that no amendment is legally required.

DRAFT



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506
www.cityofpacifica.org

MAYOR
Mike O'Neill

MAYOR PRO TEM
John Keener

COUNCIL
Sue Digre
Sue Vaterlaus
Deirdre Martin

November 7, 2017

Chairperson Dayna Bochco
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: San Francisco Recreation and Parks Department application for after-the-fact authorization of shoreline armoring located in the City of Pacifica (Permit Number 2-17-0702)

Dear Chairperson Bochco:

The City of Pacifica (City) received notice of public hearing regarding the request referenced above to authorize existing shoreline armoring seaward of Sharp Park Golf Course and to authorize maintenance under certain conditions. First, the City is very concerned about the lack of communication and outreach from both the Coastal Commission and City of San Francisco staff. We now understand that this after-the-fact authorization has been under review for some time, possibly years, with little to no communication from either the Commission or San Francisco with the City in which the subject improvements are located. This is very concerning and runs contrary to the extra efforts Pacifica has made to work openly with the Commission and San Francisco over the years.

The City would like to call your attention to Exhibit 7 to the staff report, which is the Alternatives Analysis submitted by San Francisco for this project. This Analysis correctly identifies that removal of the berm (shoreline armoring), as contemplated in Special Condition 5, would put Pacifica neighborhoods at risk of flooding, including the Sharp Park and Fairway neighborhoods. These neighborhoods contain homes, businesses, and infrastructure that are extremely important to the community. Although discussed in the Alternatives Analysis, the neighborhood flooding potential was not summarized in the staff report itself and mitigation was not identified in the instance that one of the variety of triggers for removal of shoreline armoring is met (see Special Condition 5). The City respectfully requests that this item be continued in order to allow staff from all agencies involved to meet and ensure that all potential impacts of the project and conditions, as implemented, are properly mitigated.

If the Commission decides to not continue this item, against the City's recommendation, the City requests the following condition be incorporated into this authorization:

- The City of San Francisco shall fund a study prepared by a certified and licensed engineer to identify potential flooding that may arise from termination or failure to maintain shoreline armoring. The study shall suggest mitigation to address potential flooding. The City of Pacifica shall be provided a copy of the study by the City of San Francisco and shall be consulted and have approval authority over any mitigation improvement recommended by the study to alleviate possible flooding. The City of San Francisco shall be fully responsible for planning, design, and construction of any flood mitigation improvement recommended by the study.

Apart from the future flooding potential as noted above, the City does support and appreciate the Coastal Commission staff recommendation to improve visitor amenities along the berm. The berm, with access to Mori Point is one of the most used recreational amenities in Pacifica and is highly valued by visitors and locals alike.

Thank you for your consideration.

Sincerely,



KEVIN S. WOODHOUSE
City Manager

cc: City of Pacifica City Council
Coastal Commission
John Ainsworth, Executive Director
Mayor Ed Lee
Coastal Commission Staff



November 1, 2017

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

To: Chair Dayna Bochco

CC: Executive Director Jack Ainsworth, Stephanie Rexing, Patrick Foster, Sumi Selvaraj

Re: San Francisco Recreation and Parks Department's Sharp Park Golf Course Shoreline Armoring Coastal Development Permit (CDP) Application 2-17-0702, Item 9a, November 8, 2017

Dear Commissioners,

The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider has 80 volunteer-driven chapters across the United States – 20 along the California coastline – working towards this mission. A significant part of our work in California includes preserving access to the coast by encouraging long-term sea level rise adaptation measures instead of the short-term response of hard armoring. We have spoken before you several times on the overall effects hard armoring has on California's coast, as well as on specific projects contributing to increased erosion.

We're dismayed with the trend of allowing "after the fact" permitting of illegal coastal development and believe it sets a harmful precedent for our coast. This is particularly concerning where the development encroaches onto and interferes with public beach access and coastal recreation.

Therefore it is on behalf of San Francisco and San Mateo County chapters that we write to express Surfrider Foundation's concerns regarding Coastal Development Permit (CDP) Application No. 2-17-0702, for the Sharp Park Golf Course shoreline armoring in Pacifica. Both chapters have been engaged with respect to the San Francisco Recreation and Parks Department's ("SFRPD") activities at Sharp Park golf course.

Surfrider Foundation has long considered SFRPD's conduct unacceptable: **SFRPD is violating and has been violating the Coastal Act for years, by illegally expanding a coastal berm to *more than double its original size*, without a required CDP.**

History of this Item

Since at least 2013, the Surfrider Foundation has provided repeated notice to the Commission of SFRPD's violation:¹

¹ See attachment, Sharp Park Letter (1_8_16), and exhibits for additional information regarding the history of this item.

- **March 3, 2013** – Surfrider Foundation alerted Commission staff regarding the unpermitted rock revetment expansion.
- **March 5, 2013** – Commission staff provided notice that the work done at the Sharp Park seawall constitutes development which required an after-the-fact CDP and required that a CDP application be submitted no later than March 11, 2013.
- **March 11, 2013** – Commission staff then sent a more detailed notice letter to SFRPD on reemphasizing the application deadline of March 11, 2013.
- **March 12, 2013 and April 16, 2013** – Surfrider submitted follow-up correspondence to Commission staff regarding the unpermitted seawall
- **March 14, 2013** – SFRPD submitted an incomplete application, lacking several key requirements, including a sufficient project description, project plans, a description of the project and its permitting history, and an appropriate alternatives analysis, among others.
- **April 12, 2013** – Commission staff sent a letter to SFRPD notifying the Department of its incomplete application, and requiring that all additional items be submitted no later than October 12, 2013 **allowing a six-month extension in which to complete its after-the-fact permit** for its unpermitted rock revetment.
- Despite this clear directive, SFRPD did not submit its supplementary application materials. **Therefore, in accordance with staff’s April 12, 2013 letter, SFRPD’s application should have been considered withdrawn.**
- **April 10, 2015** – Surfrider provided comments regarding another, different SFRPD CDP application at Sharp Park again raising the fact that the applicant was already violating the Coastal Act by engaging in unpermitted development of the rock revetment.
- **April 13, 2015** – In response, SFRPD finally submitted a written response to the Commission’s April 12, 2013 letter – two years later. And yet, despite the fact that SFRPD’s application should have been considered withdrawn, Commission staff accepted it. Moreover, SFRPD’s supplementary application materials were grossly inadequate.
- **May 1, 2015** – Surfrider Foundation submitted another letter to Commission staff expressing its concerns regarding the application and was disappointed that staff allowed yet **another six month extension**; at this point, SFRPD had been granted **a two-and-a-half year extension** in which to submit its after-the-fact CDP application materials. Surfrider emphasized that SFRPD’s activities with respect to the berm were clearly not repair or maintenance (as SFRPD claimed), as they greatly exceeded the original footprint of the berm, and that an adequate alternatives analysis was required, including a no-project alternative and removal of the berm to allow for managed retreat at the property.
- **November 11, 2015** – SFRPD misses the new deadline, requests yet another extension.
- **November 17, 2015** – Commission staff granted another extension.
- **January 7, 2016** – Surfrider submitted another letter, attached, detailing the history of the unpermitted revetment expansion and history of repeated notice.
- **December 2016** – After another year of after-the-fact permit application extensions and at nearly 4 years of illegal coastal armoring by SFRPD, Surfrider Foundation presented public comment at the Commission’s December 2016 meeting, imploring the Commission to enforce the Coastal Act against illegal development.
- **December 9, 2016** – Commission staff informed SFRPD that it was not prepared to grant additional extensions, and that staff was prepared to file the application with the information so far received. The Commission had 180 days to take a recommendation to a Commission hearing (until June 18, 2017), with one additional 90-day postponement allowed so the application was required to be heard no later than September 16, 2017.

- **September 2017** – Commission staff informed the Surfrider Foundation that the after-the-fact permit application would not be considered by the September 16th deadline, again missing the extended deadline, after 4 and a half years of notice of the illegal armoring.

The continuous granting of extensions despite SFRPD's ongoing failure to attend to its obligations and having plenty of opportunity to submit its after-the-fact application materials contravenes the policies of the Coastal Act. Further, Commission staff's continued allowance of SFRPD's ongoing Coastal Act violation, and repeated extensions, renders the Coastal Act meaningless.

This rock revetment is located in one of the most overly-armored areas along California's coastline. Beach loss due to seawalls and coastal armoring has reached a crisis level in Pacifica.

The Problem With Coastal Armoring

The natural coastal shoreline is dynamic, constantly changing in response to rain, wind, and waves. These natural forces erode inland and transport coastal sources of sand to the near shore area, nourishing the beach. Whereas beaches and dunes have historically changed or moved inland in the past, now, due to development along the fragile shorelines, humans have sought to halt these natural processes.²

Coastal armoring is undertaken to protect inland structures, not to protect the public beach, and instead, has devastating impacts on beaches. These impacts include that: (1) armoring eroding bluffs cuts off the natural supply of new sand to the beach, which thus speeds up the erosion process; (2) as sea level rises and the shoreline moves inward, the water will eventually meet the seawall (or other armoring structure), covering, and thus eliminating the beach; (3) seawalls are often placed on public beach property, which takes up public beach space, and can hinder or eliminate public access (e.g., a rock revetment may cover 30 to 40 feet of public beach space); (4) armoring takes away the natural beauty of the coast; and (5) local, state, or federal tax-payer money is often spent on staggeringly expensive armoring projects to protect private or unnecessary development.³ In 1999 dollars, which of course would be much higher today, the cost for revetments was up to \$2000.00 per foot, while sea walls were estimated at up to \$4,500.00 dollars per square foot.⁴ Further, research has shown that (1) structures intended to trap sand in one area, actually deprive downshore beaches of sand supply, thus, redirecting the problem rather than solving it; and (2) vertical seawalls tend to exacerbate erosion at adjacent unarmored beaches.⁵

Thus, essentially, coastal armoring alters natural landforms along the coast, leads to erosion and loss of sand, and thereby reduces and risks total loss of the public beach, which provides vital species habitat and coastal recreation opportunities, in contravention of the Commission's obligations to maximize natural shoreline values and public beach access.

² See, e.g., <http://coastalmanagement.noaa.gov/resources/docs/finalbeach.pdf>

³ See <http://www.beachapedia.org/Seawalls>; See also Orrin H. Pilkey and Howard L. Wright III, "Seawalls Versus Beaches," *Journal of Coastal Research* vol. 4, pp. 41-64, 57 (Autumn 1988); See also Meg Caldwell and Craig Holt Segall, *No Day at the Beach: Sea Level Rise, Ecosystem Loss, and Public Access Along the California Coast*, 34 *ECOLOGY* L.Q., 533, 540.

⁴ See, Caldwell, *supra*, at 539.

⁵ See <http://coastalmanagement.noaa.gov/resources/docs/finalbeach.pdf>, at 2.

Approving this Application Would Allow Unpermitted Development to Continue to Degrade the Beach and Interfere With the Public's Right to Beach Access and Coastal Recreation

Any further coastal armoring at this property would be particularly grave, given that most of Pacifica's adjacent beaches have already been severely compromised by armoring. Any further armoring in connection with this Project could wipe out the very last wide stretch of beach between Mussel Rock and Mori Point, which spans several miles, and magnify the host of armoring-associated problems in the area. These cumulative impacts on coastal resources preclude any additional coastal armoring in the area, under Coastal Act Section 30250.

Furthermore, approving this after-the-fact authorization of a previously constructed shoreline armoring structure would continue the alarming trend of allowing unpermitted hard armoring of our coast to remain permanent.. With anticipated sea level rise and passive erosion, this foreseeably means decreased or eliminated public beach access, as there may eventually be no beach as we know it at the property. To approve the permit also raises questions regarding the Coastal Act's effectiveness if such flagrant disregard of the law by applicants is not only tolerated, but condoned by after-the-fact approval.

Additionally, **it is not justifiable to sacrifice access to and at the beach in the name of protecting access "near" the beach, as there are certain recreational opportunities that occur on the beach and in the water, including surfing, beach combing, fishing, which are displaced when access to and along the beach is given away.** As the staff report itself acknowledges, the approval of this permit equals the loss of the beach (an egregious 12+ acres is anticipated by 2037 if this permit is granted) and recreational opportunities associated with it.

Accordingly, we strongly encourage the Commission to deny the permit, and require the applicant to remove any illegal armoring.

If the Commission nevertheless grants the permit, which Surfrider believes would violate the Coastal Act in both spirit and intent, then at a minimum we request the following be included in the special conditions:

- **A condition that the berm and rip rap are removed once specific circumstances related to sea level rise and "coastal squeeze" occur and further requiring that a removal bond be held to make sure that it is actually removed when those conditions are reached.** Special Condition 7 of the related CDP held by SFRPD (Application 2-12-014), requires removal of the development authorized by that CDP when the development becomes threatened by coastal hazards. In the event portions of the development fall to the water or ground before they are removed, SFRPD is required to remove all recoverable debris from the ocean, intertidal areas, and wetlands. A similar condition must be required here. Where this project, or any part thereof, comes to be located seaward of the mean high tide line, and therefore encroaches into the public trust beach property, the development must be removed immediately, at the expense of the applicant.
- **Obliging the City of San Francisco to replenish the beach if it erodes to within 50 feet of the revetment – with penalties for non- compliance clearly articulated.**
- While continuing to oppose the permit, Surfrider supports the 20-year limitation provided for in **Special Condition No. 7** and the required beach access improvements outlined in **Special Condition No. 3** in the short-term through providing additional benches, links to

the California Coastal Trail and a vertical access way to the beach from the revetment. (However, additional or improved perpendicular accessways will be meaningless once sea level rise and passive erosion eliminate the very existence of a sandy beach seaward of the berm. Additional accessways, benches and signage cannot mitigate for that loss.)

Additionally, Surfrider takes issue with the staff report's description of the non-armoring alternative, as the removal of the existing installed armoring would not require eliminating an existing portion of the California Coastal Trail currently located on the property. **The fact that the berm provides recreational access is of no relevance, as similar recreational opportunities could be provided either on the sandy beach** if the berm were not in place, or alternatively, via an elevated, unarmored walkway; removing the berm does not require eliminating the California Coastal Trail on the property.

Finally, instead of bolstering the berm, Surfrider urges the City to embrace a plan to transfer the land over to the National Park Service (NPS). The NPS has expressed willingness to manage this land, restore the lagoon and ensure long-term protection for the endangered species found on the land. Such an arrangement would also allow for a managed retreat plan for the shoreline, a move that would preserve the beach. With a transfer of land to the NPS, the City would also be free of investing in a costly, high maintenance golf course. The Sharp Park greens are chronically flooded from winter rains because the land sits on top of a coastal wetland and flood plain. Sharp Park is the perfect location to chart a new path for this town's shoreline. (We do note that Coastal Commission staff disagrees with managed retreat as an alternative, calling it "currently infeasible" due to cost and the need to protect sensitive habitats, but other studies indicate that approach would save money and habitats in the long-term, and would be consistent with this plan.)

Sincerely,



Staley Prom, Esq.
Legal Associate
Surfrider Foundation



Jennifer Savage
California Policy Manager
Surfrider Foundation

Enclosures: Sharp Park Letter (1_8_16), Exhibits A---J

SAN FRANCISCO
PUBLIC GOLF ALLIANCE



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November 3, 2017

California Coastal Commission
Headquarters Office
45 Fremont St., #2000
San Francisco, CA. 94105-2219

**Re: CDP No. 2-12-0702 / Commission Hearing, Nov. 8, 2017
San Francisco's Application for CDP permit
To Preserve Coastal Armoring at the Sharp Park Sea Wall.**

**San Francisco Public Golf Alliance Urges Approval of
CDP Permit 2-12-0702 to Preserve the Sharp Park Sea Wall,
But Opposes Staff's Proposed Special Condition 5
And Details of other Staff-proposed Special Conditions.**

Dear Commissioners,

EXECUTIVE SUMMARY

The Sharp Park sea wall is the only protection against Ocean flooding for the historic and scenic Sharp Park Golf Course (recognized by the Commission as a "sensitive coastal resource"), together with its Pacifica residential and commercial neighbors (overlooked in the Staff Report), and threatened and endangered frog and snake species and their freshwater habitats in and around the Laguna Salada wetlands within the golf course.

Of particular concern to the non-profit, pro-bono San Francisco Public Golf Alliance and our 6,500-plus members is the Sharp Park Golf Course, a rare seaside public links built by the preeminent golf architect Alister MacKenzie, and treasured by golfers and golf and historic preservation organizations nation- and worldwide. Since opening in 1932, Sharp Park has provided modestly-priced public seaside recreation to a remarkably diverse clientele of golfers, including large numbers of seniors, ethnic minorities, women, and juniors.

Part of the golf course and all of the wetlands are low-lying, and the Coastal Commission's claim of retained permitting jurisdiction in this matter is based on these lands' status as "former tidelands". So a sea wall is necessary, and – as the Staff Report concludes – "the non-armoring solutions in this case are not currently feasible alternatives".

To protect the endangered species that inhabit these lowlands, San Francisco is under orders from by the US Fish and Wildlife Service in 2012¹, and in 2014 by the US Army Corps of Engineers² and San Francisco Bay Regional Water Quality Control Board³, to maintain the Sharp Park Sea Wall and keep it in good repair.

In a related 2015 case at the same property involving the Sharp Park Pump House, CDP No. 2-12-014, the Coastal Commission granted San Francisco's application for improvements, including to the pumping system, for the purpose of protecting the public coastal recreational resource of the golf course from flooding.⁴ The same rationale should apply in the instant case, where the sea wall is the only protection from ocean flooding for sensitive coastal recreational (both golf and Coastal Trail) and biological resources, and for Pacifica residences and businesses. It would be unreasonable for the Commission now to turn around and **cause** flooding at Sharp Park by requiring removal of the sea wall or its armoring.

¹ Biological Opinion Letter, US Fish and Wildlife Service (USFWS), October 2, 2012, Conservation Measure 31, at page 19, and and Incidental Take Statement, Terms and Conditions No. 1, at page 41: <https://drive.google.com/open?id=0B1h0x8Eg99deRzZUWHFaLS1zcW8>,

² Letter, February 5, 2014, U.S. Army Corps of Engineers to San Francisco Recreation and Park Department, re Clean Water Act Section 404 Permit, at page 3, Special Condition 1. <https://drive.google.com/open?id=0B1h0x8Eg99deeWZYUUoxeDVxMfK>

³ San Francisco Bay RWQCB, CWA Section 401 Certification letter, June 25, 2014, at page 9, Gen. Condition 3: <https://drive.google.com/open?id=0B1h0x8Eg99deODILTnFUTF9fJW8>

⁴ California Coastal Commission, CDP Application 2-12-014 (Sharp Park), Staff Report, <http://documents.coastal.ca.gov/reports/2015/4/th8a-4-2015.pdf>, April 3, 2015 Report, at pages 35-36. In its April 16, 2015 ruling granting the Permit for the Pump House Project, the Coastal Commission unanimously adopted the Staff Report and its findings. *Id.*, April 3, 2015, at page 5.

So the October 27, 2017 Staff Report's recommendation in the instant case -- to grant San Francisco's CDP permit application to retain the sea wall and its existing armoring -- is the right thing to do. And we respectfully request that Your Commission grant the permit. But we disagree with -- and urge the Commission not to adopt -- the Staff's recommended Special Condition No. 5 and a few details of some of the other Special Conditions, all as detailed below in Section IV of this letter.

Finally, we urge an end to the Catch-22 that has been in place since Spring, 2013, when the Coastal Commission ordered San Francisco to halt sea wall maintenance that the US Fish & Wildlife Service had ordered in Fall, 2012. San Francisco's partially-armored sea wall should now be permitted, and the City should also be permitted to immediately resume needed maintenance and repair, for the benefit of all -- the creatures and their wetlands, the golfers and their course, Pacifica residents who live and work behind the berm, and those who walk themselves and their dogs on top of it.

II. Background: The Sharp Park sea wall provides the only protection for sensitive coastal recreational, historical, and biological resources -- as well as Pacifica residential and commercial neighborhoods. And the sea wall itself is an integral part of the California Coastal Trail.

The October 27 Staff Report in the instant CPD application briefly discusses, at pages 32-35, the sea wall's protection of the biological and coastal public recreational resources of the Sharp Park Golf Course and the segment of the California Coastal Trail atop the sea wall. These are "sensitive coastal resource areas" under Public Resources Code Section 30116 (b), (c), and (f). But the Staff Report overlooks the fact that the sea wall also protects Pacifica residential and commercial neighborhoods from coastal flooding. So we discuss all of this in more detail, below.

A. Sharp Park Golf Course is a highly-significant, high-profile, Sensitive Coastal Recreational and Historical Resource

Opened in 1932 and located adjacent to Salada Beach in Pacifica, Sharp Park is a San Francisco-owned public golf links, designed by preeminent architect Alister MacKenzie⁵, and often called "The Poor Man's Pebble Beach." Sharp Park is especially prized among golfers because the roots of the game are

⁵ Dr. MacKenzie, inducted into the World Golf Hall of Fame, was the architect of several of the world's most highly-esteemed courses, including Augusta National (home of the annual Masters Tournament) and the Cypress Point Club at Monterey, CA. World Golf Hall of Fame, "Alister MacKenzie" <http://www.worldgolfhalloffame.org/alister-mackenzie/> Sharp Park is one of only a handful of public courses in the world built by MacKenzie, and his only public seaside links.

in the seaside links of Scotland, and Sharp Park is one of only two moderately-priced, public seaside golf links in all of Northern California.⁶ Additionally, Sharp Park is: (1) one of the most reasonably-priced golf courses in the Bay Area⁷; (2) heavily-played⁸; (3) recognized by the San Francisco Planning Department as an “historic resource” under the California Environmental Quality Act (CEQA)⁹; (4) recognized by the Coastal Commission as a “sensitive coastal resource area” under the Coastal Act for its coastal public golf recreational values¹⁰; (5) designated an “historic site” by the City of Pacifica General Plan¹¹ and by the Pacifica Historical Society¹²; (6) designated a nationally-significant “At-Risk Cultural Landscape” by the Washington D.C.-based Cultural Landscape Foundation¹³; and (7) listed by Golfweek Magazine as one of America’s 50 Best Municipal Courses.¹⁴

⁶ Letter, March 26, 2015, Northern California Golf Association to California Coastal Commission: <https://drive.google.com/open?id=0B1h0x8Eg99deRzINbEs2MTY1UWs>

⁷ A chart compiled by the San Francisco Recreation and Park Department and presented in November, 2009 to the Park, Recreation, and Open Space Advisory Committee – the Department’s citizens’ advisory committee – shows that Sharp Park’s greens fees are among the lowest for 18-hole public courses in the San Francisco Bay Area. San Francisco Recreation & Park Department, Chart: <https://drive.google.com/open?id=0B1h0x8Eg99deRIAYU1ZhN0NQbzg>

⁸ Annual play figures at Sharp Park vary with the weather. In Fiscal Year 2013-2014, 45,622 18-hole rounds were played at Sharp Park, more than at any of the city’s other municipal courses. See SF Rec & Park Department, Golf Revenue & Expenditure Report, for FY 13-14: <https://drive.google.com/open?id=0B1h0x8Eg99deX3l2TIVUZGRqems>

⁹ San Francisco Planning Dept., Historic Resource Evaluation Response (“HRER”), February 15, 2011, at Page 2: <https://drive.google.com/open?id=0B1h0x8Eg99deRkJ1X0RhRzgw00>

¹⁰ California Coastal Commission, Staff Report, April 3, 2015, at pp. 18-19: <http://documents.coastal.ca.gov/reports/2015/4/th8a-4-2015.pdf>. In its April 16, 2015 ruling granting the Permit for the Pump House Project, the Coastal Commission unanimously adopted the Staff Report and its findings. *Id.*, April 3, 2015, at page 5.

¹¹ The golf course is designated a Pacifica “Historic Site” in the Pacifica General Plan, Historic Preservation Element and Historic Sites Map, at pages 95 and 95a. <http://www.cityofpacific.org/civica/filebank/blobdload.asp?BlobID=3443> .

¹² The City of Pacifica’s official historian, the Pacifica Historical Society, by Resolution dated June 14, 2011, designated Sharp Park Golf Course a Pacifica “historical and cultural resource”: <https://drive.google.com/open?id=0B1h0x8Eg99decmxrMllwSFJwcWM>

¹³ Cultural Landscape Foundation, “Sharp Park Golf Course Threatened With Closure,” About TCLF, At Risk Landscapes: <http://tclf.org/landslides/sharp-park-golf-course-threatened-closure> ; <http://tclf.org/about> ; <http://tclf.org/stewardship/about-landslide?destination=search-results>; <http://tclf.org/landscapes/sharp-park-golf-course>

¹⁴ Golfweek, Best Municipal Courses (2014) (Sharp Park rated No. 50, Harding No. 17): <http://golfweek.com/news/2014/jun/25/golf-courses-municipal-golfweeks-best-travel/>

Congresswoman Jackie Speier¹⁵, the County of San Mateo¹⁶, the cities of Pacifica^{17, 18}, and San Bruno¹⁹, and the Chambers of Commerce of both Pacifica²⁰ and San Francisco²¹ have all formally and officially urged that Sharp Park Golf Course be preserved.

1. Sharp Park is the “Poor Man’s Pebble Beach,” enjoyed by a diverse collection of men, women, seniors, and juniors across the full range of gender, race, ability, and income.

Long known as “the poor man’s Pebble Beach,” Sharp Park is a quick freeway drive from the population centers of San Francisco and San Mateo County, and has historically been a favorite of low-income golfers, seniors, students, and racial and ethnic minorities. In 1955, Sharp Park played a significant role in the racial integration of American public recreation, when it served as host for the inaugural championship tournament of the Western States Golf Association, one of the country’s oldest and largest African-American golfing societies.²²

Sharp Park is a favorite venue for several San Francisco and North Peninsula high school boys’ and girls’ golf teams, as well as senior and ethnic minority golf associations, including the Bay Area Golf Club of Northern California²³, Mabuhay Golf Club²⁴, Sons in Retirement²⁵, Mexican American Golf

¹⁵ Statement, Congresswoman Jackie Speier re Sharp Park, Nov. 6, 2009: <https://drive.google.com/open?id=0B1h0x8Eg99ded0FxdWdwZUp1MUk>

¹⁶ San Mateo County Board of Supervisors, Resolution G69145, December 18, 2007: <https://drive.google.com/file/d/0B1h0x8Eg99deUXdnZThyRjFnM2M/view?usp=sharing>

¹⁷ Pacifica City Council, Resolution 63-2007, December 10, 2007: <https://drive.google.com/file/d/0B1h0x8Eg99deTI9RZnpVYm10ZIk/view?usp=sharing>

¹⁸ Letter, Pacifica Mayor Mary Ann Nihart to San Francisco Planning Department, October 26, 2011: <https://drive.google.com/open?id=0B1h0x8Eg99deS3V2X3Z4VGhTWG8>

¹⁹ Letter, San Bruno Mayor Jim Ruane to Hon. Ed Lee, Dec. 22, 2011: <https://drive.google.com/open?id=0B1h0x8Eg99deOFhIVC1xSWIQUU0>

²⁰ Letter, Pacifica Chamber of Commerce to Pacifica Mayor Mary Ann Nihart, March 26, 2011: <https://drive.google.com/open?id=0B1h0x8Eg99deSXBwVm1rN05mSG8>

²¹ Letter, San Francisco Chamber of Commerce Sr. Vice President Jim Lazarus to Hon. Ed Lee, Dec. 14, 2011: <https://drive.google.com/open?id=0B1h0x8Eg99deRXBUcUc5YUJtaWc>

²² Letter, October 5, 2011. from Nathaniel Jackson, President, Bay Area Golf Club of Northern California: <https://drive.google.com/open?id=0B1h0x8Eg99deNkdveFZrMmhYLVU>

²³ Letter, October 5, 2011, from Nathaniel Jackson, etc., Id.

²⁴ Mabuhay Golf Club, Letter, March 29, 2011

Association²⁶, and Golden Hill Golf Club²⁷, all of which have written letters calling for preservation of the 18-hole golf course.

2. With its MacKenzie architectural pedigree, great beauty, and coastal charm, Sharp Park is widely admired as a national and international golf jewel.

The late Ken Venturi, San Francisco favorite son, US Open Champion, and World Golf Hall of Fame member, called Sharp Park Dr. MacKenzie's "great gift to the American public course golfer."²⁸ And state, national, and world golf associations, including the United States Golf Association²⁹, Northern California Golf Association³⁰, California Alliance for Golf, Southern California Golf Association and Pacific Women's Golf Association³¹, Golf Course Superintendents Association of America³², Professional Golfers' Association of America³³, World Golf Foundation³⁴, and the Alister MacKenzie

<https://drive.google.com/open?id=0B1h0x8Eg99deMkhBdG1vbDlpLUU>

²⁵ Sons in Retirement, Letter, June 2, 2010:

<https://drive.google.com/open?id=0B1h0x8Eg99ded0NSdEhWTWdtQkE>

²⁶ Mexican American Golf Association, San Jose Chapter, Letter, March 5, 2011:

<https://drive.google.com/open?id=0B1h0x8Eg99decUh1YjlzNnZTTjA>

²⁷ Golden Hill Golf Club, Letter, June 17, 2011:

<https://drive.google.com/open?id=0B1h0x8Eg99deWnp4Z1JxVjRIOEO>

²⁸ Letter, Dec. 11, 2011, Ken Venturi to San Francisco Mayor Ed Lee

<https://drive.google.com/open?id=0B1h0x8Eg99deemo3RmExazB1T0U>

²⁹ Letter, USGA Executive Director Mike Davis to San Francisco Mayor Ed Lee, Dec. 14, 2011:

<https://drive.google.com/open?id=0B1h0x8Eg99deRDFsekINMTIGajq>

³⁰ Letter, March 26, 2015, Northern California Golf Association to California Coastal Commission:

<https://drive.google.com/open?id=0B1h0x8Eg99deRzINbEs2MTY1UWs>

³¹ Letter, Sept. 28, 2009 California Alliance for Golf (including the Northern and Southern California Golf Associations, Pacific Women's Golf Association, and others):

<https://drive.google.com/open?id=0B1h0x8Eg99deTDVRdEx2RGFKUEE>

³² Letter, October 6, 2011, GCSAA to San Francisco Planning Department:

<https://drive.google.com/open?id=0B1h0x8Eg99deV09SckdxVUH YUG8>

³³ Letter, Sept. 27, 2011, PGA of America to San Francisco Planning Department

<https://drive.google.com/open?id=0B1h0x8Eg99deVzdtX3NzaDVfbHM>

³⁴ Letter, World Golf Foundation, July 23, 2009:

<https://drive.google.com/open?id=0B1h0x8Eg99deTHRWTzFfOU9wc0E>

Society of Great Britain and Ireland³⁵, have called upon public officials to save and protect Sharp Park Golf Course.

B. Sharp Park is also home of endangered snakes and frogs and their freshwater habitat in Sharp Park's Laguna Salada wetlands, whose only protection from Ocean saltwater intrusion is the Sharp Park sea wall.

The basis of the Coastal Commission's retained permitting jurisdiction in the instant CDP application is that the sea wall lies within an area of Sharp Park – which includes the entire freshwater Laguna Salada wetlands – that was tidelands before the golf course was built in the early 1930's. This is recited in Commission Staff's Report in this matter, dated October 27, 2017, in the Findings and Declarations, Section IV.D, at page 16:

“ . . . the proposed project involves development within an area of the Commission's retained permitting jurisdiction because. . . **Sharp Park is an area that was historically filled prior to the Coastal Act, but is still considered former tidelands for CDP permitting purposes**”.

The map, captioned “Coastal Commission Permit Jurisdiction,” which supported the Commission's April 16, 2015 determination of retained permitting jurisdiction in the related Sharp Park Pump House case, CDP No. 2-12-014, shows “(former) tidelands, submerged land, and land that may be subject to the public trust” occupying the sea wall, pump house, and all of the Laguna Salada wetlands at Sharp Park.^{36 37}

³⁵ Alister MacKenzie Society of Great Britain & Ireland, letter, April 28, 2009
<https://drive.google.com/open?id=0B1h0x8Eg99deVkhKajkdTJfMEU>

³⁶ See California Coastal Commission, Staff Report, April 3, 2015, in re Sharp Park Pump House, CDP No. 2-12-014, Section IV, “Coastal Development Permit Jurisdiction,” at pg. 12, and Ex. 5: <http://documents.coastal.ca.gov/reports/2015/4/th8a-4-2015.pdf> ; Exhibit 5, at page 3, is a map captioned “Coastal Commission Permit Jurisdiction”: <https://drive.google.com/file/d/0B1h0x8Eg99decW4wZzN0aFQtTDA/view?usp=sharing>

³⁷ This is consistent with a key finding made by San Francisco Superior Court Judge Garrett Wong in his May 28, 2015 Order of Dismissal in *Wild Equity Institute, et al. vs. City and County of San Francisco*, San Francisco Superior Court, No. CPF 14-513613 <https://drive.google.com/open?id=0B1h0x8Eg99deQIFsaWdmbGhIMGs> (denying writ of mandate and dismissing lawsuit brought by anti-golf groups against San Francisco.) Judge Wong found: “The golf course at Sharp Park was constructed in 1932 . . . **The seawall along the western edge of Sharp Park was originally constructed between 1941 and 1952 and eliminated the historic hydrologic connection between the Pacific Ocean and the wetland complex. . . . The first recorded sighting of the California red-legged frog or the San Francisco garter snake at Sharp Park was in 1946, after the seawall was constructed** [citation omitted]. **Red-legged frogs cannot live in saline conditions** [citation omitted], **and before the seawall, Laguna Salada was regularly inundated with seawater. . .**” (Pages 1-2)

In 2011, San Francisco applied to the Army Corps of Engineers for a permit for the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project (“Pump House Project”), which included partial dredging of the ponds and a connecting channel, plus worker safety and other improvements to the golf course’s flood-control pumping system.³⁸ As required by Section 7 of the Endangered Species Act, the Corps engaged in a formal consultation with the US Fish and Wildlife Service (USFWS) regarding the potential effects of the project on the protected California red-legged frog and endangered San Francisco garter snake.

The jeopardy assessment section of the USFWS Biological Opinion, issued October 2, 2012 in the Pump House matter³⁹, describes how California red-legged frog and San Francisco garter snake populations developed at Sharp Park following the erection of the original low sea wall in the 1940’s, and how those populations were wiped-out when the sea wall breached and saltwater flooded the course and lagoon during big winter storms in the mid-1980’s.

“In coastal lagoons, the most significant mortality factor in the pre-hatching stage [of California red-legged frogs] is water salinity. . . Eggs exposed to salinity levels greater than 4.5 parts per thousand resulted in 100 percent mortality. . . (page 22); there are two significant components to San Francisco garter snake habitat: ponds that support California red-legged frogs and Pacific tree frogs. . . San Francisco garter snakes forage extensively in aquatic habitats. . . The elimination of aquatic habitat used by the anuran prey base of the San Francisco garter snakes. . . negatively impacts the San Francisco garter snakes by removing both its pretty and suitable habitat. . . (page 25); . . . Little is known about the status of San Francisco garter snake and California red-legged frog in the action area prior to the construction of Sharp Park Golf Course in 1932. The species were first documented in the action area in 1946. . . San Francisco garter snake and California red-legged frog habitat at Laguna Salada was compromised several times in the 1970s and 1980s due to breaching of the dunes during winter-storm events and subsequent inundation by sea water. . . In 1987, the seawall at Sharp Park failed, allowing the intrusion of salt water into Laguna Salada. These salt water intrusion events likely resulted in a decline in the San Francisco garter snake population in Laguna Salada. (page 28); If the amount of saline intrusion and overall salinity of Laguna Salada and Horse Stable Pond increase beyond the tolerance of California red-legged frogs then frog mortality may occur and neither water body would continue to function as habitat for the

³⁸ See the Project Description at pages 5-6 of the US Fish and Wildlife Service (USFWS) Biological Opinion Letter, October 2, 2012 (*supra*, at footnote 1).
<https://drive.google.com/open?id=0B1h0x8Eg99deRzZUWHFaLS1zcW8>

³⁹ Biological Opinion Letter, US Fish and Wildlife Service (USFWS), October 2, 2012
<https://drive.google.com/open?id=0B1h0x8Eg99deRzZUWHFaLS1zcW8>

frog (as was seen in 1983 when the seawall failed allowing intrusion of salt water into Laguna Salada increasing salinity and eliminating frogs from Laguna Salada...)” (Page 34)⁴⁰

The Biological Opinion concluded that the Pump House Project – subject to 32 numbered Conservation Measures “to minimize [the Project’s] potential effects on the listed species or their habitat” (Id., at page 10) – “is not likely to jeopardize the continued existence of the California red-legged frog or San Francisco garter snake” (Id., at page 38). One of these, Conservation Measure 31, requires San Francisco to “maintain and keep in good repair” the Sharp Park seawall road (necessarily including the roadbed, which is the seawall itself):

[Conservation Measure] 31. During and following completion of the Project, the SFRPD shall maintain and keep in good repair the sea wall road, which provides the only vehicle access for maintenance activities as described above. Maintenance of the roadway on the sea wall is expected to include filling ruts in the surface with aggregate or comparable materials and repairing drainage issues by outsloping the roadbed. The SFRPD does not anticipate hardening or further armoring of the sides of the sea wall.” (Id, Page 19)

The USFWS then, in the same document as the Biological Opinion, issued an Incidental Take Statement under Section 7(b)(4) and Section 7(o)(2) of the Endangered Species Act, which adopted all of the Conservation Measures, and mandated both the City and the Corps of Engineers to implement and ensure compliance with all of them.⁴¹

C. The top of the sea wall constitutes the Coastal Trail between the north end of the golf course and Mori Point to the south, and it is the safest place to experience that very dangerous stretch of beach.

The Staff Report notes that sea wall road constitutes the popular segment of the California Coastal Trail between the north end of the golf course and the GGNRA’s Mori Point headlands to the south. The Coastal Trail is the safest place for beachgoers to experience Sharp Park Beach, which is notoriously dangerous due to sneaker waves and a powerful undertow, and has

⁴⁰ Biological Opinion Letter, Id.

⁴¹ Biological Opinion Letter, Id., including Incidental Take Statement (at page 41, Terms and Conditions No. 1), approving the Pump House Project, subject to Conservation Measures.

been the scene of many drownings over the years⁴², including at least three in February, August, and December, 2016.^{43, 44, 45} At the entrance to the beach from Clarendon Road near the northwest corner of the golf course, Sharp Park Beach is posted with at least two danger signs⁴⁶, and the City of Pacifica's webpage for the beach describes it as dangerous and warns against swimming.⁴⁷

D. The sea wall also protects Pacifica residential neighborhoods and commercial development surrounding the golf course.

Ocean flooding in Pacifica's West Fairway Park single-family residential housing tract, adjoining the golf course to the south, and in the mixed residential / commercial Clarendon Road residential neighborhood to the north, was "a recurrent problem since the 1940's," before reconstruction of the sea wall in the late 1980's, according to the California Coastal Conservancy-commissioned 1992 Laguna Salada Enhancement Plan.⁴⁸

The City of Pacifica, by letter dated March 3, 2016 from Public Works General Manager and City Engineer Van Dominic Ocampo to Susan N. Ming, the US Army Corps of Engineers' project manager for the Coastal Regional Sediment Management Workgroup for the San Francisco Littoral Cell, objected to proposals to allow erosion of the Sharp Park sea wall, because such erosion

⁴² San Jose Mercury News, March 3, 2010, "Dangerous Surf at Pacifica Beach Claims another victim . . .": the news report describes three drowning deaths at Sharp Park Beach in February, 2010, and quotes one local resident calling Sharp Park Beach "the people-eater": <http://www.mercurynews.com/2010/03/30/dangerous-surf-at-pacifica-beach-claims-another-victim-officials-to-put-up-new-signs/>

⁴³ KGO TV News, Feb. 9, 2016, "Pacifica Man Dies Trying to Save Wife Swept Out by Big Waves": <http://abc7news.com/news/pacifica-man-drowns-trying-to-save-wife-swept-out-by-big-waves/1193987/>

⁴⁴ Bay City News, Aug. 15, 2016, "Dead Body Found in Water at Sharp Park Beach": <https://sfbay.ca/2016/08/15/dead-body-found-in-water-at-sharp-park-beach/>

⁴⁵ San Francisco Chronicle, Dec. 6, 2016, "Dead Man Washes up on Pacifica Beach": <http://www.sfgate.com/bayarea/article/Dead-man-washes-up-on-Pacifica-beach-10778519.php>

⁴⁶ Photographs, taken November 2, 2017 at the sea wall at the west end of Clarendon Road, Pacifica, showing "Danger" signs at the beach and the northwest corner of the golf course fence <https://drive.google.com/file/d/1bPwAisD0O5g7Gk8YEAKje7IlvpwDbamQ/view?usp=sharing>

⁴⁷ The City of Pacifica's webpage for Sharp Park Beach warns against swimming there, because "this beach is famous for its treacherous riptides.": http://www.cityofpacifica.org/depts/rec_department/parksbeaches/beach_and_park_info_and_rules/sharpbeach.asp

⁴⁸ Philip M. Williams (1992), Laguna Salada Resource Enhancement Plan, at page 3 <https://drive.google.com/open?id=0B1h0x8Eg99deVEJxN1Mtdmh1RTA>

would present “serious flood risks” to those Pacifica residential neighborhoods and businesses surrounding the golf course.

“There are many residential and commercial developments, as well as critical street intersections with vital infrastructure such as water, sewer and other utility main lines, that directly back onto the eroding coastline or run parallel to it. In most cases, asset protection can only be carried out by the use of coastal armoring solutions. Therefore, the use of coastal armoring solution should be presented as an advised option in the sediment management plan.

“At Sharp Park, one of the shoreline management option considered by the [Coastal Regional Sediment Management] Draft Plan is to allow the erosion of the existing artificial berm. . . . this option . . . presents serious flood risks to City infrastructure as well as residential and commercial establishments surrounding the golf course property.”⁴⁹

- III. The Coastal Commission previously, in 2015 and 2009, approved related development of Sharp Park flood-control pumps and other improvements, and a recycled water golf course irrigation system.**
 - A. In a 2015 CDP case involving improvements to the pumps and other flood-control measures at Sharp Park, the Coastal Commission found the golf course to be “sensitive coastal resource property,” and approved a CDP for the purpose of reducing flooding at the course.**

On April 16, 2015 the Coastal Commission approved a Coastal Development Permit at Sharp Park for San Francisco’s Pump House Project,^{50, 51} which included approval of new pumps, improvements to the Sharp Park Pump House at the southwest corner of the golf course property, and some dredging of the wetlands, all for the purpose of improving drainage and pumping capacity, and reducing flooding at the golf course. Significantly, the Commission found

⁴⁹ Letter, Van Dominic Ocampo to Susan N. Ming, Project Manager, March 3, 2016, at page 3 <https://drive.google.com/file/d/0B1h0x8Eg99deS1BkVzZzeEFIRGM/view?usp=sharing>

⁵⁰ California Coastal Commission, CDP Permit 2-12-014, Jn. 2, 2015 (Sharp Park Pump House): <https://drive.google.com/open?id=0B1h0x8Eg99dea0R1Tzc5VVZSVEU>

⁵¹ California Coastal Commission, Staff Report, April 3, 2015 and Addendum April 15, 2015: <http://documents.coastal.ca.gov/reports/2015/4/th8a-4-2015.pdf> . In its April 16, 2015 ruling granting the Permit for the Pump House Project, the Coastal Commission unanimously adopted the Staff Report and its findings. *Id.*, April 3, 2015, at page 5.

that, under the Coastal Act (California Public Resources Code Section 30000, et seq.):

“Sharp Park Golf Course qualifies as **sensitive coastal resource area** due to its significant recreational value and because it is a highly scenic area. (See § 30116(b) and (c)) . . . In particular, Sharp Park Golf Course is open to the public. It is a highly popular course enjoyed by golfers who appreciate its historic architecture, dramatic views, and inexpensive rates.”⁵²

The Commission found that the new pumps and related Pump House improvements were necessary to reduce golf course flooding, which would otherwise threaten the low-cost public golf “sensitive coastal resource” at Sharp Park.

“In the end, the Commission must determine whether its decision to either deny or approve a project is the decision that is most protective of significant coastal resources. In this case, the Commission finds that the impacts on recreational resources from not constructing the project as conditioned, would be more significant than the project’s potential adverse effects to sensitive EHSA buffer areas and upland habitat. **Denying the proposed project** because of its inconsistency with Section 30240 **would result in the continued flooding of the golf course, which over time may discourage its use and deprive low-income users of the opportunity to play golf with coastal views. In contrast, approving the development as proposed protects and continues recreational uses, and provides some habitat enhancement. . . . Therefore, the Commission finds that, approving the project, as conditioned, is, on balance, most protective of coastal resources.**”⁵³

The Coastal Commission also expressly considered and rejected demands from project opponent Surfrider Foundation in the Sharp Park Pump House CDP case that the Commission impose a “managed retreat” condition on the Sharp Park seawall.⁵⁴

⁵² California Coastal Commission, Staff Report, Id. April 3, 2015, at pages 18-19 (emphasis added).

⁵³ California Coastal Commission, Staff Report, Id., at pages 35-36

⁵⁴ California Coastal Commission, Staff Report, Id., Addendum, April 15, 2015, at page 6, “Shoreline Protection”

On June 15, 2015, another one of the golf opponents at Sharp Park, Wild Equity Institute, filed suit in San Mateo Superior Court against the Coastal Commission, seeking a writ of administrative mandamus to require the Commission to vacate the Pump House Project permit.⁵⁵ On August 20, 2015, San Mateo County Superior Court Judge George Miram denied Wild Equity's motion for preliminary injunction to stay the permit pending outcome of the lawsuit. In so ruling, Judge Miram found that Wild Equity "failed to demonstrate a reasonable probability of prevailing on the merits of its Writ Petition."⁵⁶ Wild Equity then dismissed its lawsuit on October 9, 2015.⁵⁷

San Francisco completed work on the Pump House Project in October, 2015.

B. The Coastal Commission in February, 2009 approved a new recycled water irrigation system for the golf course.

At its February 5, 2009 meeting in Huntington Beach, the Coastal Commission approved then-North Central Coast District Deputy Director Charles Lester's reported De Minimis Waiver, No. 2-08-022-2 W, in the matter of the North Coast County Water District's Pacifica Recycled Water Project,⁵⁸ which project specifically contemplated that 78% of its recycled water output would be used to irrigate the Sharp Park Golf Course.⁵⁹

Initially funded with a planning grant from the State Water Resources Control Board, the \$10 Million Pacifica Recycled Water Project had

⁵⁵ Complaint for Administrative Mandamus, Filed June 15, 2015, *Wild Equity Institute vs. California Coastal Commission*, San Mateo County Superior Court, No. CIV 534243: <https://drive.google.com/open?id=0B1h0x8Eg99dec0V4S1Q1V2ZkakU>

⁵⁶ Order Denying Motion for Preliminary Injunction, etc., August 20, 2015, *Wild Equity Institute vs. California Coastal Commission*, San Mateo County Superior Court, No. CIV 534243: <https://drive.google.com/open?id=0B1h0x8Eg99deZjRrZXRUbUJ6N1E>

⁵⁷ Request for Dismissal (Entered), October 9, 2015, *Wild Equity Institute vs. California Coastal Commission*, San Mateo County Superior Court, No. CIV 534243 <https://drive.google.com/open?id=0B1h0x8Eg99dednRjekNGSWq2ZFK>

⁵⁸ Coastal Commission Agenda, Feb. 9, 2008, District Deputy Director's Report, at Line 8 <https://www.coastal.ca.gov/meetings/mtg-mm9-2.html>; and De Minimis Waiver 2-08-022-W, in the matter of North Coast County Water District: <http://documents.coastal.ca.gov/reports/2009/2/Th8-2-2009.pdf>

⁵⁹ Kennedy/Jenks Consultants, "Pacifica Recycled Water Project Facilities Planning Report, December, 2004, at Cover Letter, Dec. 20, 2004 and Pages 1, 23-25. <http://www.sfwater.org/modules/showdocument.aspx?documentid=2481>

been in the pipeline since the late 1990's.^{60, 61} Construction of the pipelines, pumps, and storage tank was completed in 2012, and in October, 2014, the initial phase of the project was completed when new irrigation lines were installed and recycled water was delivered to the four golf holes lying east of the Coast Highway.⁶² Today, thanks to the Pacifica Recycled Water Project, Sharp Park is one of the few golf courses between San Francisco and San Jose with a dedicated recycled water irrigation source.

IV. The Staff Report found that “Managed Retreat” is not a feasible alternative to the existing Sharp Park sea wall.

The Commission has already, in the 2015 Sharp Park Pump House case, CDP No. 2-12-014, declined the request of the golf opponent Surfrider Foundation to impose a “managed retreat” condition on the sea wall.⁶³

In the instant case, Commission Staff’s Report, October 27, 2017, at page 21, concludes that “managed retreat” would be infeasible for many reasons, including that San Francisco is already under mandates to protect the endangered snakes and frogs and their existing habitat in the Laguna Salada wetlands, and to maintain and repair the sea wall.^{64, 65, 66} At page 21, the Staff Report also notes that “managed retreat” would be “extremely costly (estimated

⁶⁰ San Francisco Public Utilities Commission, October 28, 2008, Item 11, SFGovTV, at 00:57:16-01:03:31: http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=22 . Kennedy/Jenks Consultants, “Pacifica Recycled Water Project Facilities Planning Report, December, 2004, at Cover Letter, Dec. 20, 2004 and Pages 1, 23-25. <http://www.sfwater.org/modules/showdocument.aspx?documentid=2481>

⁶¹ San Mateo County Times, July 8, 2009, “Pacifica Golf Course, Parks, to Use Recycled Water”: http://www.insidebayarea.com/sanmateocountytimes/localnews/ci_12787178

⁶² Pacifica Tribune, Nov. 4, 2014, “Recycled Water Now Used on Sharp Park...”: http://www.mercurynews.com/pacifica/ci_26864797/recycled-water-now-used-sharp-park-golf-course

⁶³ California Coastal Commission, Staff Report, CDP 2-12-014, *supra*, Addendum, April 15, 2015, at page 6, “Shoreline Protection”: <http://documents.coastal.ca.gov/reports/2015/4/th8a-4-2015.pdf>

⁶⁴ Biological Opinion Letter, US Fish and Wildlife Service (USFWS), October 2, 2012, Conservation Measure 31, at page 19, and Incidental Take Statement, Terms and Conditions No. 1, at page 41; <https://drive.google.com/open?id=0B1h0x8Eg99deRzZUWHFaLS1zcW8>,

⁶⁵ Letter, February 5, 2014, U.S. Army Corps of Engineers to San Francisco Recreation and Park Department, re Clean Water Act Section 404 Permit, at page 3, Special Condition 1. <https://drive.google.com/open?id=0B1h0x8Eg99deeWZYUUXeDVxMfK>

⁶⁶ San Francisco Bay RWQCB, CWA Section 401 Certification letter, June 25, 2014, at page 9, Gen. Condition 3: <https://drive.google.com/open?id=0B1h0x8Eg99deODILTnFUTF9fUW8>

in the tens of millions of dollars),” and is furthermore unclear whether a golf course could be relocated inland at Sharp Park. It is doubtful whether a new golf course could be built east of the freeway in Sharp Park. It is certainly impossible to replace Sharp Park – a Scottish seaside links built 85 years ago by one of history’s greatest golf architects, Alister MacKenzie.

On the “extremely costly” point, the “tens of millions of dollars” estimate for a “managed retreat” project at Sharp Park is, we believe, way low. The “Conceptual Ecosystem Restoration Plan” proposed by Wild Equity Institute, a leader of the anti-golf campaign at Sharp Park, relies on a proposed “viable HWY 1 underpass or overpass” connecting the east and west sides of Sharp Park at Sanchez Creek, to enable Sharp Park’s frog and snake populations to get through the freeway to establish new habitats east of the freeway. Wild Equity’s consultants cite the new Billion-plus-dollar Doyle Drive approach to the Golden Gate Bridge as an example of such a project, and they identify no realistic timetable or funding source – other than a vague notion of “partnerships with Caltrans” -- to make it happen.⁶⁷ The proposed wildlife corridor is illustrated

⁶⁷ ESA-PWA, Peter Baye, et al, Feb. 9, 2011, “Conceptual Ecosystem Restoration Plan and Feasibility Assessment: Laguna Salada, Pacifica, California,”

<https://drive.google.com/open?id=0B1h0x8Eg99deWm9iVmNyV0hoUTA> ‘

“ The restoration vision developed herein includes the goal of maintaining an uninterrupted (undeveloped) corridor along Sanchez Creek so that future SFGS restoration opportunities and funds can be identified to provide a **viable HWY 1 underpass or overpass** specific to SFGS needs. This identified future corridor also includes room to create additional ponds and upland refuge habitat for the snake as “stepping stones” to expand and connect populations to Sharp Park’s Lake Arrowhead and ultimately to undeveloped areas outside and east of the park. **This potential corridor area is potentially critical to the long-term recovery for the snake.** This corridor will allow the populations of SFGS and CRLF to move in and out of Sharp Park so that the existing population can have the opportunity or chance for genetic flow. **This is an essential concept to strive for, otherwise the existing populations at Sharp Park and Mori Point will remain isolated.**” (Page 26)

The proposed Highway 1 wildlife-bridge project is discussed at several other points in ESA-PWA’s “Conceptual Ecosystem Restoration Plan, including:

“The restoration vision developed herein includes . . . a viable HWY 1 underpass or overpass specific to SFGS needs. (Page 26) . . . **Connective corridor for SFGS and CRLF can be demonstrated in the future by seeking restoration opportunities and partners (e.g., Caltrans)** to design either a HWY 1 underpasses or overpasses to promote genetic flow among populations.” (Page 27) . . . **HWY 1 east of Laguna Salada is a barrier to wildlife movement. Partnerships with Caltrans will need to be developed to secure a future SFGS corridor underpass or overpass of HWY 1 that provides protection, refuge, and safe passage for wildlife.**” (Page 28) . . . Adopt and identify the areas adjacent to and including Sanchez Creek as a future viable SFGS corridor that provides the potential for safe passage, either under or over road and HWY 1. **Work towards finding additional funds and partnering with Caltrans.** . . . modifications to HWY 1 could greatly enhance restoration by reconnecting the ecotone on either side of the roadway. **Highway One forms a barrier to wildlife (and people) which is a stressor to the natural east-to-west orientation of the coastal ridges and valleys. Figure 9 shows a connection across HWY 1 for SFRPD lands.** . . . We recommend that these considerations be incorporated in the HWY 1 planning. . . **One example of a multi-objective roadway renovation project is the Doyle Drive Reconstruction in San Francisco, which**

in Figure 9 from the Conceptual Plan, a link to which follows: <https://drive.google.com/open?id=0B1h0x8Eg99deZDFLS3F1M1hpMm8> . Such is clearly not the kind of plan that happens in any realistic near-term or even mid-term time frame.

**V. Comments -- including but not limited to objections --
To certain of the Staff Report's Special Conditions.**

**A. We object to Special Condition 5, and urge that it be stricken
or extensively revised.**

Condition No. 5 appears to be a version of an off-the-shelf condition designed to apply to buildings – as opposed to landscapes. We recommend that it simply be stricken to the extent that it applies to the cultural landscape aspect of the golf course – the golf playing surfaces, including tees, greens, fairways, and roughs.

In any event, Condition 5 should not apply to any portions of the Sharp Park Golf Course, or any supporting or related structures, that lie outside the Commission's retained permitting jurisdiction. That would be an overreach.

Nor should Condition 5 apply to development already authorized by Coastal Commission action, including De Minimis Waiver 2-08-022-W (North Coast County Water District), approved by the Commission at its February 5, 2009 meeting at Huntington Beach, pertaining to the Pacifica Recycled Water Project.

And Condition 5 should not apply to development under San Francisco's Natural Areas Plan, including the Sharp Park Laguna Salada Restoration Project, for which the San Francisco Planning Department on or about December 15, 2006 certified, by Motion No. 19825, the Final Environmental Impact Report under CEQA.⁶⁸ The San Francisco Board of

includes elevated and depressed sections which will allow ecological and pedestrian connections from uplands to the shore. (Pages 29-30). . . Therefore, additional work is recommended to: . . . Consider the adverse effects to SFGS resulting from Highway One, and consider elements to mitigate these adverse effects as part of future Highway modifications.” (Page 35)

⁶⁸ Minutes, San Francisco Planning Commission, December 15, 2016, certifying by Motion No. 19825, the Final Environmental Impact Report for the Significant Natural Resources Areas Management Plan: <http://sf-planning.org/meeting/planning-commission-december-15-2016-minutes>; Motion 19825: http://commissions.sfplanning.org/cpcpackets/02.%20CPC%20Certification%20Motion_SNRAMP.pdf

Supervisors affirmed the Planning Department's CEQA certification on or about February 28, 2017.⁶⁹

Finally, Condition 5 should be revised to make the condition applicable only in the additional event that the sea wall is no longer needed to provide flood protection for (2) the Pacifica residential neighborhoods and businesses surrounding the golf course, including the Sharp Park Clubhouse, and (3) the Laguna Salada wetlands and the endangered San Francisco garter snake and the California red-legged frog.

B. Other Special Conditions

(1) **Condition 2.** This needs to be revised so as to make clear that, effective on the day the Commission signs the CDP in this matter, and without waiting on any special conditions, San Francisco can resume regular maintenance and repair on the sea wall. (The Commission's prohibition on maintenance and repair has now been running since 2013, with a consequence that the sea wall has suffered during that time from lack of repair and maintenance – which lack of repair and maintenance may put the City out-of-compliance with its sea wall maintenance and repair obligations to the US Fish & Wildlife Service, Corps of Engineers, etc.)

(2) Condition 3 (f). The removal-of-invasive species and replanting with native plants part of this provision should be removed, as they appear to carry risk of weakening the sea wall.

(3) Condition 3(i). The 24-hour provision is unreasonable and potentially harmful to both the golf course and the endangered species habitat. The "open 24 hours" condition would expressly invite people onto the property late at night, when oversight of the fence and the wetlands and the cypress copses west of the lagoon, where trespassers otherwise, encouragement of overnight use is likely to bring a resumption of people breaking-in to the fenced area at the berm, and living in the golf course lands; this would not be good for either the golf course or the endangered species / wetland habitat.

⁶⁹ San Francisco Board of Supervisors, February 28, 2017, Motion M17-033, affirming Planning Commission's certification of Final Environmental Impact Report for the proposed Significant Natural Resources Areas Management Plan: <https://sfgov.legistar.com/View.ashx?M=F&ID=4996330&GUID=A0785BA9-E0D2-4E59-BCE9-5FEE60B70006>

CONCLUSION: THE SEA WALL WITH ITS ARMORING SHOULD REMAIN, AND SAN FRANCISCO SHOULD BE ALLOWED TO MAINTAIN AND REPAIR IT.

For these reasons, the San Francisco Public Golf Alliance respectfully requests the Commission to grant the Coastal Development Permit to authorize the existing Sharp Park sea wall, with existing armoring, and to immediately authorize San Francisco to repair and maintain its sea wall.

Respectfully submitted

San Francisco Public Golf Alliance

Richard Harris

Richard Harris, President

cc:

Edwin M. Lee, Mayor, City and County of San Francisco
Congresswoman Jackie Speier
London Breed, President, San Francisco Board of Supervisors
State Senator Rich Gordon
State Senator Jerry Hill
Assemblyman Kevin Mullin
San Mateo County Supervisor Don Horsley
Dennis Herrera, San Francisco City Attorney
Mark Buell, President, SF Rec and Park Commission
Philip Ginsburg, General Manager, SF Rec & Park Dept.
Lisa Wayne, Natural Areas Coordinator, SF Rec & Park Dept.
Jim Emery, San Francisco Deputy City Attorney
Pacifica City Council
Pacifica City Manager Kevin Woodhouse
Pacifica Planning Director Tina Wehrmeister
Van O'Campo, PE, Pacifica Dept. of Public Works
Emmy Moore-Minister, President, California Alliance for Golf
Joe Huston, Executive Director, Northern California Golf Assn.
Kevin Heaney, Executive Director, Southern California Golf Assn.
Mike Davis, Chief Executive, United States Golf Association



November 3, 2017

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

Re: San Francisco Recreation and Parks Department's Sharp Park Golf Course Shoreline Armoring Coastal Development Permit (CDP) Application 2-17-0702, Item 9a, November 8, 2017

Dear Chair Bochco and Commissioners,

The National Parks Conservation Association (NPCA) writes to express our concerns with CDP Application No. 2-17-0702 and to request the Commission not authorize the proposed CDP. Since our founding in 1919, NPCA has been the independent, nonpartisan voice working to strengthen and protect America's favorite places. With 1.2 million members and supporters beside us, we are the voice of America's national parks, working to protect and preserve our nation's most iconic and inspirational places for present and future generations. We celebrate the parks — and work tirelessly to defend them and ensure that they are adequately funded.

The Sharp Park Golf Course and beach lies within the Golden Gate National Recreation Area, a unit of our national park system, and is adjacent to the Mori Point property owned and managed by the National Park Service. NPCA was one of the public interest organizations that alerted Commission staff to the illegal seawall building activities.

The bottom line is that applicant San Francisco Recreation and Parks Department (SFRPD) has been violating the Coastal Act for years through illegally constructing and expanding a coastal berm to a point where the berm is now a seawall more than double its original, authorized size. All parties agree that this has occurred illegally, done without a required CDP. Commission staff's recommendation to not only *authorize* this illegal activity, but authorize the *ongoing armoring* of this illegally-constructed seawall for decades to come is an affront to the protection of coastal resources and sets a precedent to reward and encourage illegal coastal development. **The CDP should not be authorized.**

The following quotes from the Surfrider Foundation's 11/1/17 letter to the Commission regarding this CDP agenda item summarizes the situation before you:

"The continuous granting of extensions despite SFRPD's ongoing failure to attend to its obligations and having plenty of opportunity to submit its after-the-fact application

materials contravenes the policies of the Coastal Act. Further, Commission staff's continued allowance of SFRPD's ongoing Coastal Act violation, and repeated extensions, renders the Coastal Act meaningless.

This rock revetment is located in one of the most overly---armored areas along California's coastline. Beach loss due to seawalls and coastal armoring has reached a crisis level in Pacifica."

And

"Additionally, it is not justifiable to sacrifice access to and at the beach in the name of protecting access "near" the beach, as there are certain recreational opportunities that occur on the beach and in the water, including surfing, beach combing, fishing, which are displaced when access to and along the beach is given away. As the staff report itself acknowledges, the approval of this permit equals the loss of the beach (an egregious 12+ acres is anticipated by 2037 if this permit is granted) and recreational opportunities associated with it."

The uncontested evidence in this matter concludes that the illegally developed seawall, and the ongoing armoring of it, will erode the beach and adversely impact free and low-cost recreation along the beach. The adverse impacts of seawall armoring is outlined in detail by letters over the years from the Surfrider Foundation to the Commission. This understanding of the damaging role that the seawall plays is accepted by project applicant SFRPD, who signed the 2010 "Sharp Park Working Group Statement and List of Findings" document,¹ which states:

"As a long term goal, the working group finds a naturally managed system is the most sustainable approach to manage the property's coastal acreage. To this end, the seawall should not be further armored or heightened."

"g) Maintaining the existence of the seawall will continue to accelerate beachfront erosion, changing the natural beach profile."

Despite this 2010 commitment to not "further armor" the seawall, the Commission's record affirms that armoring was occurring, leading to NPCA and others to bring this to the Commission's attention in 2013.

Additionally, the Staff Report does not accurately characterize the non-armoring alternative because it incorrectly states that removal of the illegal armoring would require eliminating an existing portion of the California Coastal Trail. This is misleading at best, given the existing beach provides access for the trail.

¹ <https://documents.coastal.ca.gov/reports/2017/11/w9a/w9a-11-2017-corresp.pdf> (pages 2-3 of 60)

In summary, NPCA calls on the Commission to not authorize the proposed CDP, and take all actions necessary to protect the Sharp Park beach from illegal armoring activities such as what applicant SFRPD has done for decades.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Neal Desai".

Neal Desai
Director of Field Operations, Pacific Region
National Parks Conservation Association



November 3, 2017

California Coastal Commission

Attn: Patrick Foster (Please transmit my comments to the Commission members for their consideration at the hearing and include these comments in the record.)

Re: CDP Hearing November 8, 2017 regarding CDP application 2-17-0702

Applicant: San Francisco Recreation and Parks Department

Location: Shoreline and beach area fronting Sharp Park Golf Course in the City of Pacifica, San Mateo County (APN 016-430-020)

Description: Request for after-the-fact authorization of already constructed shoreline armoring adjacent to and seaward of the Sharp Park Golf Course, consisting of an earthen berm approximately 3,200 feet in length, and two sections of rock riprap fronting the berm approximately 1,425 feet in length total.

Honorable Commissioners:

I request that the above-noted application be denied, for the reasons stated below.

1. The project would result in destruction of an important coastal resource. The Staff report (pp. 25-26) makes it clear that the project would result in destruction of the Sharp Park beach. The Coastal Commission, whose clear mission is protection of the California coast, cannot in conscience allow destruction of a beach that is heavily used by the public.

2. There has been insufficient notice and opportunity for local agencies and the public to comment. The project would have a significant effect on Pacifica residents. The GGNRA owns and manages property adjacent to the project which would obviously be affected. Also, the staff report indicates that the site is tideland, and the State Lands Commission has significant responsibilities concerning administration and protection of tideland. Moreover, the US Fish and Wildlife Service has responsibilities for protection of endangered and threatened species which reside on the Golf Course and would be affected by the project. However, the staff report gives no indication that the City of Pacifica, GGNRA, State Lands Commission or US Fish and Wildlife Service have been notified of the application or been given the opportunity comment on the application. Failure to engage these public agencies is inexcusable.

3. The project description is incomplete deceptive. Page 1 of the Staff Report describes the application as “*after-the-fact* authorization of already constructed shoreline armoring adjacent to and seaward of the Sharp Park Golf.” There is no mention of future activities being included. However, buried deeper in the Staff Report is discussion that makes it clear the CDP would, in fact, authorize considerable future activity:

(Page 5) 3. Public Access Management Plan. The Permittee shall submit two sets of a Public Access Management Plan (Plan) to the Executive Director for review and approval. The Plan shall clearly describe the manner in which public recreational access along the seaward side of the berm, on the berm, and to the east of the berm adjacent to the golf course is **to be improved**, provided and managed, with the objective of maximizing public recreational access and utility in this area, including specifically through existing trail maintenance, as well as **installation of new trails, new beach access pathways from the top of the berm, new overlooks, new public benches and tables, and new signs.**

(Page 7) 4. Construction Plan. **Prior to construction associated with the approved public access management plan described** in special condition 3, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval.

(Page 11) 9. **Future Maintenance Authorized.**

Including future activities under the heading of “after-the-fact” is a clear misrepresentation and highly inappropriate.

Based on these very significant issues, I request that the Commission deny this deeply flawed and destructive application.

Very sincerely,



115 Angelita Avenue
Pacifica, CA 94044

November 6, 2017

California Coastal Commission
Headquarters Office
45 Fremont St. #2000
San Francisco, CA. 94105-2219

Re: CDP No. 2-17-0702 / Commission Hearing, November 8, 2017
San Francisco Application for CDP permit
For the Sharp Park Sea Wall

California Alliance for Golf -- the United Voice for Golf
in California -- Urges the Coastal Commission
to Approve San Francisco's Application
to Preserve the Existing Sharp Park Sea Wall

Dear Commissioners,

As President of the California Alliance for Golf (CAG), I write to urge the Coastal Commission to approve San Francisco's permit application to preserve the existing sea wall at Sharp Park. That sea wall is the only protection for one of the golf world's great public treasures – the beautiful 85-year-old Sharp Park Golf Course, built by history's best-known golf architect, Alister MacKenzie. Elimination of the sea wall would mean certain imminent destruction of this jeweled site.

CAG is "The United Voice for Golf" in California – a nonprofit organization whose members include all of the major golf organizations in the State, representing both public and private course golfers, both men and women as well as seniors and youth, spanning all segments of the golf industry, including the Northern and Southern California Golf Associations, the Northern and Southern California Sections of the Professional Golfers' Association, the Pacific Women's Golf Association, Women's Golf Association of Northern California, Desert Women's Golf Association, San Diego County Women's Golf Association, Women's Public Links Golf Association of Southern California, California Golf Course Owners Association, The Golden State Chapter of the Club Managers Association, California State Chapter of the Golf Course Superintendents Association and all its regional Chapters, American Society of Golf Course Architects, Northern California Golf Representatives Association, California Turfgrass and Landscape Association, and others.

The California golf community has long been interested in the preservation of the Sharp Park Golf Course, a San Francisco-owned municipal course that was built in the early 1930's by grand master golf architect Alister MacKenzie. Sharp Park is a unique combination of historic golf architecture and spectacular seaside setting, available at a reasonable price to the general public. It was designed by history's best-known golf architect in homage to the roots of the game of golf -- the seaside golf links of Scotland.

CAG and our members and their tens of thousands of individual members have followed developments at Sharp Park for the past decade with immense interest and concern. See CAG's letter supporting Sharp Park, dated September 28, 2009 to the Hon. Gavin Newsom, then-Mayor of San Francisco, making essentially the same points made above in this letter:

<https://drive.google.com/open?id=0B1h0x8Eq99deTDVRdEx2RGFKUEE>

We are now counting on the Coastal Commission to make a reasonable decision to preserve the sea wall which protects not only this precious golf course, but also the wildlife that lives in its freshwater wetlands, and the Pacifica residents whose homes and businesses surround the golf course. Thank you for your serious consideration on this important matter, for it is of utmost importance to us.

Very Truly Yours,



Emmy Moore Minister
President
California Alliance for Golf

cc: Edwin M. Lee, Mayor, City & County of San Francisco
Mark Buell, President, SF Recreation & Park Commission
Phil Ginsburg, General Manager, SF Recreation & Park Department
Lisa Wayne, Natural Areas Coordinator, SF Recreation & Park Department

Hal Bohner

Attorney

115 Angelita Avenue • Pacifica, CA 94044

650-359-4257

hbohner@earthlink.net

Sent via email on October 31, 2017 to patrick.foster@coastal.ca.gov

California Coastal Commission

Attn: Patrick Foster

Re: CDP Hearing November 8, 2017 regarding CDP application 2-17-0702

Dear Patrick:

I respectfully submit the following comments concerning the CDP application identified above. I understand that the Commission will hold a hearing on the application November 8, 2017. Please transmit my comments to the Commission members for their consideration at the hearing and include my comments in the record.

The CDP application specifics are:

Application: 2-17-0702

Applicant: San Francisco Recreation and Parks Department

Location: Shoreline and beach area fronting Sharp Park Golf Course in the City of Pacifica, San Mateo County (APN 016-430-020)

Description: Request for after-the-fact authorization of already constructed shoreline armoring adjacent to and seaward of the Sharp Park Golf Course, consisting of an earthen berm approximately 3,200 feet in length, and two sections of rock riprap fronting the berm approximately 1,425 feet in length total.

I respectfully request that the Commission deny the permit application for a number of reasons as set for the below.

1. The project would result in destruction of a popular and well-used beach in Pacifica

The Staff report makes it clear that the project would result in destruction of a Pacifica beach. (See Staff report at pp. 25-26) It is incomprehensible that the Coastal Commission, known as the protector of the California coast, would allow destruction of a popular public beach which is used by many, many visitors. In fact the Staff report states that loss of the beach, "represents a

significant public recreational access impact, including a loss of the social-economic value of beach and shoreline recreational access, . . ." (Staff Report p. 25)

I implore the Commission not to grant the CDP.

2. Affected government agencies have not been notified of the permit application or been given the opportunity to submit comments.

The proposed project is located in and adjacent to the City of Pacifica and would affect many Pacifica residents. I myself and many other Pacifica residents use the berm and the adjacent beach on a regular basis. However, there is nothing in the staff report indicating that the City of Pacifica has been notified of the permit application or been given the opportunity to submit comments on the application. Frankly this is shocking. This shortcoming alone should be sufficient reason to deny the CDP or at least continue the matter.

The GGNRA owns and manages property at Mori Point adjacent to the project and which would obviously be affected by the project. Also, the staff report indicates that the site of the project is tideland, and the State Lands Commission has significant responsibilities concerning administration and protection of tideland. Moreover, the US Fish and Wildlife Service has responsibilities for protection of endangered and threatened species which reside on the Golf Course and would be affected by the project. However, there is nothing in the staff report indicating that the GGNRA, the State Lands Commission or the US Fish and Wildlife Service have been notified of the permit application or been given the opportunity to submit comments on it. Thus the permit application should be denied.

3. The project description is misleading and downright incorrect

The project description on the first page of the Staff Report says that the request is for "after-the-fact authorization of already constructed shoreline armoring adjacent to and seaward of the Sharp Park Golf." There is no mention of authorizing future activities. The clear implication is that this CDP is relatively innocuous since it merely authorizes something that has already been done. However, buried in the Staff Report is discussion that makes it clear the CDP would authorize considerable future activity which is far from innocuous. For example:

On page 5 the Staff Report says (emphasis added):


3. Public Access Management Plan. The Permittee shall submit two sets of a Public Access Management Plan (Plan) to the Executive Director for review and approval. The Plan shall clearly describe the manner in which public recreational access along the seaward side of the berm, on the berm, and to the east of the berm adjacent to the golf course is to be improved, provided and managed, with the objective of maximizing public recreational access and utility in this area, including specifically through existing trail maintenance, as well as installation of new trails, new beach access pathways from the top of the berm, new overlooks, new public benches and tables, and new signs.

On page 7 the Staff Report states:

4. Construction Plan. PRIOR TO CONSTRUCTION ASSOCIATED WITH THE APPROVED PUBLIC ACCESS MANAGEMENT PLAN DESCRIBED IN SPECIAL CONDITION 3, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval.

On page 11 the Staff Report states: "9. Future Maintenance Authorized."

Sincerely,

A handwritten signature in black ink that reads "Hal Bohner". The signature is written in a cursive, flowing style.

Hal Bohner

Hal Bohner

Attorney

115 Angelita Avenue • Pacifica, CA 94044

650-359-4257

hbohner@earthlink.net

Sent via email on November 3, 2017 to patrick.foster@coastal.ca.gov

California Coastal Commission

Attn: Patrick Foster

Re: Hearing November 8, 2017 regarding CDP application 2-17-0702

Dear Patrick:

I submitted comments concerning this matter on October 31. I now respectfully submit the following additional comments concerning the CDP application identified above. I understand that the Commission will hold a hearing on the application November 8, 2017. Please transmit my comments to the Commission members for their consideration at the hearing and include my comments in the record.

The CDP application specifics are:

Application: 2-17-0702

Applicant: San Francisco Recreation and Parks Department

Location: Shoreline and beach area fronting Sharp Park Golf Course in the City of Pacifica, San Mateo County (APN 016-430-020)

Description: Request for after-the-fact authorization of already constructed shoreline armoring adjacent to and seaward of the Sharp Park Golf Course, consisting of an earthen berm approximately 3,200 feet in length, and two sections of rock riprap fronting the berm approximately 1,425 feet in length total.

I respectfully request that the Commission deny the permit application for the reasons set forth below.

1. The holder of the CDP which is being amended is not correctly identified.

The staff report indicates that the applicant is the San Francisco Recreation and Parks Department (SFRPD). The City of Pacifica is not identified as an applicant. However, it appears that the SFRPD is not a legitimate applicant.

Under the heading “Project Background” the Staff Report refers to prior CDP amendments 3-83-172-A4, 3-83-172-A5 and 3-83-172-A6. The Staff fails to identify the permittee of those CDP amendments and the implication is that the holder is SFRPD. However, that is apparently not correct, and the holder of those CDP amendments is in fact the City of Pacifica. It is quite clearly inappropriate for the Commission to grant a permit to the SFRPD amending a CDP of the City of Pacifica. It would also be inappropriate to allow the SFRPD to alter a project for which the City of Pacifica has a CDP, at least without the consent of the City of Pacifica.

To support my contention I have attached pages from two Staff Reports concerning different projects in Pacifica. One is for the Applicant Aimco Esplanade Avenue Apartments LLC. The Staff Report states:

In the 1980’s a major shoreline protection project initiated by the City of Pacifica¹ resulted in armoring along the Sharp Park Golf Course (1,000 linear feet of riprap), . . .

Footnote 1 states: “Pursuant to CDP 3-83-172 which has numerous amendments (3-83-172-A1 through 3-83-172-A6).”

Another Staff report includes similar information. The staff report states at p. 20 - -

Further south, much of the Pacifica coastline is also armored; Pacifica’s Shoreline Protection Project [footnote 4] from the 1980s resulted in armoring for Sharp Park Golf Course (1,000 feet of riprap) . . .

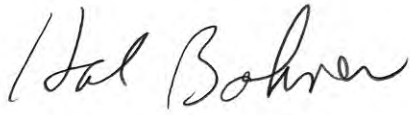
Footnote 4 says that CDP3-83-172 has amendments 3-83-172-A1 through 3-83-172-A6.

2. The party who owns the land covered by the proposed CDP is not correctly identified.

The Staff Report fails to identify the owner of the property covered by application 2-17-0702. From the information above it appears that the owner of the project is not SFRPD and may be the City of Pacifica. For that reason the requested permit should not be granted.

Even if there is a reasonable response to the issues I raised above, the permit should nevertheless be denied at this time and a new staff report prepared that clarifies the issues I have raised.

Sincerely,

A handwritten signature in black ink that reads "Hal Bohner". The signature is written in a cursive style with a large, prominent "H" and "B".

Hal Bohner

Attachments

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET SUITE 300
 SANTA CRUZ CA 95060
 PHONE (831) 427 4863
 FAX (831) 427 4877
 WEB WWW.COASTAL.CA.GOV

**W12b**

Filed: 10/24/2016
 Staff: P. Foster - SF
 Staff Report: 2/24/2017
 Hearing Date: 3/8/2017

STAFF REPORT: REGULAR CALENDAR

Application: 2-16-0684

Applicant: Aimco Esplanade Avenue Apartments LLC

Location: Along the bluff seaward of 380 Esplanade Avenue in the City of Pacifica, San Mateo County (APNs 009-131-010 and 009-131-060)

Description: Consolidated coastal development permit (CDP) application to authorize development constructed pursuant to two Coastal Commission emergency CDPs (G-2-16-0011 and G-2-16-0043), consisting of import and installation of 840 tons of rock stacked up to 10 feet in height on top of the existing permitted rock revetment and construction of an approximately 50-foot tall soil nail wall against the bluff behind the stacked rock.

Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project involves authorization of already-installed shoreline armoring located seaward of the Aimco apartment complex at 380 Esplanade Avenue in the City of Pacifica's Edgemar neighborhood in northern Pacifica. The Executive Director issued two emergency CDP authorizations (G-2-16-0011 and G-2-16-0043) following substantial bluff failures caused by heavy winter storms and high tides in early 2016. This follow up CDP application proposes to retain the same development via a regular CDP, including a soil nail wall and an enlarged rock revetment.

Staff believes the project meets the armoring need tests of the Coastal Act, and that impacts to sand supply, public access and visual character can be appropriately mitigated through

The adjacent and nearby shoreline is comprised of a mix of open and moderately accessible beaches, partially obstructed by several interspersed rock revetments placed to protect existing blufftop development. In addition to the proposed armoring project (see project description below), bluffs immediately up coast have shoreline protection in place. A rock revetment, installed under emergency permit authorization, extends laterally along the toe of the bluff from 340 to 310 Esplanade to the north. North of 310 Esplanade is the Oceanaire seawall and shoreline protection. To the south of the project site, 390 and 400 Esplanade remain unarmored. Further south, much of the remaining Pacifica coastline is armored. In the 1980's a major shoreline protection project initiated by the City of Pacifica¹ resulted in armoring along the Sharp Park Golf Course (1,000 linear feet of riprap), the Beach Boulevard shoreline (2,500 linear feet of riprap and a reinforced earth seawall), the Pacific Skies RV park located at 1300 Palmetto Avenue (850 linear feet of riprap) and the San Francisco RV park at 700 Palmetto Avenue.

B. PROJECT BACKGROUND

Emergency CDP History and CDP No. 2-08-020

CDP No. 2-08-020, granted by the Commission in 2013 to the current Applicant (Aimco), provided for after-the-fact authorization for work completed under six previously issued emergency permits, including construction of (1) a rock revetment totaling approximately 475 linear feet across 360 and 380 Esplanade Avenue, and (2) an approximately 3,240-square-foot, 50-foot high soil nail wall along an approximately 70-foot-long section of the mid and upper bluff on 360 Esplanade Avenue.

Approximately 245 feet of the previously approved 475-foot-long rock revetment along the bluff at 360 and 380 Esplanade was placed by previous owners under emergency permits issued in 1998 and 1999.² In 2009, accelerated bluff erosion forced the City to require evacuation of the apartment building at 330 Esplanade Avenue located to the north of the subject property. To address erosion and bluff retreat at that time, Aimco was issued an emergency permit to construct an approximately 200-foot long revetment extension fronting 340 and 350 Esplanade (the apartment buildings at 340 and 350 Esplanade Avenue are not owned by Aimco, but the bluff area beneath them is, due to the previously described parcel configuration).³ In late 2009 and early 2010, episodic erosion of a portion of the upper bluff fronting the apartment building at 360 Esplanade Avenue occurred as a result of severe winter storms. The Executive Director

¹ Pursuant to CDP 3-83-172 which has numerous amendments (3-83-172-A1 through 3-83-172-A6).

² Emergency CDPs 1-98-083-G/1-98-106-G (DeDominico) for construction of approximately 55 feet of rock revetment along the toe of the bluff fronting the apartment building at 360 Esplanade Avenue; 1-98-109-G (Behling) for construction of approximately 160 feet of rock revetment along the toe of the bluff fronting the apartment building at 380 Esplanade Avenue; and 1-99-005-G (DeDominico) for construction of an additional approximately 30 feet of rock revetment along the toe of the bluff fronting the apartment building at 360 Esplanade Avenue to connect the 55-foot and 160-foot-long revetment segments approved under 1-98-106-G and 1-98-109-G.

³ Emergency CDP 2-09-022-G for placement of approximately 7,500 tons of 4- to 8-ton rock rip-rap to an elevation of 26 feet along approximately 200 linear feet of shoreline. Work included construction of a keyway excavated four feet into the underlying greenstone bedrock and installation of geotextile fabric.

Th17a

Filed: 8/29/2011
Staff: K. Geisler - SC
Staff Report: 8/1/2013
Hearing Date: 8/15/2013

STAFF REPORT: REGULAR CALENDAR

Application: 2-10-039

Applicant: Land's End Associates

Location: Along the bluff top, bluff face, base of bluff, and sandy beach seaward of 100 and 101 Esplanade Avenue in the City of Pacifica, San Mateo County (APNs 009-023-070 and 009-024-010).

Description: Consolidated coastal development permit (CDP) application to permanently authorize development constructed pursuant to two Coastal Commission emergency CDPs (2-10-007-G and 2-11-005-G) and one City of Pacifica emergency CDP (CDP-328-10) as well as authorize newly proposed development, consisting of: 1) an approximately 650-foot long, 35-foot high and 28-inch thick semi-vertical contoured concrete tie-back seawall, with 8,825 tons of rock for toe protection; 2) an approximately 660-foot long ledge, excavated into bedrock about 23 to 43 feet seaward of the seawall and filled with rock riprap; 3) riprap wedges at the ends of the seawall (approximately 60 tons of riprap at each end); 4) a 530-foot long grade beam and caisson buried wall system (54 caissons in total, each 30 inches in diameter and extending subsurface up to 65 feet) located approximately 15 to 35 feet inland from the edge of upper bluff; 5) replace previously required but subsequently damaged public access improvements including a blufftop public access path and overlook, and a bluff path to a stairway to the beach; 6) extinguish existing public access easements and replace with new alternative public access easements; and 6) site drainage, landscaping, and related development, including benches, signage and an interpretive kiosk.

Recommendation: Approval with conditions

16. Deed Restriction. WITHIN 90 DAYS OF CDP APPROVAL (or within such additional time as the Executive Director may grant for good cause), the Permittee shall submit for Executive Director review and approval documentation demonstrating that the landowners have executed and recorded against the subject property governed by this CDP a deed restriction in a form and content acceptable to the Executive Director: (1) indicating that pursuant to this CDP, 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 CDP as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description and graphic depiction of the parcels governed by this CDP. 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 CDP shall continue to restrict the use and enjoyment of the subject property so long as either this CDP or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION

The proposed project is located in the northern end of the City of Pacifica in the City's Edgemar neighborhood. The Applicant's site is approximately 9.33 acres that is developed with the Land's End apartment complex¹ made up of eleven 2-story structures with 260 units² and underground parking at 100 and 101 Esplanade (APNs 009-023-070 and 009-024-010). It is bounded by Palmetto Avenue to the east, with Highway 1 further to the east, and it is split by Esplanade Avenue, with 100 Esplanade on the seaward side of the road, and 101 Esplanade on the inland side of the road. The seaward portion of the Land's End property slopes down from Palmetto Avenue and Esplanade Avenue to a steep coastal bluff approximately 100 feet high. The development proposed in this application affects the area along the blufftop, the bluff, and base of the bluff seaward of the apartment buildings, the apartment building driveway, and Esplanade Avenue (see **Exhibit 1: Project Location**).

In addition to the proposed armoring project (see project description below), a downcoast revetment installed under an emergency CDP extends onto the Land's End site from the neighboring apartment complex property at 310 - 340 Esplanade.³ Further south, much of the Pacifica coastline is also armored; Pacifica's Shoreline Protection Project⁴ from the 1980s resulted in armoring for Sharp Park Golf Course (1,000 feet of riprap), the Beach Boulevard shoreline (2,500 feet of riprap and a reinforced earth seawall), the Pacific Skies RV park located at 1300 Palmetto Avenue (850 feet of riprap) and the San Francisco RV park at 700 Palmetto

¹ Previously known as Points West apartments, and originally constructed in the early 1970s.

² The City of Pacifica's zoning designation for this site is high density residential (27 units/acre).

³ Installed pursuant to emergency CDP 2-03-001-G and currently the subject of pending CDP application 2-03-018.

⁴ Pursuant to CDP 3-83-172 which has numerous amendments (3-83-172-A1 through 3-83-172-A6).

November 3, 2017

To: California Coastal Commission

Sent by email to Patrick Foster at patrick.foster@coastal.ca.gov

Re: **CDP Hearing Application 2-17-0702 November 8, 2017** SF Rec and Parks Dept request for after-the-fact authorization of already constructed shoreline armoring adjacent to and seaward of the Sharp Park Golf Course

Commissioners:

I am requesting that the Commissioners deny this permit application for the reasons discussed below.

THE PEOPLE OF PACIFICA DO NOT WANT SHARP PARK BEACH TO BE DESTROYED.

People from Pacifica and surrounding areas make great use of Sharp Park Beach every day of the year. The users of this beach are in a peculiar circumstance since SF, not the City of Pacifica, owns the golf course. But it is located in our city. This beach is a central feature of Pacifica. The joint SF-San Mateo County working group concluded that the berm should be let go and that golf could continue on the course. But SF's application for a CDP ignores this conclusion, and the proposed project would destroy the beach. Do not accept SF's position that it is all right to ignore this conclusion. Additionally, Pacifica is entitled to some agency in this matter due the impacts on local shoreline sand supply (Pacifica Municipal Code Sec. 9-4.4406).

SF HAS NOT ACTED IN GOOD FAITH AND PROPOSES AN UNSUSTAINABLE PLAN THAT INCLUDES FUTURE CONSTRUCTION.

The staff report states (emphasis added): In the time since, **the berm has been gradually modified... without the benefit of CDPs, and these changes are being tracked as Coastal Act violations. SFRPD has submitted this after-the-fact CDP application requesting authorization for the unpermitted berm development and expansion.... In short, SFRPD did not simply repair and/or maintain the berm in its permitted configuration, but instead created a new armoring structure at this location over time.**

Additionally, the application clearly includes future construction, which is inadequately assessed and deceptively included under the rubric of "after-the-fact CDP application requesting authorization for the unpermitted berm development and expansion...."

Is it better to apologize than to seek permission? Apparently it's best to do neither. I see no apology here. And **no permission was sought by SF over 27 years.** Permission is now being sought after the fact. Additionally SF ignores the sound science and analysis of a range of options presented in the Phillip Williams Associates report by Dr. Peter Baye. Why aren't the conclusions of the PWA report included in the staff report? This is a serious omission, and prevents the Commissioners from being able to review a full assessment of alternatives.

THE CITY AND THE RESIDENTS OF PACIFICA ARE CURRENTLY REVISING PACIFICA'S LCLUP.

It is past time that our 1980 Local Coastal Land Use Plan takes sea level rise into consideration, and that the City takes appropriate steps to plan wisely. Unacceptably, SF's plan does not take this into account. The SF plan is not a sustainable solution for the Sharp Park lagoon and beach. The SF plan also serves as a disruption to Pacifica's need to revise the LCLUP and plan for the effects of sea level rise on our entire coastline.

For all of these reasons, I strongly urge the Commission to deny the permit application.

Sincerely,

Chaya Gordon
Pacifica

From: [Stan Zeavin](#)
To: [Foster, Patrick@Coastal](mailto:Foster_Patrick@Coastal)
Subject: CDP application 2-17-0702
Date: Friday, November 03, 2017 9:54:03 AM

California Coastal Commission

Attn: Patrick Foster

Re: CDP Hearing November 8, 2017 regarding CDP application 2-17-0702

Dear Patrick,

I am submitting these comments so that they may be considered by the Commission members before the November 8, 2017 hearing on this CDP application. Please forward my comments to the Commissioners and include these comments in the record.

Dear Commissioners,

I am requesting that the Commissioners deny this permit application for the reasons listed below.

1. *Pacifica is in the process of writing its LCP and the permit would prejudice this process.*

-

I believe that, while the letter of the law states that San Francisco doesn't need to consider the Pacifica LCP, I would expect that the CCC would consider the spirit of the law and would consider the impact on the city of Pacifica. Our city, on a grant from the CCC, has hired a consultant to work on our LCP and if the CCC approves this permit before the LCP is completed, it couldn't help but prejudice the consultant's findings.

Pacifica's intent is to do a thorough LCP analysis for our whole coast.

2) *Does the CCC want to set a precedent to armor golf courses?*

-

I realize that there was armoring at the magnificent Pebble Beach Golf Course, a truly historic golf course. However, at the Ritz Hotel in Half Moon Bay, the owners were told to remove armoring protecting their golf course.

The phrase "'historic' Sharp Park golf course" has been used in several places in this report. There are many ways to define historic. On page 32 of the report, the "dramatic views" and "historic architecture" of the golf course are mentioned. In reality, looking

towards the berm from anywhere on the golf course, what a person sees is.....the berm, not a drop of ocean water or beach. Although the clubhouse could be described as historic, it is in no immediate danger from the ocean. Two winters ago when the lagoon reclaimed its historic footprint, the clubhouse was not threatened by the ocean or by the rains and runoff. Furthermore, several holes on the golf course have already been reconfigured. The historic footprint no longer exists, having been replaced by the berm.

3) Contrary to the staff report, all the alternatives have not been examined. I strongly urge the CCC to incorporate the conclusions from the Phillip Williams Associates report on the Sharp Park Golf Course in the alternatives.

. On pages 21-22 of the CCC staff report on the “managed retreat” alternative, it states: *“It is possible that further future analyses of options for reconfiguring the Sharp Park complex could provide more information on managed retreat options, but these types of analyses are not yet complete.¹² It is possible that this question can be revisited during that process, and this CDP can subsequently be modified if warranted and supported by evidence at that time.”*

The Phillip Williams Associates report on the ecology, habitat, Laguna Salada and hydrology of the Sharp Park Golf Course was written by Dr. Peter Baye, an expert in coastal ecology. Both Dr Baye and PWA-ESA have been used throughout the state and have impeccable reputations. This report was peer reviewed (I do not know if the Tetra-Tech report was peer reviewed). The PWA conclusions are in stark contrast with the information that San Francisco is using. **Nowhere in the staff report or the SF permit request is there any mention of any of the conclusions from the PWA report.** As an example, the price of removing the berm is negligible as the weather will remove it, over the years. Little money need be spent in reconfiguring the golf course. The lagoon is non-tidal, and, without the berm, it will become the self-containing habitat it once was. There are many more areas of differences.

I would expect SF to ignore the Philip Williams Associates report, but I would think the CCC would want to examine all the alternatives available.

4). Pacifica is a beach town. This permit will destroy one of the last two beaches expected to survive. The mitigation is a joke.

-
The ABAG/Army Corps of Engineers sediment study (CRSMP) draft of the San Francisco Littoral Cell, i.e., Ocean Beach, SF to Pedro Point, Pacifica (SF, of course, is not happy with their findings) pointed out that the last two beaches that can survive in Pacifica will be Linda Mar beach and Sharp Park Beach. The Sharp Park Beach according to the PWA report fronts the non-tidal Laguna Salada. According to the CRSMP, without the berm, the Lagoon, its wetlands and the dunes and beach in front of it could retreat naturally as the ocean rises. Furthermore, given space to retreat, the

beach has the potential to outlast Linda Mar Beach. At the same time, the dunes and wetlands could absorb the energy of storm waves while moving out any salt over-wash much faster than pumps.

If this permit is accepted in its present form, the CCC is dooming one of our last two beaches.

Also, the trade of benches, stairs, tables, etc. for our beach is not even close to fair. And when you consider that the beach serves many more people, Pacificans and visitors, than does the golf course. Again, I would expect the CCC to protect as much of the coastline as possible, especially a beach that is capable of adjusting to SLR.

5) How about considering a compromise?

-

This is not an all or nothing situation. Most of us don't want to see the golf course abandoned. As an example, if the berm is allowed to degrade naturally, it would be many years before the golf course might have to be reconfigured. As the berm becomes unusable, a boardwalk, possibly movable, could be installed. I'm certainly no expert, but I do see room for negotiation.

6) San Francisco has been piecemealing the permits on the golf course for years.

-

San Francisco has a habit of cutting down the scope of their permits to assure them that the CCC would agree. Then, when several smaller jobs have been done, they try fixing the berm without a permit, and, only because some sharp-eyed Pacificans spotted the new boulders and reported it to the CCC, they had to apply for an after the fact permit. Now, with all the other work they've done, they're going for the whole shebang.

Respectfully,

Stan Zeavin
Pacifica

From: [Stan Zeavin](#)
To: [Foster, Patrick@Coastal](mailto:Foster_Patrick@Coastal)
Subject: CDP application 2-17-0702
Date: Friday, November 03, 2017 4:41:16 PM

Hi Patrick,

Thanks for being patient with all our questions and requests. Here is my comment letter for the commission.

Margaret Goodale

Margaret Goodale
1135 Palou Drive, Pacifica, CA, 94044

California Coastal Commission
Subject: CDP application 2-17-0702

Honorable Commissioners,

I ask that you not approve permit application 2-17-0702 as it stands but consider the following:

Coastal Act Section 30604 - This rush to approve the SF after-the-fact permit today will prejudice Pacifica's LCP.

Pacifica is in the middle of developing our 2035 LCLUP for our entire six miles of coast. The Commission both required and funded the work. The old LCP has been in place since 1980, and SF dismisses it. SF also ignores the current work. The purpose of this new LCP is to look at the **most realistic and best long term shoreline management** for our town as we face the increasing threats of sea level rise.

While you may not be legally bound to consider Pacifica's LCP, mere courtesy would dictate that both Pacifica and the National Park Service should have been notified by the permittee as part of their process. Acceptance of application 2-17-0702 will compromise and undermine Pacifica's LCP findings.

Misrepresentation of USFWS Biological Opinion – Conservation Measure 31 is misrepresented as requiring the berm (ie. footnotes on p.2 - “Note that a 2012 U.S. Fish and Wildlife Service Biological Opinion requires SFRPD to maintain a berm to protect this sensitive habitat” - and p.35).

The Service BO did NOT recommend maintaining the seawall to protect sensitive habitat and is only about the surface of the road.

31. During and following completion of the Project, the SFRPD shall maintain and keep in good repair the sea wall **road**, which provides the only **vehicle access** for maintenance activities as described above. Maintenance of the roadway on the sea wall is expected to **include filling ruts in the surface with aggregate or comparable materials** and repairing drainage issues by outsloping the roadbed. **The SFRPD does not anticipate hardening or further armoring of the sides of the sea wall.**

(Seawater intrusion actually occurs under the seawall, through the sandy barrier beach, as a result of pumping and lowering water levels in the lagoon below the height of waves.)

Mitigations – The proposed picnic tables, benches, bike racks, etc. do not compensate for the continuing loss of beach.

The permit offers SF another 20 years of beach destruction in this after-the-fact approval for the past 27 years of unpermitted/illegal additions to the berm at the golf course and offers only minimal mitigations.

Sand Supply Impacts – With sea level rise accelerating and beach loss expected to accelerate with climate disruption and more frequent storms, the staff calculations may underestimate beach loss for the next 20 years. Future beach loss must be controlled.

This section (beginning on page 22) states that the berm now occupies 170,500 square feet or over 4 acres of dunes (where 5 original holes were sited). Averaging erosion rates, the report estimates an additional four acre loss of sand to the ocean since 1980 and predicts that another 153,600 square feet, or nearly 4 acres, of beach can be expected to vanish between now and 2037 (p.25). The 2010 ARUP aerial photo in the staff report shows the beach looking about 100 feet deep, giving us about 320,000 square feet or not quite 8 acres of beach. According to this report we can expect to lose as much as half our remaining beach in the next 20 years. This may be a drastic underestimation and must require reconsideration as sea level rises.

Beach Habitat Value – The effects of loss of beach **habitat** due to the berm have never been evaluated. This glaring omission needs to be addressed.

Generations of Caspian and Elegant Terns have fed and taught fledglings to fish here. Generations of Sanderlings have relied on this beach to rest and feed here on the 2000 mile journey to the Arctic Tundra. The Migratory Bird Treaty counts on us to preserve hunting and roosting grounds. It's the generous and humane thing to do. The proposed mitigation is a great deal for SF but a very bad deal for beach users including Caspian and Elegant Terns, Sanderlings and Whimbrels.

Alternatives Analysis – Please require that the analyses mentioned be completed before granting this permit.

Note that on page 22, after rejecting the managed retreat alternative, this permit states, "It is possible that further future analyses of options for reconfiguring the Sharp Park complex could provide more information on managed retreat options, but these types of analyses are not yet complete. It is possible that this question can be revisited during that process, and this CDP can subsequently be modified if warranted and supported by evidence at that time." In addition the permit assures that "alternatives will be considered to avoid the need for shoreline protective devices" **WHY NOT DO THIS NOW?**

SF prefers not to acknowledge the careful, peer reviewed study completed by ESA/PWA which thoroughly examined early ecological records and concluded that the lagoon was almost certainly not tidal. Letting the berm wash away and allowing the sand dunes to re-establish and migrate landward would preserve both the beach and lagoon longer into the future and without any artificially created habitat for the endangered species that SF claims to be necessary without the berm.

CEQA - Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives. The PWA/ESA report is a feasible alternative.

In theory, you are considering this project as if it doesn't exist. So what is the least environmentally damaging? How can you protect the lagoon and beach habitat in a better way?

If you choose today to accept 27 years of unpermitted, illegal work, PLEASE shortening the period of this permit approval to five, not twenty, years. Also add a condition **SETTING A DATE BY WHICH SF must actively begin to plan for the most sustainable solution to preserving the Lagoon and beach in a natural condition.**

Sincerely,
Margaret Goodale
Pacifica

From: martind@ci.pacifica.ca.us
To: NorthCentralCoast@Coastal
Subject: Public Comment on November 2017 Agenda Item Wednesday 9a - Application No. 2-17-0702 (San Francisco Recreation and Parks Department, Pacifica)
Date: Friday, November 03, 2017 3:14:24 PM

I would like to recommend the Commission postpone consideration of this application until more information from the City of Pacifica is presented. Pacifica is currently in the process of updating the Local Coastal Plan which is slated for completion by the end of 2018 . The information provided in the staff report does not consider critical components of local coastal planning such as flooding impacts to our neighborhoods and beach use and access. With the acceleration of sea level rise, and recent emergency conditions on the coast in Pacifica, granting a 20 year permit at this point might need additional supporting data. I would ask the Commission to extend the courtesy of allowing Pacifica to weigh in and recommend waiting for more data from the City of Pacifica before consideration of this item.

Thank you,

Deirdre Martin*Council Member, City of Pacifica

**Organization listed for affiliation purposes only and comments presented do not necessarily represent views of the council*

Deirdre Martin
Council Member
City of Pacifica
170 Santa Maria Ave.
Pacifica, CA 94044
215.806.8217
martind@ci.pacifica.ca.us

This message has been scanned for malware by Websense. www.websense.com

From: [Teresa M. Wood](#)
To: [Foster, Patrick@Coastal](mailto:Foster_Patrick@Coastal)
Subject: CDP application 2-17-0702
Date: Friday, November 03, 2017 10:44:29 PM

California Coastal Commission
Attn: Patrick Foster

Please forward the following to the Commissioners for their consideration.

Re: CDP Hearing November 8, 2017 regarding CDP application 2-17-0702

Chair Bochco and Commissioners,

I ask that you deny the CDP application 2-17-0702.

City of Pacifica City ordinances require any agency proposing work in the coastal zone seek a CDP from the City of Pacifica.

Sec. 9-4.4406. - Shoreline protection.

(c) (1) Alteration of the shoreline, including diking, dredging, filling and placement or erection of a shoreline protection device, shall not be permitted unless the device has been designed to eliminate or mitigate adverse impacts on local shoreline sand supply and it is necessary to protect existing development or to serve coastal-dependent uses or public beaches in danger from erosion or unless, without such measures, the property at issue will be rendered undevelopable for any economically viable use;

Although San Francisco in 2015 claimed immunity from Pacifica's laws and that "the City and County of San Francisco need not submit a form respecting local agency review from the City of Pacifica," common courtesy would dictate that they consult.

Because the CDP application affects approximately 2/3 of a mile of Pacifica's coast, the input of Pacificans is vital.

Please deny or, at the least, require continuance of the permit for further input from agencies that have adjacent jurisdictions.

Sincerely,

Teresa Wood
Pacifica

From: [Cynthia Kaufman](#)
To: [Foster, Patrick@Coastal](mailto:Foster_Patrick@Coastal)
Subject: Sharp Park
Date: Friday, November 03, 2017 4:00:06 PM



Dear Patrick Foster-

I live in Pacifica and I want to urge the commissioners to look carefully at the proposal for the City of San Francisco to do work on the berm at Sharp park Golf course. It is crucial that the Coastal Commission plan seriously for protecting the future of beaches in California.

The City of Pacific has just hired some excellent engineers to look at how the berm impacts the beach as the sea rises. Please delay authorizing this work until there has been a study of its impacts.

Sincerely, Cynthia Kaufman, PhD

--

Cynthia Kaufman

This is my personal account

But here are some things you might want to know about me:

Home phone: 650 557 9797

Job: Director, Vasconcellos Institute for Democracy in Action, De Anza College

Work phone: 408.864.8739

Work email: kaufmancynthia@deanza.edu

Web page: <https://www.deanza.edu/vida/aboutpeople/cynthiafaculty>

Personal blog: [cynthiakaufman@wordpress.com](http://cynthiakaufman.wordpress.com)

Twitter: <https://twitter.com/cynthiak131>

From: [Carlos Davidson](#)
To: [Foster, Patrick@Coastal](mailto:Foster_Patrick@Coastal)
Subject: Public comment re: CDP Hearing November 8, 2017 regarding CDP application 2-17-0702
Date: Friday, November 03, 2017 4:09:06 PM

Via email: Patrick.foster@coastal.ca.gov

California Coastal Commission

Attn: Patrick Foster

Re: CDP Hearing November 8, 2017 regarding CDP application 2-17-0702

Dear Commissioners:

I am submitting my comments for consideration by the Commission before the November 8, 2017. Please forward my comments to the Commissioners and include these comments in the record.

I am requesting that the Commissioners deny this permit application.

Decisions about how to best to deal with sea level rise require the best available science. The City of Pacifica has just begun work on a local coastal plan and with the help of San Mateo County's sea level rise program and through a lengthy competitive process has hired the consulting firm ESA to study adaptation options along the Pacifica coast. I ask the Coastal Commission not to short circuit our local coastal plan process and make a decision without the needed science.

Please wait until the science is in and base your decision on sound science.

Thank you very much

Carlos Davidson

Pacifica

Email: carlosdavidson7@gmail.com

From: [Joanne Gold](#)
To: Foster, Patrick@Coastal
Subject: Nov. 8th Pacifica CDP application comments
Date: Thursday, November 02, 2017 10:46:02 PM

Hello Patrick,

I am a Pacifica resident who regularly walks and hikes the Pacifica beaches. I am submitting these comments so that they may be considered on the Nov. 8th hearing of the CDP application.

I am requesting that the commission deny the application due to the extensive damage seawalls have already done to Pacifica's shoreline. Climate change and sea level rise will intensify erosion rates in the years ahead. If the Sharp Park Golf course seawall is allowed to remain, the beach will eventually be driven under water. Please help us protect our treasured and irreplaceable shoreline environment in Pacifica.

Thank you for your consideration of these comments.


Sincerely,
Joanne Gold
251 Stanley Ave.
Pacifica, Ca 94044

California Coastal Commission
North Central District
45 Fremont Street Ste 2000
San Francisco, Ca 94105

W9a Application No. 2-17-07020

I hike and birdwatch at our local beaches. I am asking the Commission to deny this permit due to the extensive damage seawalls have already done to Pacifica's shoreline. Climate change and sea level rise will intensify erosion rates in the years ahead. If the Sharp Park Golf Course seawall is allowed to remain, the beach will eventually be driven under water.

Sincerely,


Robert Hall
1946 Grove St. Apt. 6
San Francisco, CA 94117

Victor Carmichael
5005 Palmetto Avenue
Pacifica CA 94044
vcarmichael@comcast.net

RECEIVED
NOV 01 2017
CALIFORNIA
COASTAL COMMISSION
10/29/17

California Coastal Commission
North Central District
45 Fremont Street Suite 2000
San Francisco CA 94105

I understand that the City of San Francisco's Recreation and Parks Dept is applying for retroactive authorization for the coastal armoring in the Sharp Park area of Pacifica consisting of a 3200 ft berm and two 1425 ft sections of rock rip-rap. This berm protects the Sharp Park Golf Course that is owned by the City of SF but located in Pacifica. The existing berm has a checkered past of protecting this ill placed golf course. Before the berm's final extension periodic storm surges and/or high tide large swell combinations have flooded the golf course and damaged the greens nearest the ocean also killing nearby trees. Because it was designed by the famed golf course architect, Alister MacKensie, it has many ardent defenders despite its poorly conceived location. Only the artificially revetment consisting of a quarter mile long berm allows the survival of the greens nearest the ocean. The entire tract came close to be given over to GGNRA and converted back into a lagoon and wetland several years ago but the political clout of golfers blocked that environmentally sound idea.

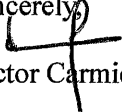
Before the Coastal Commission is an application to legalize this stretch of shoreline armoring by approving a Coastal Development Plan (CDP). The Commission has gone on record in taking the environmentally sound position of opposing further beach armoring along the California coast. Such practices are well known to destroys beaches and coastal habitats – and are nearly always prove futile. Movement of the endangered structures, 'managed retreat', is the only sensible long term solution. But of course that is easier said than done. Even as 'managed retreat' makes sense in theory, in practice it is difficult. Family homes are often involved or multi-million dollar public structures. It puts the Coastal Commission between 'a rock(s) and a hard place'. This was an acknowledged dilemma before the specter emerged of climate change induced global sea level rise. No longer do we face just the ongoing geologic interaction between oceans and land masses, now the problem has been immeasurably amplified by climate change induced SLR.

Yet sometimes doing the right thing is easier than other times. And happily that is the case here. This is not a situation between either somehow forcing homeowners to move their homes inland or else ill advisedly approving more armoring. This is not a private property issue. The golf course that is now in harms way is publicly owned. Money will actually be saved if nature is allowed to take its course (another pun, sorry). The CC should not after the fact sanction a mistaken policy. If the existing berm is officially sanctioned, the next step will no doubt be a call for expensive enhancement.

Studies have shown that restoration of the area to pre-golf course state would be the environmentally sound solution. It could be accomplished by allowing for modest flood defenses near the homes to the southeast and northeast of the golf course. Without an artificial berm the beaches natural sand berm would reform (see Rodeo Beach in Marin). A natural sand berm would allow some overtopping during storms and high tides/large swells but now that overtopping would flow into a now larger body of water as once existed. A rebuilt berm will eventually fail as SLT becomes more pronounced (new studies are making ever more dire predictions as more polar ice melts). When the artificial berm is overtopped there were only be the relatively flat terrain of the golf course and flooding of the homes will be more severe. So the artificial berm could paradoxically make matters worse.

This is a prime opportunity for the Coastal Commission to stand for what the science says is right and not bow to political pressure. Please do not approve a CDP for shoreline armoring to protect a poorly placed golf course.

Sincerely,


Victor Carmichael

2-17-0702
Correspondence
Page 76 of 136

From: stan_zeavin
To: Rexing.Stephanie@Coastal
Cc: Cavalieri.Madeline@Coastal; Carl.Dan@Coastal
Subject: Sharp Park seawall at golf course
Date: Thursday, February 21, 2013 1:49:24 PM
Attachments: [DSCN2547.JPG](#)
[SHARPPARKWORKINGGROUPSTATEMENTANDLISTOFFINDINGS.pdf](#)

Hi Stephanie,

Karen sent me a note last week saying that you would be our new CCC planner. Welcome to the San Mateo Coast and, particularly, to Pacifica! I had hoped to meet you under more relaxed circumstances, but yesterday a friend sent me a notice about the signs at Sharp Park Golf Course announcing closure of the seawall for "repair" this weekend. The phone number listed is for SFRPD golf manager Steve Castillo, who has not returned my call requesting information about the work to be done.

Surfrider called the number on the attached photo and was told that the City will be regrading the top surface with some sort of red rock substance. It is unclear how this might affect the sea wall structure in the long term, and we do not know if they conducted any CEQA review before initiating this project. Has SFRPD applied for a permit from the CCC?

In the past, seawall "repair" has meant boulders placed on the sand at the foot of the berm, so I am concerned about the project, the extremely short notice, and the effect on the beach. Only the middle section of the berm has not been armored to date, and that is where the ocean has eroded a small section on the seaward side.

The second attached document contains the conclusions of the joint working group concerning the eventual fate of the golf course. The action planned for this weekend seems to contradict the agreement reached over a year ago. As Pacificans, we wish to be able to keep a beach at Sharp Park as long as possible.

Thank you for being responsive to our concerns,
(And welcome to Pacifica!)

Margaret Goodale
Pacifica resident

SHARP PARK WORKING GROUP STATEMENT AND LIST OF FINDINGS

Sharp Park is a 417-acre multiple use facility owned and maintained by the San Francisco Recreation and Parks Department, located in the City of Pacifica, San Mateo County within the boundary of Golden Gate National Recreation Area. In the 1920's, a golf course was built on the western side of Sharp Park around the wetland complex, Laguna Salada. As late as the 1970's, the San Francisco Garter Snake and the California Red-legged Frog were abundant on the property. However, for the last 30 years, the population has been endangered and threatened, respectively. Multiple reports from the United States Fish and Wildlife Service and San Francisco Recreation and Park Department have pointed to the short-term need to restore Laguna Salada.

After the conclusion of 2010's summer public process, the San Francisco Recreation and Park Department convened a working group of land managers with interest in the property: Dave Holland (San Mateo County), Steve Rhodes (City of Pacifica), Dawn Kamalanathan (San Francisco Recreation and Park Department), and Amy Meyer (Facilitator). Senior Staff of the Golden Gate National Recreation Area also participated in the working group.

The working group engaged in research, site visits, and guest speakers to determine the following:

According to the US Geological Survey, beach erosion dominates the coast in northern San Mateo County from Daly City to Pt. San Pedro, with over 98% of the shoreline eroding over the last several decades: the rate (0.6 m/yr) has increased by 50% over the long-term average (Dallas and Barnard, 2011). This erosion is linked, in part, to a sharp reduction in the sediment supply from San Francisco Bay over the last century. Looking ahead, by 2100 we can expect global sea level to rise by 0.6m to 2.0 m (Rahmstorf, 2007; Pfeffer et al., 2008; Jevrejeva et al., 2010). In addition, there is an observed increase in the size of the storm waves striking this region (Allan and Komar, 2006). Further sediment supply reductions, accelerated sea level rise and more powerful storm waves combined will put increasing stress on beaches and adjacent ecosystems, likely accelerating coastal erosion rates over the coming decades.

All working group members agree that the recovery of the San Francisco Garter Snake is a top priority. Thus, the working group agrees the next short term step is the restoration of Laguna Salada. Restoration of Laguna Salada will provide three times the current habitat by removing built up sedimentation, creating critical but missing upland habitat, and forming a connecting channel to Mori Point by moving Hole 12. A positive identification of SFGS would mean success of the short term goal and a United States Fish and Wildlife Service goal over two decades in the making.

As a long term goal, the working group finds a naturally managed system is the most sustainable approach to manage the property's coastal acreage. To this end, the seawall should not be further armored or heightened. A technical study by the various land owners and regulators, taking into account sea level rise, is recommended to continue to explore feasible transitions into a naturally managed "barrier lagoon" without undue risk to the protected species, adjacent property, and human life. This longer term goal will minimize management costs while creating a more naturally sustainable system for the protected species.

These habitat enhancements and golf could be compatible.

Findings:

- a) The most valuable habitat and breeding opportunities of San Francisco Garter Snake and California Red-legged Frog are concentrated around Laguna Salada and Horse Stable Pond. Habitat for the California Red-legged Frog continues to rapidly degrade at Laguna Salada and Horse Stable Pond where cattails and tules are replacing the open water habitat the frog depends upon for breeding.
- b) The San Francisco Garter Snake is endangered. The California Red-legged frog is threatened.
- c) San Francisco Garter Snakes have been subject to human, hawk, dog, cat and other predation.
- d) Annual flooding of fresh water from the hills is captured in the golf course. Historically, the water was discharged into the ocean.
- e) Sharp Park is a managed environmental system which includes seasonal pumping of Laguna Salada to control peak winter flooding. The pumping system is located at Horse Stable Pond.
- f) In 2005, United States Fish and Wildlife Service sent a letter to Recreation and Park Department recording stranded California Red-legged Frog egg masses at Horse Stable Pond. The Department instituted a new pumping protocol and has not received further notice of violation from United States Fish and Wildlife Service.
- g) Maintaining the existence of the seawall will continue to accelerate beachfront erosion, changing the natural beach profile.
- h) With consideration of the needs for sustainable species habitat and the more natural function of a barrier beach and lagoon system, the golf course could be redesigned to coexist with viable populations of sensitive species in the long term.
- i) Winter flooding regularly occurs now in the residential area north of the golf course from a combination of water from the hills captured by the golf course and sea water. If the golf course is redesigned to support a more naturally functioning barrier beach and lagoon system, it must provide a solution to periodic flooding of the residential area.
- j) If the decision is made to support a more naturally functioning barrier beach and lagoon system and golf remains a use on the property, design costs and future maintenance need to be addressed within a sustainable management plan.
- k) The short term and long term management plans must be integrated and funded for a design that progressively moves from solving short-term problems to a long-term sustainable management program.

USGS quote courtesy of Patrick Barnard (USGS in Santa Cruz). Mr. Barnard's area of expertise is coastal resources.

Literature Cited:

Allan, J.C. and Komar, P.D., 2006. Climate controls on US West Coast erosion processes. *Journal of Coastal Research*, v. 22, no. 3, p. 511-529
Dallas, K.L., Barnard, P.L., Anthropogenic influences on shoreline and nearshore evolution in the San Francisco Bay coastal system, *Estuarine, Coastal and Shelf Science* (2011), doi:10.1016/j.ecss.2010.12.031

Jevrejeva, S., J. C. Moore, and A. Grinsted (2010), How will sea level respond to changes in natural and anthropogenic forcings by 2100?, *Geophys. Res. Lett.*, 37, L07703, doi:10.1029/2010GL042947.

Pfeffer, W.T., Harper, J.T. and O'Neel, S., 2008. Kinematic constraints on glacier contributions to 21st-century sea-level rise. *Science*, 331, p. 1340-1243

Rahmstorf, S., 2007. A semi-empirical approach to projecting future sea-level rise. *Science*. Volume 315, p. 368-370

From: stan_zeavin
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal)
Subject: RE: Sharp Park seawall at golf course
Date: Friday, February 22, 2013 3:50:03 PM
Attachments: [20100203_DSCN3428.JPG](#)

Stephanie,

My worry is that the huge stockpile of boulders currently sitting just south of the golf course entrance will get put to use on the beach.

Having captured a virus on my flight home Tuesday, my hope to photograph the present extent of the armoring has become impossible. I'm trying to find someone else to go there to document this afternoon. The attached photo was taken in January 2010.

Margaret

--- On **Fri, 2/22/13, Rexing, Stephanie@Coastal**
<Stephanie.Rexing@coastal.ca.gov> wrote:

From: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>
Subject: RE: Sharp Park seawall at golf course
To: "'stan zeavin'" <margstan@sbcglobal.net>
Date: Friday, February 22, 2013, 3:36 PM

Thanks for the information, Margaret. We are going to look into this, and I'm sure we'll be hearing a lot from each other in the near future!

Stephanie R. Rexing

Coastal Planner

California Coastal Commission

831.427.4865 (Santa Cruz)

415.597.5894 (San Francisco)

From: stan zeavin [<mailto:margstan@sbcglobal.net>]
Sent: Thursday, February 21, 2013 1:49 PM
To: Rexing, Stephanie@Coastal
Cc: Cavalieri, Madeline@Coastal; Carl, Dan@Coastal
Subject: Sharp Park seawall at golf course

Hi Stephanie,

Karen sent me a note last week saying that you would be our new CCC planner. Welcome to the San Mateo Coast and, particularly, to Pacifica! I had hoped to meet you under more relaxed circumstances, but yesterday a friend sent me a notice about the signs at Sharp Park Golf Course announcing closure of the seawall for "repair" this weekend. The phone number listed is for SFRPD golf manager Steve

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Surfrider called the number on the attached photo and was told that the City will be regrading the top surface with some sort of red rock substance. It is unclear how this might affect the sea wall structure in the long term, and we do not know if they conducted any CEQA review before initiating this project. Has SFRPD applied for a permit from the CCC?

In the past, seawall "repair" has meant boulders placed on the sand at the foot of the berm, so I am concerned about the project, the extremely short notice, and the effect on the beach. Only the middle section of the berm has not been armored to date, and that is where the ocean has eroded a small section on the seaward side.

The second attached document contains the conclusions of the joint working group concerning the eventual fate of the golf course. The action planned for this weekend seems to contradict the agreement reached over a year ago. As Pacificans, we wish to be able to keep a beach at Sharp Park as long as possible.

Thank you for being responsive to our concerns,
(And welcome to Pacifica!)

Margaret Goodale
Pacifica resident

From: [stan zeavin](#)
To: [Rexing, Stephanie@Coastal](#); [Carl, Dan@Coastal](#); [Cavalieri, Madeline@Coastal](#)
Cc: [peter baye](#); [Bob Battalio](#); [lazar keitelman](#); [mary keitelman](#); [brent plater](#)
Subject: armoring Golf course
Date: Saturday, February 23, 2013 9:32:42 PM
Attachments: [Picture 1.png](#)
[Picture 2.png](#)
[Picture 3.png](#)
[Picture 4.png](#)
[Picture 5.png](#)
[Picture 6.png](#)

Stephanie,

Here are a couple of photos of today's activity at the beach.
Two friends documented the armoring. There are many more photos, including yesterday's preparation. These are simply screen shots of their photobucket displays.

What can be done??? Is this legal???

Slowly over the past few years the riprap has extended south from the north end and north from the south end of the berm. Eventually, the entire 3,200 feet will be riprap.

HELP!!! Please!
Margaret Goodale

From: stan_zeavin
To: Rexing.Stephanie@Coastal
Subject: Fw: Sharp Park weekend boulder placing
Date: Monday, February 25, 2013 10:54:14 AM
Attachments: [CCC, USACOE letter mg.doc](#)

Hi Stephanie,

Here is the letter I sent this morning to all listed below, FYI.

Stan and I would like to invite you here for breakfast in the near future to show you around and give you our take on some of the issues Pacifica faces. Our snakes and frogs and butterflies and birds are dear to me.

Please let me know if there is a convenient day for you, and we can arrange around your schedule. (And Stan asks, is there anything you do not eat??)

Margaret

From: stan zeavin <margstan@sbcglobal.net>
Subject: Sharp Park weekend boulder placing
To: Dan.Carl@coastal.ca.gov, jane.m.hicks@usace.army.mil
Cc: "brent plater" <bplater@wildequity.org>, "neal desai" <ndesai@npca.org>, "Arthur Feinstein" <arthurfeinstein@earthlink.net>, ahowe@surfrider.org, "Jennifer Rycenga" <gyrrlfalcon@earthlink.net>, pkeel@parks.ca.gov, dyercrouch@yahoo.com, noelblincoe@msn.com, "mary keitelman" <mkeitelman@hotmail.com>, "lazar keitelman" <keitelm@comcast.net>
Date: Monday, February 25, 2013, 9:31 AM

Mr. Carl and Ms. Hicks,

Please see the attached letter and photos for details on this past weekend's work at Sharp Park beach in Pacifica.

Thank you,

Margaret Goodale
Pacifica resident

Dan Carl, Deputy Director
California Coastal Commission, North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Dan.Carl@coastal.ca.gov

Jane Hicks, Chief, Regulatory Division
U.S. Army Corps of Engineers, San Francisco District,
1455 Market Street
San Francisco, CA 94103-1398
jane.m.hicks@usace.army.mil

February 25, 2013

SUBJECT: Report of unauthorized beach fill: new placement of boulder armoring at Sharp Park, Pacifica unarmored beach segments (San Mateo County) February 23-24, 2013; request for Cease and Desist order, compliance inspection

Dear Mr. Carl and Ms. Hicks,

I am writing to report what appears to be a violation within your jurisdiction that has continued through the weekend. The violation is the placing of new boulders on a section of the berm that was not armored at Sharp Park Beach in Pacifica. The sign in Attachment A appeared west of the Sharp Park Golf Course early last week announcing closure of the "seawall" for "renovation" this weekend. No information about permits required or approved or exemptions was included. "Renovation" was not defined. The information number listed was for San Francisco Recreation and Parks Department golf manager Steve Castillo, who late Thursday returned my call and left a message that the "seawall" was being regraded with a red rock gravel.

This letter is a request that you immediately issue a Cease and Desist order to stop further new armoring with boulders on the beach. The current activity is not routine maintenance and certainly should not be exempted as emergency erosion repair. My request follows informal reports sent to Stephanie Rexing at the Coastal Commission through Saturday, February 23, 2013.

Some information about the "seawall." It is actually an unengineered berm or dike separating the beach from the Sharp Park golf course, which is owned and maintained by San Francisco. Walkers and bikers use the berm as a public trail between Mori Point and Clarendon Avenue. SFRPD uses the berm for trucks driving to the pump house at Horse Stable Pond. I do not know whether it is owned by the City of San Francisco, or the City of Pacifica or California State Parks which presumably owns the beach.

On Saturday, February 23, 2013, Pacificans reported new boulders being placed as armor along the beach at the edge of the earthen berm. Photographs of the new work on Saturday are attached (Attachment B).

Quarry rock boulders appear to be placed directly on the sand to armor those areas along the berm where erosion has occurred due to high tide or storm waves which occasionally wash over the berm. This past January during the high tides with only the mildest surf, waves ran up to the foot of the berm and deposited wrack. The photo showing vertical cuts at the edge of the berm also shows edges of native dune beach burr that were disturbed by the digging.

The far north and south ends of the berm have been armored piecemeal over the past several years, but the section where boulders were placed this weekend were not armored previously. How much beach fill will be incorporated with the current boulders is not known.

The sign (Attachment A) gave no public notice of either CEQA or NEPA exclusions or exemptions. Nothing else was posted about the "renovation."

Pacificans are very concerned about the unauthorized placing of large boulders along our coast because so much of our beach and shore has been armored illegally over the past several years. Our beaches have washed away and public access has been reduced without public notice or review or normal permits. Permits issued after work was completed or for emergencies along our mostly developed coast have seriously reduced shore access as well as beach habitat. With sea level rise, Sharp Park Beach may be the only viable beach left in Pacifica in the future.

The weekend's new beach armoring requires complete public process and agency compliance review. Please do not issue an after-the-fact permit and thus reward the weekend's cynical disregard of permit and public review processes. There was no emergency.

Thank you for your prompt consideration and action,

Sincerely,

Margaret Goodale
1135 Palou Drive
Pacifica CA 94044
650-355-9654

cc. Wild Equity
Surfrider

Sierra Club
National Parks Conservancy
Pacifica Shorebird Alliance
Audubon
California State Parks

Attachment A: photo of notice of “renovation” by San Francisco Recreation and Parks Department placed on the Sharp Park Beach promenade.



Attachment B: photographs of new boulder placement in Sharp Park Beach aligned with the seaward toe of the earthen berm.







From: [Neal Desai](#)
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal)
Subject: Request to issue CDO on Sharp Park seawall
Date: Wednesday, February 27, 2013 12:36:07 PM

Stephanie,

Got your message and then saw this newsclip. It's now Wednesday and the RecPark Dept has been doing all this w/o any permit. I would urge a Cease and Desist Order immediately. I am concerned that no permit exists and waiting to talk to RPD doesn't change that. Thoughts?

Thanks,
Neal

From: stan zeavin [mailto:margstan@sbcglobal.net]
Sent: Wednesday, February 27, 2013 01:44 PM Eastern Standard Time
To: peter baye <baye@earthlink.net>; brent plater <bplater@wildequity.org>; Angela Howe <ahowe@surfrider.org>; Arthur Feinstein <arthurfeinstein@earthlink.net>; Bob Battalio <bobbssurf@sbcglobal.net>; lazar keitelman <keitelm@comcast.net>; mary keitelman <mkeitelman@hotmail.com>; Neal Desai; stephanie.rexing@coastal.ca.gov <stephanie.rexing@coastal.ca.gov>
Subject: Tribune article today

http://www.mercurynews.com/pacifica/ci_22674480/seawall-gets-needed-maintenance

Margaret

From: [Bill McLaughlin](#)
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal)
Subject: New Armoring at Sharp Park
Date: Wednesday, February 27, 2013 12:49:52 PM

Hi Stephanie,

I would like to introduce myself. I work for the San Francisco Chapter of the Surfrider Foundation. We are heavily involved in beach preservation efforts in San Francisco and the nearby communities of Daly City and Pacifica.

The other day we heard about some new armor being added to the beach fronting the Sharp Park Golf Course. We are extremely concerned that this work may not have been permitted by the Coastal Commission. If this is such the case, we think the Commission should immediately issue a cease and desist order to the offending agency and have said agency remove the quarry stone.

Thank you!

Respectfully,

Bill McLaughlin
Surfrider Foundation, San Francisco Chapter
Erosion Committee Project Manager
415-225-4083
<http://www.sloaterosionob.blogspot.com>

From: [Neal Desai](#)
To: [Rexing, Stephanie@Coastal](#); [Ginsberg, Jo@Coastal](#)
Subject: additional contact info for RPD for sharp park seawall
Date: Wednesday, February 27, 2013 1:49:26 PM

Below is info on Phil Ginsburg. As I mentioned to Stephanie, we are concerned that the actions are unpermitted (illegal) and may be continuing. We would hope CCC would get the City to voluntarily Cease and Desist or issue a CDO immediately. Please note that some folks in the City that you may talk to are more political than substance and so we would be concerned if they gave CCC the run around/delay rather than voluntarily stopping. Otherwise, we believe a CDO is warranted immediately, and I hope enforcement would facilitate the removal of the unauthorized development that took place and may still be taking place.

Thanks for all your good work, and please be in touch,
Neal

Phil Ginsburg
General Manager

San Francisco Recreation and Park Department | City & County of San Francisco
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

(415) 831-2701 | phil.ginsburg@sfgov.org

From: [Neal Desai](#)
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal); [Ginsberg, Jo@Coastal](mailto:Ginsberg.Jo@Coastal)
Subject: RE: additional contact info for RPD for sharp park seawall
Date: Wednesday, February 27, 2013 4:03:01 PM

Ps received a call back from ACE who said they spoke to Lisa Wayne and after that call, ACE determined that this was an issue for CCC jurisdiction and not ACE. here is Lisa's info if you don't have it.

Lisa Wayne
San Francisco Recreation and Park Department
415-831-6326

From: Neal Desai
Sent: Wednesday, February 27, 2013 1:50 PM
To: stephanie.rexing@coastal.ca.gov; jginsberg@coastal.ca.gov
Subject: additional contact info for RPD for sharp park seawall

Below is info on Phil Ginsburg. As I mentioned to Stephanie, we are concerned that the actions are unpermitted (illegal) and may be continuing. We would hope CCC would get the City to voluntarily Cease and Desist or issue a CDO immediately. Please note that some folks in the City that you may talk to are more political than substance and so we would be concerned if they gave CCC the run around/delay rather than voluntarily stopping. Otherwise, we believe a CDO is warranted immediately, and I hope enforcement would facilitate the removal of the unauthorized development that took place and may still be taking place.

Thanks for all your good work, and please be in touch,
Neal

Phil Ginsburg
General Manager

San Francisco Recreation and Park Department | City & County of San Francisco
McLaren Lodge in Golden Gate Park | 501 Stanyan Street | San Francisco, CA | 94117

(415) 831-2701 | phil.ginsburg@sfgov.org

From: [mary keitelman](#)
To: [Stan Zeavin](#); [Peter Baye](#); [Brent Plater](#); [ahowe@surfrider.org](#); [Arthur Feinstein](#); [bobbssurf@sbcglobal.net](#); [Lazar Keitelman](#); [Neal Desai](#); [Rexing, Stephanie@Coastal](#)
Subject: RE: Tribune article today
Date: Wednesday, February 27, 2013 6:35:44 PM

the author is someone whose mudslinging I have had to rebut.

I'll take a hack at a new article - and we'll get it in various pubs -- including:

Peninsula Progress -- as a new story, not a rebuttal
tribune - reframing/rebuttal
sj merc news
there are a couple smc dailies

Date: Wed, 27 Feb 2013 10:44:13 -0800
From: margstan@sbcglobal.net
Subject: Tribune article today
To: baye@earthlink.net; bplater@wildequity.org; ahowe@surfrider.org; arthurfeinstein@earthlink.net; bobbssurf@sbcglobal.net; keitelm@comcast.net; mkeitelman@hotmail.com; ndesai@npca.org; stephanie.rexing@coastal.ca.gov

http://www.mercurynews.com/pacifica/ci_22674480/seawall-gets-needed-maintenance

Margaret

From: [Neal Desai](#)
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal)
Subject: RPD new armoring, not maintenance
Date: Wednesday, February 27, 2013 7:03:37 PM
Attachments: [Picture 3 rock pike golf course entrance.png](#)
[Picture 6 loading rock into SFRPD truck.png](#)
[Picture 11 dumping rock on berm.png](#)
[Picture 12 rock on berm.png](#)
[Picture 13.png](#)
[Picture 15 .png](#)
[Picture 16 placing rock at berm toe.png](#)

Stephanie,

Wanted you to see these as well, which were sent to me by Lazar – they are putting new armoring materials and boulders in places previously without it, and you’ve seen the other photos. RPD has told ACE they were doing “maintenance” but this doesn’t meet the test.

Thanks,
Neal

From: [Neal Desai](#)
To: [Ginsberg, Jo@Coastal](#); [Rexing, Stephanie@Coastal](#)
Subject: FW: RPD new armoring, not maintenance
Date: Wednesday, February 27, 2013 7:25:39 PM
Attachments: [Picture 3 rock pike golf course entrance.png](#)
[Picture 6 loading rock into SFRPD truck.png](#)
[Picture 11 dumping rock on berm.png](#)
[Picture 12 rock on berm.png](#)
[Picture 13.png](#)
[Picture 15 .png](#)
[Picture 16 placing rock at berm toe.png](#)

Forgot to add enforcement staff (ie jo). Jo, could you please call me at either #s below? If action was taken today, please do update us on it.

It is clear to many of us that there is no permit, and the activities consist of new armoring. The permit record and photo record we've all had for a few days confirm this. It seems there may be potential RPD stall tactics occurring, and no different than those up at Pt Reyes, where the strategy is to confuse and delay. We urge the CCC to not succumb to these RPD delays and take enforcement action immediately based on the record before you.

Thanks for your review of this info and request,
Neal

=====

Neal Desai
Associate Director, Pacific Region

National Parks Conservation Association
Protecting Our National Parks for Future Generations
150 Post Street, Suite 310
San Francisco, CA 94108
P> 415.989.9925 * **note new number**
C> 510.368.0845
F> 415.989.9926
E> ndesai@npca.org
W> www.npca.org

From: Neal Desai
Sent: Wednesday, February 27, 2013 7:00 PM
To: stephanie.rexing@coastal.ca.gov
Subject: RPD new armoring, not maintenance

Stephanie,

Wanted you to see these as well, which were sent to me by Lazar – they are putting new armoring materials and boulders in places previously without it, and you've seen the other photos. RPD has told ACE they were doing "maintenance" but this doesn't meet the test.

From: [stan zeavin](#)
To: [Rexing, Stephanie@Coastal](#); [Carl, Dan@Coastal](#)
Subject: Sharp Park berm pictures
Date: Thursday, February 28, 2013 4:07:18 PM
Attachments: [Picture 3 rock pile golf course entrance.png](#)
[Picture 6 loading rock into SFRPD truck.png](#)
[Picture 11 dumping rock on berm.png](#)
[Picture 12 rock on berm.png](#)
[Picture 13.png](#)
[Picture 15 .png](#)
[Picture 16 placing rock at berm toe.png](#)

Stephanie,

The attached were taken Saturday morning by Lazar Keitelman. These are screen shots of the photobucket originals. There are also three more batches taken Sunday morning, Sunday afternoon and Monday about noon taken by different people. I'll send each group separately.

Margaret

From: [stan zeavin](#)
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal)
Subject: Sharp Park berm Sunday morning
Date: Thursday, February 28, 2013 4:30:25 PM
Attachments: [P1010239 new rck, fill, n end boulder lne.png](#)
[P1010275 new rock, fill, dump truck.png](#)
[P1010279 detail new rock&fill.png](#)
[Picture 23 berm top, new abuts old at n. end.png](#)
[P1010147 scraped edge.png](#)
[P1010147 scraped edge.png](#)

Sunday morning, taken by Mary Keitelman
P1010147 was actually taken Saturday. I just missed it with the first batch.
MG

From: stan_zeavin
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal); [Carl, Dan@Coastal](mailto:Carl.Dan@Coastal)
Subject: Sharp Park berm, Monday noon
Date: Thursday, February 28, 2013 5:06:36 PM
Attachments: [DSCN2554.JPG edge of new dirt.JPG](#)
[DSCN2555.JPG fill at sw corner.JPG](#)
[DSCN2556.JPG edge of 2" fill.JPG](#)
[DSCN2558 2.JPG from Mori Pt. Rd..JPG](#)

Only the south end of the berm was checked since the equipment was there. The fill was on top of the berm and had been graded to match the surrounding at both ends. Fill at the southeast corner was about two feet deep. Photos by Stan Zeavin.

Far below the boulders visible in 2554 is the very large armored area around the pumping outfall.

The article in the newspaper quoted 50 tons of chert added according to Ana Alvarez of the SFRPD. That seems a lot of rock. All pictures taken were basically snapshots at different discrete times during the weekend.

Thank you for caring for our coast!

Margaret Goodale



March 3, 2013

Joanne Ginsberg
Enforcement Analyst
California Coastal Commission
VIA EMAIL jo.ginsberg@coastal.ca.gov

Re: Seawall Renovation at Sharp Park

Dear Ms. Ginsberg:

Surfrider Foundation is a non-profit 501 (c) (3) organization that is dedicated to the protection and enjoyment of oceans, waves and beaches through a powerful activists network. Surfrider Foundation San Francisco Chapter has been actively involved in the campaign to Restore Sharp Park. The Chapter has been especially engaged on coastal management issues, such as the future management of the seawall and the seawall's effect on coastal resources in this area.

According to the October 2, 2012 Biological Opinion of the U.S. Fish and Wildlife Service regarding Formal Endangered Species Consultation on the Sharp Park Safety, Infrastructure Improvement, and Habitat Enhancement Project in San Mateo County, California:

"During and following completion of the Project, the SFRPD shall maintain and keep in good repair the sea wall road, which provides the only vehicle access for maintenance activities as described above. Maintenance of the roadway on the sea wall is expected to include filling ruts in the surface with aggregate or comparable materials and repairing drainage issues by outsloping the roadbed. The SFRPD does not anticipate hardening or further armoring of the sides of the sea wall." (at p.CCSF100655, emphasis added)

Surfrider Foundation and the public at large have been under the impression that no major construction, including expansion or further armoring, would take place on the Sharp Park seawall. However, due to the renovation of the seawall on February 23 through February 25, 2013, it appears as though the City authorized the expansion of the seawall outside of and in addition to the original building envelop. The local newspaper reported that 75 tons of "chert" rock was used on the seawall, and the attached pictures show what appear to be new armoring at the site. This type of work exceeds any reasonable definition of "maintenance". "Maintenance" excludes new work or changes in the original extent or fill of design. It appears that new boulders were placed on the beach-side of the seawall at Sharp Park where none had been previously located. This type of beach armoring requires a permit procedure with formal agency evaluation, as well as public notice and comment period.

The Surfrider Foundation asks for the California Coastal Commission to do a full investigation of this issue to determine if unpermitted development did occur on this site. If so, we ask that the Coastal Commission require a permit for such work and afford the public their right to comment on this important issue.

Sincerely,

/s/

Angela T. Howe, Esq.

Legal Director

Surfrider Foundation

encl

From: stan_zeavin
To: Rexing_Stephanie@Coastal
Subject: Sharp Park berm
Date: Wednesday, March 06, 2013 3:10:56 PM
Attachments: [20121203DSC_0024_2.JPG](#)
[20121203 DSC_0025.JPG](#)
[20121203 DSC_0026.JPG](#)

Hi Stephanie,

These photos were taken in this past December. They show the berm as it was just three months ago as seen from Mori Point. The erosion gullies are clearly from poor drainage and runoff from the hard surface at the top and not from waves washing out the bottom. The perennial vegetation along the dunes that have piled up against the berm has had a few years to establish.

There was no need to place boulders. The current armoring is not merely maintenance.

Separately I'm sending photos taken Sunday, Feb 24 which show distinctly the original berm line.

Margaret

--- On **Sun, 3/3/13**, **stan zeavin <margstan@sbcglobal.net>** wrote:

From: stan zeavin <margstan@sbcglobal.net>
Subject: Re: meeting CCC tomorrow morning at 930am at Sharp Park seawall - interested in joining?
To: "Brent Plater" <bplater@wildequity.org>, "Bethe Battalio" <bobbssurf@sbcglobal.net>, "Laura Horton (lhorton@wildequity.org)" <lhorton@wildequity.org>, "Arthur Feinstein" <arthurfeinstein@earthlink.net>, "Angela Howe" <ahowe@surfrider.org>, "Bill McLaughlin" <local415@gmail.com>, "lazar keitelman" <keitelm@comcast.net>, "mary keitelman" <mkeitelman@hotmail.com>, "baye@earthlink.net" <baye@earthlink.net>, "Neal Desai" <ndesai@npca.org>
Date: Sunday, March 3, 2013, 7:52 PM

The three photos attached were taken from Mori Point on December 3, 2012. They are large files for as much detail as possible.

Margaret

--- On **Sun, 3/3/13**, **Neal Desai <ndesai@npca.org>** wrote:

From: Neal Desai <ndesai@npca.org>
Subject: meeting CCC tomorrow morning at 930am at Sharp Park seawall - interested in joining?
To: "Brent Plater" <bplater@wildequity.org>, "Bethe Battalio" <bobbssurf@sbcglobal.net>, "Laura Horton (lhorton@wildequity.org)" <lhorton@wildequity.org>, "stan zeavin" <margstan@sbcglobal.net>, "Arthur Feinstein" <arthurfeinstein@earthlink.net>, "Angela Howe" <ahowe@surfrider.org>, "Bill McLaughlin" <local415@gmail.com>, "lazar keitelman" <keitelm@comcast.net>, "mary keitelman" <mkeitelman@hotmail.com>, "baye@earthlink.net" <baye@earthlink.net>

Date: Sunday, March 3, 2013, 5:58 PM

I have yet to get a confirmation back from CCC, but I plan to spend 15 mins or so with CCC staff tomorrow morning at Sharp Park seawall after they meet with RPD. The goal will be to explain that there is a violation (regardless if the size of the new armoring is not extensive) and the CCC must document in writing this unpermitted development. This will also be the opportunity to express concern for the actions RPD is taking that don't comply with their own policy (SF working group decision to not armor seawall) and that don't comply with law/regulations (armoring seawall without seeking approval from CCC).

If 1 or 2 of you have any interest in joining me for this short visit, please let me know (this doesn't require a bunch of folks). Thanks,

Neal
510-368-0845

From: [stan zeavin](#)
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal)
Subject: Sunday, Feb 24 photos
Date: Wednesday, March 06, 2013 3:28:23 PM
Attachments: [20130224_0496.2.jpg_no_most_2_fills.jpg](#)
[20130224_0500.2.jpg_bolder_lne.jpg](#)
[20130224_0511.2.jpg_n_most_fill.jpg](#)
[P1010240_new_boulder_line_cf_1010098.png](#)
[P1010244_new_rock_fill.png](#)
[P1010275_new_rock_fill_dump_truck.png](#)

Here are some very clear images taken Sunday morning (P series from Mary) and afternoon (20130224 series from Paul).

Forgive me if I have already sent you some of these. They just seem so outrageously blatant, I can't resist!

Margaret

From: stan_zeavin
To: Rexing_Stephanie@Coastal
Subject: Monday, Mar 4 photos
Date: Wednesday, March 06, 2013 4:22:01 PM
Attachments: [DSC_0005 berm extended onto beach sand .jpg](#)
[DSCN2565berm extended.cf 2576.jpg](#)
[DSCN2566changed berm edge.jpg](#)
[DSCN2567boulder beyond berm.jpg](#)
[DSCN2572boulder beyond berm edge.jpg](#)
[DSCN2573boulder beyond berm.sand moved.jpg](#)

My photos from Monday show clearly the berm being extended beyond its original footprint. I also walked along the beach and took pictures looking up at places where the edge of the berm had been leveled and pushed out onto the sand below, widening the berm incrementally toward the south end. A couple of bigger gullies remain as yet unfilled farther to the south. And soil at least two feet deep has been added on top of the road above the armoring around the pump outflow.

And I should have explained better about the December pictures. A friend reminded me that the v-shaped gullies all had fans of dirt below them on the sand washed down by the drainage from above. The new boulders at the bottom will do nothing to keep the new fill from washing out as soon as there is enough rain.

If there is anything I can help with, please let me know. (The camera goes everywhere with me!) Thanks so much for coming out on Monday. And thanks, too, to Jo.

Cheers,
Margaret



March 12, 2013

Jo Ginsburg
Enforcement Analyst
California Coastal Commission
VIA EMAIL jo.ginsberg@coastal.ca.gov

Dan Carl
District Director
California Coastal Commission
VIA EMAIL dan.carl@coastal.ca.gov

Re: Follow Up on Seawall Renovation at Sharp Park

Dear Ms. Gingsburg and Mr. Carl:

I am writing this letter in follow up to Surfrider Foundation's March 3, 2013 letter to you regarding the status of the Seawall Renovation and required permitting at Sharp Park. As you know, there was seemingly substantial construction and addition to the seawall in late February. Surfrider Foundation and the public at large have been under the impression that no major construction, including expansion or further armoring, would take place on the Sharp Park seawall.

In response to our March 3, 2013 letter requesting that the California Coastal Commission investigate this issue to determine if unpermitted development did occur on this site and, if so, to require a permit for such; your office replied that you were actively looking into the matter and hoped to conclude in the near term. We ask that you make a decision on the potential permitting of the matter as soon as possible and also share a timeline for future actions related to the case. We await official notification of the decision and a determination on any unauthorized activities.

Thank you for your assistance in this matter.

Sincerely,
/s/
Angela T. Howe, Esq.
Legal Director
Surfrider Foundation



April 16, 2013

Stephanie Rexing
Coastal Planner
California Coastal Commission
VIA EMAIL stephanie.rexing@coastal.ca.gov

Jo Ginsberg
Enforcement Analyst
California Coastal Commission
VIA EMAIL jo.ginsberg@coastal.ca.gov

Re: Seawall Renovation at Sharp Park and After-the-Fact Permit Application

Dear Ms. Rexing and Ms. Ginsberg:

Surfrider Foundation submits this current letter in continued correspondence regarding the status of the seawall renovation and required permitting at Sharp Park. Surfrider Foundation is a grassroots, environmental non-profit dedicated to the protection and enjoyment of our oceans, waves and beaches. Surfrider Foundation San Francisco Chapter has been actively involved in the campaign to Restore Sharp Park. The Chapter has been especially engaged on coastal management issues, such as the future management of the seawall and the seawall's effect on coastal resources in this area. Surfrider Foundation is very concerned with the unpermitted management practices and seawall armoring that are likely harmful to the coastal environment at Sharp Park.

Sharp Park is a 417-acre stretch of coastal land in Pacifica, abutting the Pacific Ocean and part of the Golden Gate National Recreation Area ("GGNRA"). Sharp Park is home to a diverse coastal ecosystem, providing habitat for several threatened and endangered species. The current seawall was likely built up as berm construction in response to the El Nino storms of 1982. Maintenance and major construction added to the seawall affect not only the endangered species habitat but also the natural flood-protection features. A peer-reviewed scientific study illustrated that restoration of the natural lagoon and wetlands at Sharp Park will provide the most public benefit as a fiscally-responsible option that will protect against sea level rise and storm surge events and will ultimately protect endangered species.¹ The existing levee was likely built in the late 1980s and originally permitted based on unsupported assertions that there was already a berm in

¹ ESA-PWA, "Conceptual Ecosystem Restoration Plan and Feasibility Assessment: Laguna Salada,

place on the site.²

Not only were the seawall permits not requested properly by the San Francisco Recreation and Parks Department ("SFRPD") in a timely manner, the SFRPD also has failed to do a comprehensive review of the project. Evaluation of this seawall permit should include ample public notice before any permits are granted. To Surfrider's knowledge, there have been no seawall engineering design efforts or long-term planning for the seawall. The California Coastal Commission ("CCC") should require SFRPD to provide the construction and permit chronology of the berm, using (a) SFRPD records, (b) aerial photographs, (c) photographs of alleged seawall damage, and (d) other public records. The CCC should also conduct its own file review of permits, violations and after the fact permits associated with the coastal seawall, specifically relating to seawall original fill design and strategic design efforts, if any. For instance, CCC should require support for the SFRPD contention that the large rock placement in six erosion zones are located within the existing footprint of the seawall.

Because the seawall we have today was never fully anticipated or reviewed under CEQA, the recent renovation of the seawall opens the door for full environmental review that never took place. Due to this lack of project information and analysis in the first instance, we recommend and ask that the California Coastal Commission undertake a comprehensive review of the coastal seawall project. The CCC should investigate the new construction and future plans for this seawall and whether it conforms with the mandates of the California Coastal Act. The CCC should also ensure that there is investigation of project alternatives, including analysis of environmentally superior alternatives.

We ask that you share any new public information on the matter with us as soon as possible and also share a timeline for future actions related to the case, including an official determination on the after-the-fact permit.

Thank you for your assistance in this matter.

Sincerely,

/s/

Angela T. Howe, Esq.
Legal Director
Surfrider Foundation

Cc: Dan Carl
District Director
California Coastal Commission
VIA EMAIL dan.carl@coastal.ca.gov

² *Id.* at Section 4.3.2, paragraph 2 (at p. 15).



January 8, 2015

Mr. Dan Carl
Deputy Director
Central Coast/North Central Coast Districts
California Coastal Commission
VIA EMAIL TO: Dan.Carl@coastal.ca.gov

Re: San Francisco Recreation and Parks Department's Sharp Park Golf Course Seawall Coastal Development Permit (CDP) Application, No. 2-13-006

Dear Mr. Carl,

On behalf of the Surfrider Foundation's San Francisco and San Mateo County Chapters, I write to express Surfrider Foundation's concerns regarding Coastal Development Permit (CDP) Application No. 2-13-006, for the Sharp Park Golf Course Seawall, in Pacifica, CA. The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. The San Francisco and San Mateo County Chapters are two of Surfrider's 84 volunteer-driven chapters across the United States working towards this mission. As such, the Chapters engage in campaigns and programs on many issues, including coastal preservation and beach access, and have both been very engaged with respect to the San Francisco Recreation and Parks Department's ("SFRPD") activities at Sharp Park golf course.

Surfrider Foundation considers SFRPD's conduct unacceptable and implores Commission staff to act quickly with respect to SFRPD's unpermitted seawall at Sharp Park, which has serious implications on coastal preservation and public beach access.

SFRPD is violating and has been violating the Coastal Act for several years, by constructing and maintaining a rock revetment on the property (which is "development" under the Coastal Act), without a required CDP. Since at least 2013, the Surfrider Foundation has provided repeated notice to the Commission of SFRPD's violation, and in 2013, the Commission investigated and determined that a violation existed, and provided SFRPD with a deadline by which it was required to remedy the violation. Copies of said correspondence are attached here as Exhibits A through J.

To recap, Surfrider Foundation alerted Commission staff regarding the unpermitted rock revetment expansion on March 3, 2013. (See Exhibit A) Subsequently, on March 5, 2013, Commission staff provided notice that the work done at the Sharp Park seawall constitutes development which required an after-the-fact CDP, and

required that a CDP application be submitted no later than March 11, 2013. (See Exhibit B). Commission staff then sent a more detailed notice letter to SFRPD on March 11 reemphasizing the application deadline of March 11, 2013. (See Exhibit C). On March 12, 2013 and April 16, 2013, Surfrider submitted follow-up correspondence to Commission staff regarding the unpermitted seawall. (See Exhibit D). In the interim, on March 14, 2013, SFRPD submitted an incomplete application, lacking several key requirements, including a sufficient project description, project plans, a description of the project and its permitting history, and an appropriate alternatives analysis, among others. On April 12, 2013 [note the letter is incorrectly dated “2012”], Commission staff sent a letter to SFRPD notifying the Department of its incomplete application, and requiring that all additional items be submitted **no later than October 12, 2013**. (See Exhibit E). Thus, SFRPD was ***allowed a six-month extension in which to complete its after-the-fact permit*** for its unpermitted rock revetment. Staff’s April 12, 2013 letter clearly provided, “If all of the above-listed materials are not received within three months, application number 2-13-006 will be considered withdrawn.”

Despite this clear directive, SFRPD did not submit its supplementary application materials. Therefore, in accordance with staff’s April 12, 2013 letter, SFRPD’s application should have been considered withdrawn.

Therefore, when SFRPD later applied for another, different CDP to construct another project at Sharp Park, Surfrider commented on that project (in written comments submitted April 10, 2015 and oral testimony presented April 16, 2015), and again raised the fact that the applicant was already violating the Coastal Act by engaging in unpermitted development of the rock revetment. (See Exhibit F (exhibits to the letter are omitted)). In response, SFRPD finally submitted a written response to the Commission’s April 12, 2013 letter – two years later – on April 13, 2015. (See Exhibit G). And yet, despite the fact that SFRPD’s application should have been considered withdrawn, Commission staff accepted it. Moreover, SFRPD’s supplementary application materials were grossly inadequate.

Surfrider Foundation submitted another letter to Commission staff expressing its concerns regarding the application, on May 1, 2015. (See Exhibit H, for a summary of Surfrider’s concerns). Surfrider Foundation appreciates that Commission staff recognized and agreed with Surfrider’s concerns, and required SFRPD to submit all outstanding application materials; however, Surfrider was disappointed that staff allowed yet ***another six month extension*** for SFRPD to submit these materials. (See Exhibit I). Thus, at this point, SFRPD had been granted ***a two-and-a-half year extension*** in which to submit its after-the-fact CDP application materials.

And yet, SFRPD missed the new November 11, 2015 deadline. Instead, on November 6, 2015, it requested another extension, and in another disappointing decision, on November 17, 2015, Commission staff granted this extension. (See Exhibit J). As noted above, SFRPD had already been allowed two-and-a-half years beyond the initial deadline to submit its after-the-fact CDP application materials.

During two of those years, SFRPD had completely ignored its obligation to submit its application, was nonresponsive to Commission staff, and its application should have been considered withdrawn.

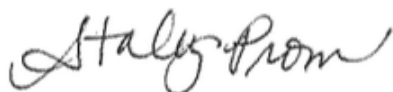
This ***additional*** six-month extension is therefore inappropriate, and contravenes the policies of the Coastal Act. Respectfully, Commission staff's continued allowance of SFRPD's ongoing Coastal Act violation, and repeated extensions, renders the Coastal Act meaningless. At this rate, it appears that staff may merely continue to grant extensions to SFRPD, and take no actions with respect to SFRPD's unpermitted rock revetment.

SFRPD has had more than a fair opportunity to submit its after-the-fact application materials, and continues to violate the Coastal Act every day that its unpermitted rock revetment remains. **This rock revetment is located in one of the most overly-armored areas along California's coastline.** As you are surely aware, coastal armoring greatly exacerbates and accelerates coastal erosion, and thereby risks reduction and total loss of the beach. Therefore, this completely contravenes the Commission's obligations to maximize natural shoreline values and public beach access. Thus, Surfrider respectfully implores you to take action, and enforce the Coastal Act against SFRPD, as Commission staff initially warned SFRPD nearly three years ago, on March 11, 2015. (*See Exhibit C*).

We assert that SFRPD must not be granted any additional extensions of any kind on this application, and that if SFRPD fails to submit all required materials by the May 11, 2016, deadline, that the Commission take enforcement action, **including requiring the removal of all unpermitted development of the revetment, and assessing penalties for each and every day that the unpermitted development has existed, which Surfrider asserts is at least prior to the Commission's initial March 5, 2013 notice, from which time SFRPD has had actual notice of its violation.**

Additionally, we request that you please respond within 30 days to inform us of Commission staff's intentions with respect to this matter and enforcement thereof. Thank you. We greatly appreciate Commission staff's attention to this important issue.

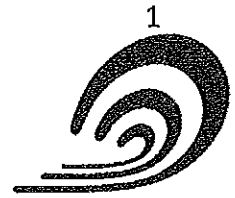
Sincerely,



Staley Prom, Esq.
Legal Associate
Surfrider Foundation

Enclosures: Exhibits A - J

cc: Dr. Charles Lester, Coastal Commission Executive Director
Ms. Kelsey Ducklow , Coastal Planner
California Coastal Commissioners



SURFRIDER
FOUNDATION

April 2015 Agenda
Meeting of April 16, 2015
Agenda Item No. 8

April 10, 2015

California Coastal Commission
c/o Ms. Stephanie Rexing
Coastal Planner
VIA EMAIL Stephanie.Rexing@Coastal.ca.gov

**Re: Comments on Sharp Park Golf Course Infrastructure Improvement Project,
Coastal Development Permit Application No. 2-12-014**

Dear Honorable Commissioners:

Surfrider Foundation is a non-profit 501(c)(3) organization that is dedicated to the protection and enjoyment of oceans, waves and beaches through a powerful activist network. Towards this mission Surfrider Foundation engages in campaigns and programs on many issues, including coastal adaptation, coastal preservation, and beach access. We submit these comments to the California Coastal Commission ("Commission") regarding Coastal Development Permit ("CDP") Application No. 2-12-014, for the Sharp Park Golf Course Infrastructure Improvement Project ("Project"), on behalf of the Surfrider Foundation's San Francisco and San Mateo County Chapters,¹ and their over 1,200 members, many of whom live near and enjoy the natural coastal resources at Sharp Park Beach.

The San Francisco chapter has been very active in the campaign to Restore Sharp Park, and particularly engaged on coastal management issues, such as the future management of the seawall in this area. Sharp Park Beach is a special place for Surfrider Foundation members, who enjoy surfing, strolling, fishing, picnicking, and more at the beach, which is the only wide stretch of accessible beach for the northern Pacifica neighborhoods of Sharp Park, Manor, and Edgemar.

- 1. The Commission Must Deny the CDP Due to the Inevitability of Coastal Hazards Including Sea Level Rise and Coastal Erosion at the Project Site, and the Project's Anticipated Aggravation of Impacts.**

¹ The Surfrider Foundation currently has 84 chapters located in the United States.

As the Staff Report for the City and County of San Francisco Recreation and Parks Department's ("Applicant") CDP application recognizes, the Coastal Act, Section 30253, requires that new development *minimize* risks to life and property in areas of high geologic, flood, and fire hazard, *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.

Meanwhile, the Commission's Draft Sea-Level Rise Policy Guidance ("Draft Guidance") provides "The strongest approach for minimizing hazards is to avoid new development within areas vulnerable to flooding, inundation, and erosion." (Draft Guidance, at 24.)²

As the Staff Report recognizes, flooding in the Project area is inevitable. 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. (Staff Report, at 11, 29.) Portions of the property, and the Project (including the retaining wall, steps, gate, and walkway improvement around the pumphouse) are located just inland from the Pacific Ocean in the mapped FEMA 100 year flood plain. (Id., at 29.) Furthermore, as the Staff Report also concedes, aspects of the Project (e.g., the retaining wall, the steps, and the walkway) may denigrate the stability of natural landforms or contribute to erosion and actually *aggravate* flooding in the surrounding area, and there is inherent uncertainty as to hazards at the site, including those risks associated with sea level rise. (Id.)

However, any "uncertainty" as to sea level rise is more a question of "when" than "if." As the Draft Guidance notes, the National Research Council predicts the sea-level to rise along this portion of the California coast anywhere from 1.56 to 11.76 inches by 2030, 4.68 inches to 24 inches by 2050, and 16.56 to 65.76 inches by 2100. (Draft Guidance, at 5.) Sea-level rise impacts coastal communities with the increased frequency, magnitude, and duration of flooding,³ shoreline erosion, and magnification of storm surge impacts.⁴ Thus, it's clear the Project area is at serious risk for coastal flooding and erosion from sea level

² While the Draft Guidance is still a draft, it provides "This guidance is rooted in certain fundamental guiding principles, many of which derive directly from the requirements of the Coastal Act. In this respect, *the principles are not new*, but rather generally reflect the policies and practices of the Commission *since its inception* in addressing coastal hazards and the other resource and development policies of the Act." (Id., at 5, *emphasis added*.) Thus, while a draft, these policies already exist and bind the Commission to comply with the Coastal Act to the maximum extent.

³ National Oceanic Atmospheric Association, Global Sea Level Rise Scenarios for the United States National Climate Assessment (December 6, 2012), at 3; available at: http://cpo.noaa.gov/sites/cpo/Reports/2012/NOAA_SLR_r3.pdf

⁴ See <http://www.epa.gov/climatechange/impacts-adaptation/coasts.html#ref6>, citing NRC (2010). *Adapting to the Impacts of Climate Change*. National Research Council. The National Academies Press, Washington, DC, USA.

rise and storm events, and the Project may in fact *aggravate* natural landform stability, erosion, and flooding in surrounding areas.

Further, since Coastal Act Section 30253 requires that new development (1) not create or contribute to erosion or geologic stability, and (2) not require the construction of protective devices that would alter natural landforms, the Staff Report is correct that the Project can not require additional future expansions of protective structures. (Coastal armoring, which itself creates and contributes to erosion and geologic instability, and the Commission's obligations with respect thereto, is explored further in the following section.)

And yet, despite Section 30253 and the recognized risks associated with the Project, the Staff Report recommends going ahead and permitting the Project's improvements, which will very likely contribute significantly to erosion and flooding. This does not "minimize" risk to life and property at Sharp Park, or "assure" stability and structural integrity of the area, and thus violates Coastal Act Section 30253's mandates.

Further, granting the CDP will only waste public resources, as coastal hazards will eventually hit the Project improvements almost certainly requiring (1) more than routine maintenance and repair, and thus, pursuant to Special Condition No. 7, (2) the removal of the Project improvements. Additionally, the Staff Report's assertion with respect to the "no project alternative" is erroneous. (Staff Report, at 31.) This alternative would not necessarily interfere with all recreational use; the Commission must not forget the *recreational uses provided by the beach itself*, the existence of which this Commission must protect, pursuant to the Coastal Act, Chapter 3, Article 3. (See, e.g., Coastal Act, Section 30220.) These uses include surfing, surf-fishing, swimming, strolling, picnicking, and simply relaxing at the beach.

To comport with the purpose and intent of the Coastal Act and Draft Guidance, the Commission must deny the CDP.

2. The Commission Must Deny the CDP, Due to the Project's ESHA Impacts.

Coastal Act Section 30240 provides that environmentally sensitive habitat areas (ESHA) *shall* be protected against any significant disruption of habitat values, and *only* uses dependent on those resources shall be allowed within those areas. "Coastal-dependent development or use" is defined in the Coastal Act as any development or use which *requires* a site on or adjacent to, the sea to be able to *function at all*. (Coastal Act, Section 30101.) Surfrider Foundation believes Staff Report erroneously analyzes coastal dependent uses for purposes of this Section. Instead of analyzing the individual Project components, the overall use for purposes of analysis is the golf course. Clearly, a golf course need not be sited on or adjacent to the sea in order to function. That alone precludes the Project from being located in ESHA. In any event, staff concludes that the Project is not a coastal dependent use, and further, staff concedes the Project will lead to significant habitat disruption. Surfrider Foundation agrees. Among its natural resources impacts to ESHA, the Project would have devastating impacts to the California Red Legged Frog and the San Francisco Garter Snake habitat and species in Sharp Park, which are threatened and

endangered, respectively, under the Federal Endangered Species Act. Therefore, as staff recognizes, issuing a CDP would plainly violate Coastal Act Section 30240.

To get around this, the Staff Report attempts to assert and then resolve a "conflict" through a Coastal Act Section 30007.5 analysis. However, this analysis fails. Namely, staff asserts a conflict between Coastal Act Sections 30240's mandates to (1) protect ESHA, and (2) restrict uses in the area to those which are dependent on the resources in the area; and Coastal Act Sections 30210, 30212, 30221, and 30223. However, conflicts do not exist.

True, and of critical importance, Coastal Act Section 30210 requires providing maximum beach access and recreational opportunities; however, the Commission can deny the CDP on the basis of Section 30240, and still provide maximum beach access and coastal recreational opportunities such as surfing, swimming, surf-fishing, picknicking, general beachgoing, etc. - all of the valuable benefits that come with having a natural and undeveloped beach. Similarly, Section 30213 requires lower cost visitor and recreational facilities be protected, encouraged, and where feasible, provided. Again, the Commission can deny the CDP and still protect the low cost recreational opportunities of surfing, swimming, surf-fishing, picknicking, and general beachgoing. Moreover, Section 30213 only requires providing facilities where feasible; and since the Project would have significant impacts to ESHA, that renders such provision infeasible in the circumstances. Section 30221 similarly requires protection of oceanfront land suitable for recreation unless, where, as here, the recreational needs that can be accommodated on the property are provided elsewhere in the area (e.g., TPC Harding Park and the Olympic Club golf courses to the north, and in Half Moon Bay to the south). Finally, Section 30223 requires that upland areas necessary to support coastal recreational uses be reserved for such uses, when feasible; again, where, as here, a Project will significantly disrupt ESHA, this is infeasible.

Finally, as Coastal Act Section 30007.5 provides, "the Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the *most* protective of significant coastal resources." (emphasis added). As set forth above, it is possible for the Commission to deny the CDP, pursuant to Coastal Act Section 30240, and in compliance with Sections 30210, 30213, 30221, and 30223. This approach is certainly the most protective of significant coastal resources, and further analysis under Section 30007.5 is unnecessary.

3. At a Minimum, the Commission Must Amend and Strengthen CDP Special Condition No. 7 to Explicitly Prohibit Any and All Coastal Armoring, and Require That a Policy of Managed Retreat be Implemented at the Property.

If the Commission nevertheless proceeds with granting the CDP, the Surfrider Foundation strongly urges the Commission to clarify Condition No. 7 to comport with Coastal Act mandates. As the Staff Report acknowledges, Coastal Act Section 30253 provides that new development shall: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (2) 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.

Further, the Coastal Act requires that the Commission, in carrying out the mandate for maximum public access of Cal. Const. Art. 10, Section 4, *maximize public access* to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners. (Cal. Pub. Res. Code, §§ 30001.5(c), 30210.) Development must not interfere with public beach access. (Id., at § 30211.) The Commission must not forget its obligation to protect and maximize public access, and must not favor the Project's golf-recreation benefits at the expense of public beach access and the other coastal recreation benefits that come with having an accessible, sandy beach, such as surfing, surf-fishing, sun bathing, and general beach-going.

Additionally, Coastal Act Section 30250 requires that new development be located "where it will not have significant adverse effects, either individually or cumulatively, on coastal resources," and sited and designed to "minimize the alteration of natural land forms." (Cal. Pub. Res. Code, §§ 30250, 30251.)

The Commission's Draft Guidance echoes these requirements. See, e.g., Principles for Addressing Sea-Level Rise in the Coastal Zone: (4) "Avoid significant coastal hazard risks where feasible;" (9) "Provide for maximum protection of public beach and recreational resources in all coastal planning and regulatory decisions;" and (10) "Maximize natural shoreline values and processes and embrace green infrastructure and living shorelines; avoid the perpetuation of shoreline armoring." (Draft Guidance, at 5-6.) The Draft Guidance on Coastal Development Permits also reiterates, "New development should *not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs*" and provides that projects should "avoid sea-level rise hazards if possible, and minimize hazard exposure if avoidance is infeasible." (Id., at 10.)

For the reasons explained herein below, Condition No. 7 must be amended to explicitly prohibit any and all armoring of the beach, including but not limited to seawalls, riprap, rock revetment, etc., and to include language which clarifies that the subject property and all Project components are subject to a coastal adaptation policy such as managed retreat in order to comply with the obligations of Cal. Pub. Res. Code Sections 30001.5, 30210, and 30253, and the Commission's own policies. The Coastal Commission must also revise Condition No. 7 to be clear that the Applicant cannot perform measures beyond ordinary repair and maintenance work on the existing earthen berm on the subject property (or unpermitted rock revetment, which, as explained in the following section, must be removed), and must be clear that adding or maintaining an unpermitted rock revetment (or "rock riprap"/boulders) to the property is *not* ordinary repair or maintenance. Condition No. 7, with these amendments, is not just good policy; it is legally required.

The Problem With Coastal Armoring

The natural coastal shoreline is dynamic, constantly changing in response to rain, wind, and waves. These natural forces erode inland and transport coastal sources of sand to the near shore area, nourishing the beach. Whereas beaches and dunes have historically changed or moved inland in the past, now, due to development along the fragile shorelines, humans have sought to halt these natural processes.⁵

Coastal armoring includes the use of stone, wood, or concrete structures to either armor the shoreline, fixing it in a permanent location (e.g., seawalls or bulkheads), or reduce wave energy (e.g. breakwaters or jetties). Coastal armoring is undertaken to protect inland structures, *not to protect the public beach*, and instead, armoring actually has devastating impacts on beaches. These impacts include that: (1) armoring eroding bluffs cuts off the natural supply of new sand to the beach, which thus speeds up the erosion process; (2) as sea level rises and the shoreline moves inward, the water will eventually meet the seawall (or other armoring structure), covering, and thus eliminating the beach; (3) seawalls are often placed on public beach property, which takes up public beach space, and can hinder or eliminate public access (e.g., a rock revetment may cover 30 to 40 feet of public beach space); (4) armoring takes away the natural beauty of the coast; and (5) local, state, or federal tax-payer money is often spent on staggeringly expensive armoring projects to protect private or unnecessary development.⁶ In 1999 dollars, which of course would be much higher today, the cost for revetments was up to \$2000.00 per foot, while sea walls were estimated at up to \$4,500.00 dollars per square foot.⁷ Further, research has shown that (1) structures intended to trap sand in one area, actually deprive downshore beaches of sand supply, thus, redirecting the problem rather than solving it; and (2) vertical seawalls tend to exacerbate erosion at adjacent unarmored beaches.⁸

Thus, essentially, coastal armoring alters natural landforms along the coast, leads to erosion and loss of sand, and thereby reduces and risks total loss of the public beach (which provide vital species habitat and coastal recreation opportunities), in contravention of the Commission's obligations to maximize natural shoreline values and public beach access. Any further coastal armoring at this property would be particularly grave, given that most of Pacifica's adjacent beaches have already been severely compromised by armoring. Any further armoring in connection with this Project could wipe out the very last wide stretch of beach between Mussel Rock and Mori Point, which spans several miles, and magnify the host of armoring-associated problems in the area. These cumulative

⁵ See, e.g., <http://coastalmanagement.noaa.gov/resources/docs/finalbeach.pdf>

⁶ See <http://www.beachapedia.org/Seawalls>; See also Orrin H. Pilkey and Howard L. Wright III, "Seawalls Versus Beaches," *Journal of Coastal Research* vol. 4, pp. 41-64, 57 (Autumn 1988); See also Meg Caldwell and Craig Holt Segall, *No Day at the Beach: Sea Level Rise, Ecosystem Loss, and Public Access Along the California Coast*, 34 *ECOLOGY L.Q.*, 533, 540.

⁷ See, Caldwell, *supra*, at 539.

⁸ See <http://coastalmanagement.noaa.gov/resources/docs/finalbeach.pdf>, at 2.

impacts on coastal resources preclude any additional coastal armoring in the area, under Coastal Act Section 30250.

Therefore, to abide by the Coastal Act and the Commission's own policies, the Commission must amend Special Condition No. 7 to ensure that no coastal armoring can occur at Sharp Park and that the property is subject to a natural coastal adaptation policy in perpetuity.

4. Surfrider Foundation Believes the Applicant is Presently Violating the Coastal Act by Allowing an Unpermitted Rock Revetment to Exist on the Property, Which Said Violation Must be Removed.

In addition to Applicant's existing violations on the property recognized in the Staff Report (p. 2, 36), the Surfrider Foundation believes that the Applicant is violating and has been violating the Coastal Act for several years, by constructing and maintaining a rock revetment on the property (which constitutes "development" under the Coastal Act), without a required Coastal Development Permit. Since 2012, the Surfrider Foundation has provided repeated notice to the Commission of said violation, and in 2013 and 2014, the Commission investigated and determined a violation existed, and notified the Applicant that it was required to remedy the violation.

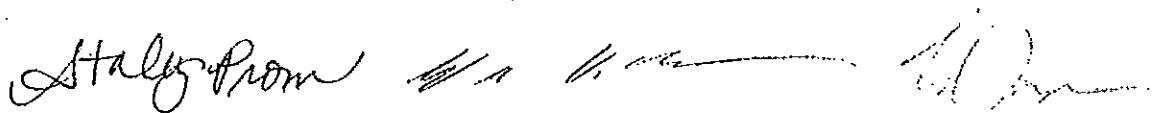
To Surfrider Foundation's knowledge, said violation has not been remedied, and the Commission has not taken enforcement action despite Applicant's clear violation, and repeated requests by Surfrider Foundation. As an *unpermitted* structural armoring device, the revetment constitutes an "additional substantive measure" for purposes of Condition No. 7, since it is not an existing permitted measure. The fact the structure already exists on the property, and therefore may not be a "future" expansion (as referenced in the Staff Report, p. 29) must be of no consequence, as to render otherwise would allow a violation to remain, despite the clear contravention of the Coastal Act spirit and intent, and particularly Section 30600(a) (a person "shall" obtain a CDP for any development in the coastal zone). The Commission must not allow it to exist on the property.

Copies of communications between Surfrider Foundation and the Commission, and the Commission and Applicant, are attached hereto as Exhibit "A," and incorporated herein by this reference. Surfrider Foundation reasserts all arguments in its communications with respect to the seawall violations by this reference.

5. Conclusion

On behalf of the Surfrider Foundation's San Francisco and San Mateo County chapters, we appreciate your attention to the very serious threats that the proposed Project poses to beach access - *and the very existence of a public beach* - as well as the critical natural resources, including threatened and endangered species, at Sharp Park. We respectfully urge the Commission to fully comply with its Coastal Act obligations, and its own Draft Sea-Wall Policy Guidance, and deny the CDP.

Sincerely,



Staley Prom, Esq.
Legal Associate
Surfrider Foundation

Bill McLaughlin
San Francisco Chapter Member
Surfrider Foundation

Edmundo Larenas
San Mateo Cty. Chapter Member
Surfrider Foundation

May 1, 2015

Ms. Kelsey Ducklow
Coastal Planner
California Coastal Commission
VIA EMAIL Kelsey.Ducklow@coastal.ca.gov

**Re: San Francisco Recreation and Parks Department's Sharp Park Golf Course
Seawall Coastal Development Permit (CDP) Application, No. 2-13-006**

Dear Ms. Ducklow,

With respect to San Francisco Recreation and Parks Department's seawall CDP application supplementary materials, as you may understand, Surfrider Foundation has some serious initial concerns.

First, there is the fundamental concern that SFRPD's approach has been to (1) ignore the Coastal Act requirement to obtain a CDP *prior* to undertaking seawall development, and instead seek an after-the-fact permit, and then (2) expect to be excused from numerous CDP application requirements, such as having project plans, construction plans, or complete geologic and geotechnical reports (which fully address the three scenarios provided by Commission staff); having a written determination from the State Lands Commission as to whether the project will encroach onto state tidelands or public trust lands; and conducting requisite sand supply analysis and alternatives analysis. The SFRPD's disregard for the Coastal Act and the Coastal Commission's requirements is very concerning, as these are specifically and necessarily required for coastal protection.

Particularly, with respect to the sand supply and alternatives analyses, it is unfair for someone to violate the Coastal Act by constructing a seawall without permits, and ignore (1) the construction's certain impacts on local shoreline sand supply, (2) the amount of public beach which is covered by the revetment structure, and (3) the beach loss that will occur due to future sea level rise and fixing the back of the beach at the location of the revetment structures, as specifically required by the Commission. Further, SFRPD cannot ignore an alternatives analysis requirement just because it already constructed the seawall, particularly since one of the alternatives is "the removal of the revetment and to allow for "managed retreat" (i.e., removal of structures that are threatened)," as the Commission's April 12, 2013 correspondence to SFRPD suggests. This alternative should be analyzed, particularly in light of the related, recently granted CDP (April 16, 2015) for infrastructure

improvements at Sharp Park Golf Course, which includes Special Condition No. 7, requiring that the project be constructed and used “without additional substantive measures,” and instead requiring that SFRPD remove or relocate the project development when the development becomes threatened by coastal hazards. By its terms, the related CDP prohibits additional coastal armoring at Sharp Park, and thereby prohibits the “repairs” SFRPD now seeks after-the-fact permitting for. The Coastal Commission should be fully informed of all aspects of the development, including the seawall’s sand supply impacts and project alternatives, when deciding whether to grant an after-the-fact permit, or require the unpermitted development’s removal.

The foregoing concern is underscored by the fact that SFRPD has previously undertaken other unpermitted development at Sharp Park, including the two pump-replacements which were recently after-the-fact permitted on April 16, 2015. With respect to SFRPD’s inclination for after-the-fact permitting, it was pretty telling when, at that April 16th hearing, Commissioner Diaz said a third time would be too much. Additionally, it is noteworthy that the October, 2012 Biological Opinion for the related Sharp Park infrastructure improvements project provided, “The SFRPD does not anticipate hardening or further armoring of the sides of the sea wall,” and was thus prepared on the assumption that this seawall construction would not occur.

Secondly, Surfrider Foundation is very concerned that SFRPD’s project description is not a true reflection of the actual seawall construction that occurred. In SFRPD’s April 13, 2015 letter to Ms. Rexing, it says SFRPD is only seeking an after-the-fact permit for 80 linear feet of “pot hole maintenance on the top of the seawall.” However, as Surfrider Foundation has previously informed Commission staff, it appears the SFRPD did not just fill in potholes on the berm, but instead added a substantial amount of *new* armoring in the form of significant rock riprap along the west side of the berm. Please see the attached photos, which show that this new riprap was not previously there, and is not solely within the footpath of the previously existing seawall. (Photos taken March 28, 2010 include P3270084 and P3270083-2, and photos taken November 26, 2010 include: PB260369, PB260374, PB260375, and PB260376. These were taken before the project, while Photos 20130224_0490.2, 20130224_0496.2, 20130224_0500.2, 20130224_0504.2, 20130224_0507.2, and 20130224_0511.2 were taken February 24, 2013, during the February 23-25, 2013 project construction, and show that substantial rock was added west of the berm).

Adding a new massive stretch of giant rocks to the beach in front of the berm isn’t “maintenance” or “repair” of the earthen berm. Just as one doesn’t repair or maintain a home by building a new second story or new guest house addition, one can’t claim that adding an entirely new additional rock revetment is “repair or maintenance” of an existing berm. “Maintenance” excludes new work or changes in the original extent or fill of design. Therefore, the Commission should require SFRPD to revise the project description and provide evidence of the true and correct extent of the project.

I appreciate your consideration of our concerns, and I anticipate you may share some of the same concerns. I would appreciate the opportunity to discuss these issues with you soon.

Can you also please keep me informed of any new public information on this matter as soon as possible?

Sincerely,

A handwritten signature in cursive script that reads "Staley Prom".

Staley Prom, Esq.
Legal Associate
Surfrider Foundation

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

**February 8, 2016**

Staley Prom, Esq.
Legal Associate
Surfrider Foundation
PO Box 6010
San Clemente, CA 92674

Subject: Coastal Development Permit (CDP) Application Number 2-13-006 (Sharp Park Golf Course Seawall) at Sharp Park Golf Course in the City of Pacifica

Dear Ms. Prom:

We are in receipt of your letter, dated January 8, 2016, in regards to the alleged unpermitted rock revetment, and associated repair and maintenance of the revetment, at the Sharp Park Golf Course in the City of Pacifica. We appreciate your concern regarding this issue, and would like to take this opportunity to share with you our current understanding of the details of this case, as well as our reasoning for granting the San Francisco Recreation and Parks Department's (SFRPD) requested extension.

The Sharp Park Golf Course has a pre-existing berm that pre-dates the Coastal Act. The focus of our current investigation has been to establish whether or not there have been unpermitted repair and maintenance activities performed on the pre-existing berm. According to SFRPD¹, a berm was first created at this location in the 1940s to protect the golf course property. However, this berm was repeatedly overtopped by storm waves, including from notable storms in 1958 and 1983. As such, the City and County of San Francisco took steps to prevent erosion of the berm with a more large-scale effort. SFRPD goes on to state that a reconstructed berm spanning the 3,200 feet of coastline at Sharp Park was completed in 1989.

Coastal Commission staff has asked SFRPD to provide additional information regarding activities performed on the berm since it was first constructed. There appears to be unpermitted repair activities that have taken place on the berm. Coastal Commission staff has asked SFRPD to respond to these issues and to respond to Coastal Commission staff research regarding this berm and its repair history.

In staff's research into this matter, we found three Coastal Development Permits (CDPs) that appear to pertain to these referenced efforts. These include:

- CDP #3-83-172-A4 (approved in November 1984) for the disposal of approximately 7,000 cubic yards of excavated material, including sand and compacted earth, for

¹ See the SFRPD letter dated April 13, 2015

Staley Prom, Surfrider Foundation
2-13-006 (Sharp Park Golf Course Seawall)
January 26, 2016

construction of a replacement earth berm of approximately 560 square feet located just south of Clarendon Road.

- CDP #3-83-172-A5 (approved in October 1985) for the disposal of approximately 20,000 cubic yards of excavated material, including sand and compacted earth, for a replacement earth berm of approximately 3,500 square feet located along Sharp Park Golf Course from the portion of the berm approved pursuant to CDP #3-83-172-A4 south towards Mori Point.
- CDP #3-83-172-A6 (approved in May 1990) for the placement of 3-5 ton riprap (totaling 11,000 tons) and 30,000 square feet of filter fabric over a bedding layer of 12 inch stone located along 1,000 feet of the mid-section of the earth berm at the Sharp Park Golf Course.

The April 2015 letter from SFRPD goes on to state that several years after the earthen berm was completed, the northern 1,140 feet of the berm was lightly armored, followed by the southern 285 feet between 1997 and 2000. However, staff is not aware of any permits for these repair armoring activities. Moreover, it appears that the only permit for the placement of rock material along this berm is CDP #3-83-172-A6 referenced above, which was for the placement riprap along the "mid-section" of the earth berm, an area that does not appear to be armored at this point in time.

More recently, SFRPD submitted an application in March of 2013 for placement of large rock along 80 linear feet of the berm/revetment, scarification of the top of the revetment plus filling and levelling of potholes, placement of 50 tons of small rock to top the surface of the revetment, and ongoing maintenance and repair activities. The letter SFRPD submitted in April 2015 revises this project proposal to only cover after-the-fact approval of 80 linear feet of pothole maintenance.

Conclusion as to Permit History for the Berm

It currently appears that there are two CDPs for placement of earthen materials to create the berm in the mid-1980s that were carried out as specified; one CDP for placement of rock along the "mid-section" of the berm that does not appear to have been carried out; plus multiple armoring activities throughout the 1990s and more recently that were completed without the benefit of a CDP. The purpose of our current investigation is to establish what repairs have taken place without benefit of a CDP and to then process an after-the-fact CDP for those repair and maintenance activities.

Commission staff sent a letter to SFRPD in May 2015 requesting additional detail on all activities that have been carried out at the site, including the complete permitting history for these activities. Unfortunately, SFRPD was unable to provide the requested information in the time allotted, and asked for an extension until May of 2016 to provide the information. In their request for an extension, SFRPD referenced a high degree of staff time being allocated to compliance efforts for the Sharp Park Safety, Infrastructure Improvement and Habitat Enhancement Project as well as an unexpected emergency repair of a culvert connecting Laguna

Staley Prom, Surfrider Foundation
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Salada and Horsestable Pond as limiting their ability to devote staff time to gather the requested information related to the revetment. However, SFRPD plans to devote time to gathering the requested information before the May 2016 deadline.

Although we share your concern regarding resolution of alleged unpermitted repair and maintenance activities at this location, we feel that it is crucial to get a better understanding of the current armoring, including details on exactly when, where, and how much rock has been placed, when and what types of repair and maintenance activities have occurred, and what activities occurred with or without the benefit of a Coastal Development Permit, before proceeding. We hope to work in a cooperative manner with SFRPD in gathering this information so that a satisfactory, mutually agreeable, solution designed to protect coastal resources can be reached.

Thank you again for your concern, and we look forward to continuing to work closely with you in ensuring protection of coastal resources.

Sincerely,



Nancy Cave
District Manager
North Central Coast District Office

Attached: April 13, 2015 letter from San Francisco Recreation and Parks Department



Mayor Edwin M. Lee
Philip A. Ginsburg, General Manager

April 13, 2015

Stephanie Rexing
California Coastal Commission
45 Fremont Street, Suite 2000
Santa Cruz, CA 95060

Subject: Coastal Development Permit (CDP) Application Number 2-13-006 (Sharp Park Golf Course Seawall) at Sharp Park Golf Course in the City of Pacifica

Dear Ms. Rexing:

Thank you for reviewing our CDP application and the response that you sent on April 12, 2013. As a consequence of our exchange with Commission staff and deliberations within the City and County of San Francisco, SFRPD determined to substantially limit the application to securing after-the-fact authorization of 80 linear feet of seawall repairs. As you know, our staff resources have been focused on completing CEQA review or and securing permits for another CDP Application for Sharp Park, and we were unable to respond before now. This letter responds to each item in your April 2013 letter.

1. **Appendix B (Local Agency Review Form).** In light of the doctrine of intergovernmental immunity, see *Lawler v. City of Redding* (1992) 7 Cal.App.4th 778, the City and County of San Francisco need not submit a form respecting local agency review from the City of Pacifica.
2. **Other Agency Review.** We are in the process of reaching out to the State Lands Commission to determine whether we need to obtain a permit or approval from them for the seawall repair. Because the repair work did not affect federal or state listed species or their habitats and did not affect waters regulated by federal and state agencies, the City did not seek permits or approvals from the federal and state resource agencies with responsibility for those resources.
3. **Project Description Revision.** SFRPD would like to amend our Project Description to only cover an after-the-fact permit for the 80 linear feet of pot hole maintenance on the top of the seawall. SFRPD will submit a separate application for future seawall maintenance before engaging in such activity. SFRPD manages 3,200 linear feet of the seawall along Sharp Park that provides coastal access for residents of and visitors to Pacifica. In 2012, large pot holes had formed over several rough winters that required fill to continue to allow safe access along the seawall. Due to the location and depth of holes, it was necessary to place 25 tons of large rocks with a Case model 200 track excavator. These rocks were then

leveled with a John Deere D-4 Dozer and an additional 50 tons of small native rock were used to compact the area and create a safe walking surface. The native rock was spread over the surface to create an accessible 0-1% grade and then compacted flat by using a Bomag single smooth drum roller. Each step was required to create a smooth, accessible walking surface on top of the seawall. The work was done solely within the footpath of the existing seawall.

4. **Project Plans.** Please see attached map of location. The work was done in-house and project plans were not generated for the work; however, this attached plans provide more detail and locations are clearer. The project description includes the aggregate of large and small rocks that were used throughout the six locations. Since the work has been completed, it is infeasible to separate out specific amounts for each location.
5. **Construction Plans.** Construction plans were not created for this project since the work was done in-house. The project description describes the heavy machinery that was required to perform the work.
6. **Public Access.** While construction barriers were placed to keep the public safe from accessing work areas, general public access along the seawall was maintained throughout construction.
7. **Development and Permitting History.** According to previous studies on Sharp Park and the seawall, a berm was created in the 1940s around the time that a pump system was installed. This embankment was put in place to protect the golf course property; however, it was repeatedly breached by storm waves. Flooding of the golf course and surrounding neighborhoods has been a recurring issue. For instance, in both 1958 and 1983 heavy storms caused large waves to overtop the berm.

According to the Sea Wall Evaluation Study conducted by ARUP in 2010, the City and County of San Francisco took measures to prevent erosion of the sea wall on a large scale after the 1983 breach. The following studies were undertaken before reconstructing the sea wall: 1) A geotechnical study titled Restoration of Coastal Embankment; Sharp Park Golf Course (1984) was performed by Woodward-Clyde Consultants, which looked at the soils underlying the Sea Wall and the area in the immediate vicinity, and 2) a feasibility study was conducted by Geomatrix Consultants titled Restoration of the Coastal Embankment; Sharp Park Golf Course (1987), which looked at various design alternatives for the Sea Wall.

In 1989, a reconstructed sea wall was completed which spanned the entire 3,200 ft of coastline at Sharp Park. Several years later, the northern 1,140 ft of the sea wall was lightly armored to protect against wave action. Then, between 1997 and 2000, the southern 285ft of the Sea Wall was also armored.

A Sharp Park Working Group convened in 2010 recommended that as a long term goal, a naturally managed system is the most sustainable approach to manage the property's coast

acreage. Thus, the sea wall should not be further armored or heightened. Please see attached statement from the Sharp Park Working Group.

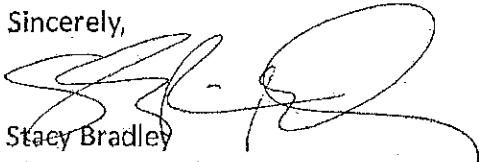
8. **Geologic and Geotechnical Report.** Please see attached for the two latest reports on the sea wall. The first is the 1987 Feasibility Study: Restoration of Coastal Embankment at Sharp Park Golf Course performed by Geomatrix Consultants. As noted above, the 1987 report is prior to the reconstruction of the sea wall and the subsequent armoring. The second report was undertaken in 2010 by ARUP and is titled Sharp Park: Sharp Park Sea Wall Evaluation.

SFRPD will provide an updated geologic and geotechnical analysis, if necessary, at a later date for a future project.

9. **Sand Supply Analysis.** Since SFRPD only requests an after-the-fact permit for filling in pot holes on 80 linear feet of the 3,200 linear feet of the sea wall and no longer encompasses long-term maintenance, SFRPD believes the sand supply analysis is no longer necessary and respectfully requests that the request be waived.
10. **Alternatives Analysis.** Since SFRPD only requests an after-the-fact permit for filling in pot holes on 80 linear feet of the 3,200 linear feet of the sea wall and no longer encompasses long-term maintenance, SFRPD respectfully requests that the request for an alternatives analysis be waived.
11. **Stamped Envelopes for Noticing.** Since SFRPD only requests an after-the-fact permit for filling in pot holes on 80 linear feet of the 3,200 linear feet of the sea wall and no longer encompasses long-term maintenance, SFRPD respectfully requests that the request be waived.
12. **Appendix D (Declaration of Posting) and Posting Notices.** Since SFRPD only requests an after-the-fact permit for filling in pot holes on 80 linear feet of the 3,200 linear feet of the sea wall and no longer encompasses long-term maintenance, SFRPD respectfully requests that the request be waived.

In light of the limited nature of the project and the supplemental information provided above, SFRPD believes that the project may qualify for a waiver under Cal. Code Regs., tit. 14, 13238.1 or 13252. Feel free to call me if you have further questions.

Sincerely,


Stacy Bradley
Planner, Capital & Planning Division
San Francisco Recreation and Park Department

SHARP PARK WORKING GROUP STATEMENT AND LIST OF FINDINGS

Sharp Park is a 417-acre multiple use facility owned and maintained by the San Francisco Recreation and Parks Department, located in the City of Pacifica, San Mateo County within the boundary of Golden Gate National Recreation Area. In the 1920's, a golf course was built on the western side of Sharp Park around the wetland complex, Laguna Salada. As late as the 1970's, the San Francisco Garter Snake and the California Red-legged Frog were abundant on the property. However, for the last 30 years, the population has been endangered and threatened, respectively. Multiple reports from the United States Fish and Wildlife Service and San Francisco Recreation and Park Department have pointed to the short-term need to restore Laguna Salada.

After the conclusion of 2010's summer public process, the San Francisco Recreation and Park Department convened a working group of land managers with interest in the property; Dave Holland (San Mateo County), Steve Rhodes (City of Pacifica), Dawn Kamalanathan (San Francisco Recreation and Park Department), and Amy Meyer (Facilitator). Senior Staff of the Golden Gate National Recreation Area also participated in the working group.

The working group engaged in research, site visits, and guest speakers to determine the following:

According to the US Geological Survey, beach erosion dominates the coast in northern San Mateo County from Daly City to Pt. San Pedro, with over 98% of the shoreline eroding over the last several decades: the rate (0.6 m/yr) has increased by 50% over the long-term average (Dallas and Barnard, 2011). This erosion is linked, in part, to a sharp reduction in the sediment supply from San Francisco Bay over the last century. Looking ahead, by 2100 we can expect global sea level to rise by 0.6m to 2.0 m (Rahmstorf, 2007; Pfeffer et al., 2008; Jevrejeva et al., 2010). In addition, there is an observed increase in the size of the storm waves striking this region (Allan and Komar, 2006). Further sediment supply reductions, accelerated sea level rise and more powerful storm waves combined will put increasing stress on beaches and adjacent ecosystems, likely accelerating coastal erosion rates over the coming decades.

All working group members agree that the recovery of the San Francisco Garter Snake is a top priority. Thus, the working group agrees the next short term step is the restoration of Laguna Salada. Restoration of Laguna Salada will provide three times the current habitat by removing built up sedimentation, creating critical but missing upland habitat, and forming a connecting channel to Mori Point by moving Hole 12. A positive identification of SFGS would mean success of the short term goal and a United States Fish and Wildlife Service goal over two decades in the making.

As a long term goal, the working group finds a naturally managed system is the most sustainable approach to manage the property's coastal acreage. To this end, the seawall should not be further armored or heightened. A technical study by the various land owners and regulators, taking into account sea level rise, is recommended to continue to explore feasible transitions into a naturally managed "barrier lagoon" without undue risk to the protected species, adjacent property, and human life. This longer term goal will minimize management costs while creating a more naturally sustainable system for the protected species.

These habitat enhancements and golf could be compatible.

Findings:

- a) The most valuable habitat and breeding opportunities of San Francisco Garter Snake and California Red-legged Frog are concentrated around Laguna Salada and Horse Stable Pond. Habitat for the California Red-legged Frog continues to rapidly degrade at Laguna Salada and Horse Stable Pond where cattails and tules are replacing the open water habitat the frog depends upon for breeding.
- b) The San Francisco Garter Snake is endangered. The California Red-legged frog is threatened.
- c) San Francisco Garter Snakes have been subject to human, hawk, dog, cat and other predation.
- d) Annual flooding of fresh water from the hills is captured in the golf course. Historically, the water was discharged into the ocean.
- e) Sharp Park is a managed environmental system which includes seasonal pumping of Laguna Salada to control peak winter flooding. The pumping system is located at Horse Stable Pond.
- f) In 2005, United States Fish and Wildlife Service sent a letter to Recreation and Park Department recording stranded California Red-legged Frog egg masses at Horse Stable Pond. The Department instituted a new pumping protocol and has not received further notice of violation from United States Fish and Wildlife Service.
- g) Maintaining the existence of the seawall will continue to accelerate beachfront erosion, changing the natural beach profile.
- h) With consideration of the needs for sustainable species habitat and the more natural function of a barrier beach and lagoon system, the golf course could be redesigned to coexist with viable populations of sensitive species in the long term.
- i) Winter flooding regularly occurs now in the residential area north of the golf course from a combination of water from the hills captured by the golf course and sea water. If the golf course is redesigned to support a more naturally functioning barrier beach and lagoon system, it must provide a solution to periodic flooding of the residential area.
- j) If the decision is made to support a more naturally functioning barrier beach and lagoon system and golf remains a use on the property, design costs and future maintenance need to be addressed within a sustainable management plan.
- k) The short term and long term management plans must be integrated and funded for a design that progressively moves from solving short-term problems to a long-term sustainable management program.

USGS quote courtesy of Patrick Barnard (USGS in Santa Cruz). Mr. Barnard's area of expertise is coastal resources.

Literature Cited:

Allan, J.C. and Komar, P.D., 2006. Climate controls on US West Coast erosion processes. *Journal of Coastal Research*, v. 22, no. 3, p. 511-529
Dallas, K.L., Barnard, P.L., Anthropogenic influences on shoreline and nearshore evolution in the San Francisco Bay coastal system, *Estuarine, Coastal and Shelf Science* (2011), doi:10.1016/j.ecss.2010.12.031

Jevrejeva, S., J. C. Moore, and A. Grinsted (2010), How will sea level respond to changes in natural and anthropogenic forcings by 2100?, *Geophys. Res. Lett.*, 37, L07703, doi:10.1029/2010GL042947.

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Rahmstorf, S., 2007. A semi-empirical approach to projecting future sea-level rise. *Science*. Volume 315, p. 368-370

From: [Julia Chang Frank](#)
To: Rexing_Stephanie@Coastal
Cc: [Neal Desai](#); [Staley Prom](#); [Bill McLaughlin](#); [Bill McLaughlin](#)
Subject: CDP Application 2-13-006
Date: Friday, June 16, 2017 11:38:56 AM
Attachments: [SharpParkSeawall_2-13-006_FilingLetter_5.11.2015.docx](#)

Hi Stephanie,

We spoke a couple of weeks ago regarding SF Recreation & Park's (SFRPD) after-the-fact permit request for 80 linear feet of seawall repairs.

You mentioned in our phone conversation that you were expecting a report soon from SFRPD to support their application. Have you received that report or any additional information from SFRPD? If so, would you please send me that information?

Also, I've attached a copy of a letter that CCC sent to SFRPD on May 11, 2015. Do you know if the CCC sent any subsequent letters to SFRPD regarding this application? If so, would you kindly forward me that correspondence?

We'd like to ensure we have all correspondence, reports, and data from CCC and SFRPD related to this application as soon as possible, so that we can provide comments before the publication of the staff report.

Thanks very much.

Regards,

Julia Chang Frank
Wild Equity Institute
415-515-5657

From: [Neal Desai](#)
To: [Julia Chang Frank](#)
Cc: [Rexing, Stephanie@Coastal](#); [Staley Prom](#); [Bill McLaughlin](#); [Bill McLaughlin](#)
Subject: Re: CDP Application 2-13-006
Date: Friday, June 16, 2017 11:48:54 AM

Hi Stephanie,

A question I had that I think only CCC staff can answer is: regarding the 2015 document that Julia just sent you, are there any other requests for information from CCC to RPD since that 2015 letter? If yes, can you please let us know what additionally has been requested from RPD since May 2015? We would like to know what the universe of info is that CCC sees as critical or necessary for reviewing the application.

As some of us were the ones that brought this unpermitted development to CCC's attention years ago, we want to ensure we can provide CCC with any relevant info that responds to the requests to RPD.

Thank you!
Neal

On Jun 16, 2017, at 11:38 AM, Julia Chang Frank <julia4th@yahoo.com> wrote:

Hi Stephanie,

We spoke a couple of weeks ago regarding SF Recreation & Park's (SFRPD) after-the-fact permit request for 80 linear feet of seawall repairs.

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Thanks very much.

Regards,

Julia Chang Frank

From: [Richard H. Harris Jr.](#)
To: [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal); [Rexing, Stephanie@Coastal](mailto:Rexing.Stephanie@Coastal)
Cc: ["Bo Links": "Potter, Spencer \(REC\)"](#)
Subject: Coastal Commission / Sharp Park Sea Wall, CDP No. 2-17-0702 / Commission Hearing Nov. 8, Agenda #9 / Request for access to permit application, staff reports, and other relevant materials
Date: Saturday, October 21, 2017 10:55:29 PM

Stephanie Rexing
California Coastal Commission Staff
Stephanie –

The Commission on Friday, Nov. 20 published on its website notice of public hearing at the Commission's Nov. 8 meeting on the matter of San Francisco's permit application for after-the-fact authorization of constructed shoreline armoring at Sharp Park Beach, Pacifica, Application No. 2-17-0702. However, the notice does not contain links to the permit application, staff report, and/or other materials relevant to the Commission's consideration. Can you please provide me with links to these materials, at your very earliest convenience.

Thank you, and best regards

- Richard Harris
- San Francisco Public Golf Alliance
- 415-290-5718