

## **CALIFORNIA COASTAL COMMISSION**

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# **W10a**

**A-2-PAC-19-0160 (PHOENIX CAPITAL CONDOS)**

**JUNE 10, 2020**

**CORRESPONDENCE**

**ARMBRUSTER GOLDSMITH & DELVAC LLP**

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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June 4, 2020

**VIA EMAIL AND FEDERAL EXPRESS**

Chair Padilla and Honorable Commissioners  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Agenda Item W10a

Re: A-2-PAC-19-0160 (Phoenix Capital LXV LLC, 1567 Beach Boulevard, City of Pacifica)

Dear Chair Padilla and Honorable Commissioners:

We are writing on behalf of Phoenix Capital LXV LLC (“Applicant”) in support of the Staff Report regarding the appeals of the CDP application (“Staff Recommendation”) for a seven unit residential development at 1567 Beach Boulevard in the City of Pacifica (the “Project”), which the Coastal Commission is scheduled to consider at its meeting on June 10, 2020. We greatly appreciate the hard work of Commission Staff in analyzing the complex issues involved in the appeal. Exhibit A to this letter provides background regarding the Project and additional information in support of the Staff Recommendation to approve the CDP, as modified by special conditions of approval.

Since the appeals were filed, the Applicant has worked in good faith with Commission Staff in an effort to address the issues raised and provide the supplemental analysis requested by Staff. While the Applicant continues to believe the Project, as approved by the City, could be developed consistent with LCP and Coastal Act policies, it nonetheless supports the Staff Recommendation as a reasonable, well-balanced approach, which would result in a safely sited development that is compatible with the surrounding community.

The Staff Recommendation comprehensively analyzes and, through special conditions of approval, squarely resolves each of the issues raised in the appeals that relate to City of Pacifica LCP or Coastal Act consistency. The Staff Recommendation imposes special conditions of approval that would, among other things:

- **Impose a greater bluff setback and relocate site access to ensure consistency with coastal hazards policies.** Under the Staff Recommendation, the Project would be subject to an increased 105-foot setback from the bluff, which would reduce the Project

**These materials have been provided to the Coastal Commission Staff**

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in size from seven to three units.<sup>1</sup> Site access also would be relocated from the northern to the southern portion of the site, further away from the bluff area that the Commission's coastal engineer believes may be more susceptible to erosion.

- **Require the removal or relocation of development in the future should it become unsafe or inaccessible.** While the City of Pacifica intends to maintain and reinforce the seawall that supports Beach Boulevard and the adjacent promenade and underground utilities, if that does not occur and if the development ever becomes unsafe for habitation or inaccessible due to coastal hazards, the Staff Recommendation would require that the development be removed or relocated.
- **Subjects the Project to design criteria to ensure consistency with community character policies.** While the City determined and the Staff Recommendation concurs that the Project would be consistent with LCP community character policies and compatible with the surrounding neighborhood, the Staff Recommendation establishes design criteria for the Project to further ensure consistency with community character.

For these reasons and those set forth in the attached Exhibit A, the Applicant respectfully requests that the Coastal Commission adopt the Staff Recommendation and approve the CDP and looks forward to presenting the Project to the Commission at its meeting on June 10, 2020. Please feel free to contact me at (310) 254-9027 if you have any questions regarding this matter.

Sincerely,



David A. Goldberg

Enclosures

cc: John Hansen  
Ciya Moazzami  
Susan McCabe  
Anne Blemker

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<sup>1</sup> As set forth in Exhibit A, the Applicant concurs with the Staff Recommendation that this setback would be the maximum setback that could be observed, while still allowing for an economically viable development, as required under the City's LCP. As noted in the Staff Recommendation, however, a fourth unit would be allowed if it could be accommodated behind the setback line.

**EXHIBIT A**  
**ADDITIONAL INFORMATION IN SUPPORT OF THE STAFF RECOMMENDATION**

**I. BACKGROUND**

**A. The Project**

This is the second time since 2008 that the Coastal Commission has considered a proposal for residential development at 1567 Beach Boulevard in the West Sharp Park neighborhood of the City of Pacifica. In 2008, the Coastal Commission approved on appeal a nine-unit condominium development at this site, although that approval later expired when the prior property owner was unable to proceed with the project. In June 2019, the Pacifica City Council approved the Applicant's CDP application for a scaled down seven-unit condominium development, which was then appealed to the Commission by two neighboring property owners, Appellants GRG/Pacific Ventures, Ltd and Nicholas Langhoff.

The 0.447-acre Project site is designated under the City's LCP for High Density Residential and zoned under the Municipal Code as R-3 (Multiple-Family Residential), permitting a range of seven to nine units on the site. The Project, which would bring additional housing opportunities to the West Sharp Park area of Pacifica, is consistent and compatible with the scale of neighboring multifamily developments along Beach Boulevard. The Project site is adjacent to other multifamily residential uses, including a 71-unit apartment complex (SeaPointe Apartments) to the rear/east of the site, which is owned by Appellant GRG/Pacific Ventures, Ltd, and a multi-family residential building to the south, which is owned by Appellant Nicholas Langhoff. The Project, as approved by the City, would provide Code-required parking for residents and exceed Code requirements for guest parking.

**B. The Existing Seawall**

The Project site fronts on the east side of Beach Boulevard, with the Beach Boulevard reinforced earthen wall ("Seawall") and adjacent rock revetment constructed in 1984 located to the west of the street. The Seawall supports and protects Beach Boulevard, its adjacent promenade and utilities, including a sewer line, under the road. The Coastal Commission previously has acknowledged the importance of the Seawall in protecting public access when it approved repair of the Seawall in 2008, finding that "[t]he existing seawall and revetment protect the public Promenade, which is an important public access feature in Pacifica. Repair of the revetment and seawall would ensure protection of this access."<sup>2</sup>

The City of Pacifica's third-party independent consulting engineer and geologists, Cotton, Shires and Associates Inc. and Daedalus Structural Engineering, which inspected the Seawall, observed that it is in good condition, noting "there has been little to no capacity loss in the measured top row [of the steel reinforcing straps], where corrosion is visible. For the sub-sequence rows, where there were no visible signs of corrosion, we conclude there is no loss in capacity." Based on their inspection and analysis, the City's consultants conservatively concluded the Seawall could last at least the remaining 40 years of its original 75-year design life. (See Exhibit B.) The Applicant's consulting engineers concurred with this conclusion and that the Seawall may

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<sup>2</sup> [CDP 2-07-028](#), May 9, 2008.

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indeed have an even longer design life if properly maintained.<sup>3</sup> (See Exhibit B.) The Appellants have not submitted any expert opinions or engineering analysis to refute this substantial evidence. Moreover, the Staff Recommendation relies in its analysis upon the City's third-party consulting engineers' conclusion that the Seawall has at least 40 years left of remaining life.<sup>4</sup>

In conclusion, the expert engineers who have inspected the Seawall concur that it is in excellent condition, has experienced little to no capacity loss, and is expected to meet or exceed its original 75-year design life. The Project's engineers concluded that with proper maintenance, the Seawall could last decades longer than that, such that the Project would be protected for its 50 to 75-year design life.

Indeed, the City has expressed its commitment in its Local Coastal Land Use Plan Certification Draft, February 2020<sup>5</sup> and Coastal Infrastructure Protection Projects (2020) document to maintain the Seawall into the future, irrespective of this Project, to support Beach

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<sup>3</sup> The Applicant's coastal engineer GeoSoils Inc. concluded in its June 4, 2019 Report that "[t]he licensed professionals, including the City third party reviewer, have concluded that the shore protection will function as intended for at least the next 40 years, if properly maintained. It is GSI's opinion that maintenance and repair, in a timely fashion will, extend the life for 40 additional years or more." In addition, in its May 30, 2019 report summarizing the findings of its May 27, 2019 supplemental site inspection, the Applicant's structural engineering consultant Structus, Inc. concluded:

The essential components of the wave resisting system, revetment and wave wall, are in very stable and good conditions. With no observable movement and deterioration after being in service for 35 years, we consider the system is in excellent condition . . . In conclusion, based on ASSHTO, FHWA and the Reinforced Earth Industry, the expected life of this type of system should last 75 years. With the excellent condition it is in after 35 years, if proper and regular maintenance is provided for the revetment and wave wall, it is our professional opinion that the system to last well beyond the remainder of said life expectancy.

<sup>4</sup> The Langhoff appeal attempts to demonstrate that the Seawall in front of the Project site is in poor condition by referencing prior damage experienced by other isolated portions of the wall to the south. As discussed in the GeoSoils Inc. June 4, 2019 Report at Exhibit B, past impacts to other portions of the wall related to a maintenance issue with respect to the rock revetment below the wall and in no way provides evidence regarding the condition of the Seawall fronting the Project site. In addition, while the portion fronting the Project site did experience wave action beneath the wall's footing in 2008 that led to a sink hole, the wall itself, including the straps, remained in good condition.

<sup>5</sup> In its draft implementing policies for Sharp Park, Policy CR-I-24 proposes to maintain and expand shoreline structures to protect existing public infrastructure (e.g., Beach Boulevard, its adjacent promenade, utilities, and the storm drain fronting the site), while Policy CR-I-25 proposes to upgrade shoreline protection structures, as necessary, to limit overtopping. Moreover, CR-I-56 (Existing Shoreline Protection Structures) provides:

Except as may be otherwise provided in the LCP sub-area policies, legally permitted shoreline protection structures may be repaired and maintained, as supported by Section 30235 of the Coastal Act, subject to all coastal development permit requirements (including those associated with the construction of the structure and/or prior repair and maintenance episodes) until the development they are protecting is removed or no longer requires shoreline protection structures, at which time the shoreline protection structure shall be reevaluated for consistency with the LCP and removed if no longer necessary.

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Boulevard and its adjacent promenade, to support the utilities under the road and to protect existing neighboring development.

**II. SUPPORT FOR STAFF RECOMMENDATION**

The Staff Recommendation squarely addresses and resolves each of the issues raised in the appeals that relate to City of Pacifica LCP or Coastal Act consistency through recommended conditions of approval.<sup>6</sup>

**A. The Staff Recommendations' Special Conditions Address LCP and Coastal Act Hazards Policies**

**1. Substantially Increased Bluff Setback**

Under the Staff Recommendation, the Project would be subject to an increased 105-foot setback from the bluff, which would reduce the Project in size from seven to three units, pursuant to Special Condition 1.a. The Applicant would accept this special condition of approval.<sup>7</sup>

The setback for the Project approved by the City relied upon the reasonable assumption that the City would continue to maintain the Seawall for the life of the Project, since the Seawall supports and protects Beach Boulevard, the adjacent promenade and underground utilities. As such, the City determined the Project would be consistent with Coastal Act and LCP policies that new development not require new shoreline protection, as it would instead derive shoreline protection from the existing Beach Boulevard Seawall.

The Staff Recommendation, however, more conservatively assumed a setback based only on the estimated 40-year remaining life of the Seawall. It then factored in long-term erosion that would occur should the Seawall be removed after 40 years, as well as an additional setback to account for a short-term 100-year hazard event. This resulted in a 105-foot setback, which would be over 1.5 times larger than the setback approved by the City. Through this setback, the Staff Recommendation comprehensively addresses several of the appeals' points, including that the Project not create the need for new shoreline protection and be set back safe from wave overtopping.

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<sup>6</sup> While the GRG/Pacific Ventures, Ltd appeal contends the City improperly relied upon CEQA's urban infill categorical exemption for the Project, as noted in the Staff Recommendation "the City's compliance with CEQA are not valid appeal contentions because appeal contentions, per the Coastal Act, are limited to questions of LCP consistency and Coastal Act access and recreation consistency." (Staff Recommendation at page 20). Moreover, since the Coastal Commission has a certified regulatory program under CEQA, its Staff Recommendation's review and analysis is deemed the functional equivalent of environmental review under CEQA. (See Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(c).) The Staff Recommendation includes the analysis and findings required under CEQA Section 21080.5(d)(2)(A).

<sup>7</sup> We understand based on our discussions with Commission Staff that a minor modification to the setback line as depicted in Exhibit 8 is being made to more accurately reflect the location of the bluff along the Project site's northern frontage.

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While the Staff Recommendation acknowledged the reasonable assumption that the Seawall would remain for at least its remaining design life, it did also consider alternative setbacks that did not assume the Seawall in place. However, these alternative setbacks would be located so far landward as to render the entire Project site undevelopable. As stated in the Staff Recommendation, under the LCP, “[i]f the required setback would render a site undevelopable, the LCP provides that the setback may be reduced by the minimum extent necessary to allow economically viable development, provided a qualified geologist determines that there would be no threat to public health and safety.”<sup>8</sup> The Commission’s geologist, Dr. Street, and its coastal engineer, Dr. Ewing, determined that the 105-foot setback would allow for a development that would not result in a threat to public health and safety.

The Applicant concurs with the Staff Recommendation that this setback would be the maximum setback that could be observed and still allow for an economically viable development, as required under the City’s LCP.<sup>9</sup> This is because the resulting three units that could be built on the site under the Staff Recommendation is just below the minimum density allowed for the site, based on its “net developable area”. The LUP provides that “[t]he ‘net developable area’ of the site shall be the basis for determining intensity, i.e., the number of units allowed under the land use and zoning designations.”<sup>10</sup> The LUP defines the “net developable area” for sites proximate to bluffs as “[t]he portion of a site determined by a geologist to remain usable throughout the design life of the project and determined to be adequate to withstand a 100-year hazard event.”<sup>11</sup>

The LCP’s minimum residential density for this Project site’s land use designation is 16 units per acre, resulting a minimum of seven units based on the site’s lot area. Since the required setback under the Staff Recommendation would result in a “net developable area” of roughly half the site, the minimum permitted residential density would be approximately 3.5 units.<sup>12</sup> Based on

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<sup>8</sup> Staff Recommendation, at page 22, citing City of Pacifica Land Use Plan, at page C-37; LCP Implementation (IP) Section 9-4.4404 (b); and IP Section 9-4.4404(d)(5).

<sup>9</sup> “[G]iven the various uncertainties described above, and given the LCP requires the Commission to evaluate a reduced setback that can accommodate some economically viable development, it is appropriate within that analytic framework to assume the existing Beach Boulevard armoring will be in place for the next 40 years, and then to calculate a safe setback for long-term bluff erosion and short-term large episodic erosion events for the anticipated remaining life of the proposed development (an additional 10 to 35 years past the initial 40 year evaluation time frame), and to incorporate conditions to account for future potential for wave runup and overtopping and tsunami events. In doing that, including applying the OPC “medium high risk aversion” 0.5% sea level rise probability scenario and using the Applicant’s historic erosion rate of 1.5 feet/year, a 105-foot setback would be sufficient to assure safety and stability for 53 years (through 2073) and would allow for about half of the property to be used for development inland of the setback (see Exhibit 8), providing ample space for an economically viable development.” (Staff Recommendation, at page 38.). As noted in the Staff Recommendation, a fourth unit would be allowed if it could be accommodated behind the setback line.

<sup>10</sup> City of Pacifica Land Use Plan, at page C-103.

<sup>11</sup> Id. at pages C-17, C-103.

<sup>12</sup> Accordingly, restricting development on the site to less than three units would interfere with the Applicant’s distinct investment backed expectations at the time of purchase that, at a minimum, the density permitted within the site’s “net developable area” would be permitted.



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the foregoing, the setback required under Special Condition 1.a of the Staff Recommendation would ensure consistency with Coastal Act and LCP coastal hazards policies.

2. Relocated Site Access

Under the Staff Recommendation, site access would be relocated from the northern to the southern portion of the site, further away from the bluff area that the Coastal Commission's engineers believe may be more susceptible to erosion, pursuant to Special Condition 1.b. The Applicant would accept this special condition of approval.

The bluff across from the northwestern portion of the Project site is armored with a riprap revetment, which was installed to protect the neighboring Shoreview subdivision to the north. Although the Staff Recommendation assumes the same erosion rate for this portion of the bluff, because it is not also armored with a Seawall like the rest of the bluff fronting Beach Boulevard, the Staff Recommendation conservatively recommends relocating site access to the southern portion of the Project.

In so doing, Special Condition 1.b also would address the issues raised in the Langhoff Appeal, which expressed concerns over the safety of relying upon Beach Boulevard for access due to bluff erosion and overtopping. It should be noted that Mr. Langhoff owns the multifamily building next door to the south of the Project site at 1 Paloma Avenue, which is closer to the bluff and at a lower elevation than the Project. While that building's vehicular access is on Paloma Avenue, its residential open space fronts Beach Boulevard, and its residents likewise use Beach Boulevard for pedestrian access.

While relocation of site access under Special Condition 1.b would address the wave overtopping concerns raised in the Langhoff Appeal, according to the Staff Recommendation, "[t]he Commission's Senior Coastal Engineer, Dr. Lesley Ewing, determined that based on the various analyses provided by [GeoSoils, Inc.], and with the existing shoreline armoring in-place and maintained, the site would be relatively safe from wave runup and overtopping."<sup>13</sup> (Emphasis added.) This conclusion is consistent with the City's findings, which were supported by substantial evidence that occasional overtopping at Beach Boulevard has not impacted and would not be expected to impact vehicular or pedestrian access. This evidence included testimony from the City's Senior Civil Engineer Raymund Donguines, analysis from the Project's civil engineer and survey data regarding the 54 existing residential units currently along Beach Boulevard, whose residents regularly take access from it.<sup>14</sup>

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<sup>13</sup> Staff Recommendation, at page 35. Dr. Ewing's technical report at Exhibit 7 to the Staff Recommendation also stated that, should overtopping present a more challenging issue for access if the shoreline protection is removed in the future, the issue could be addressed through conditions requiring the Project to be relocated should it become inaccessible. The Staff Recommendation accordingly imposes Special Condition 1.b, which requires just that.

<sup>14</sup> At the Planning Commission hearing, Mr. Donguines confirmed that the City maintains Beach Boulevard open to residents for access during periods of high wave overtopping and that residences are in fact accessible. Mr. Donguines explained that during such events Beach Boulevard would only flood if the storm drain is clogged, but in those cases, at most six inches of water would pond (matching the curb height) and that the balance of the water would flow back over the Seawall. (See [City of Pacifica Council Agenda Summary Report](#), June 24, 2019, Item 5 at page 7.) To provide further support for Mr. Donguines' conclusions, the Project's civil engineer Mike O'Connell, P.E. of Round House



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Based on the foregoing, the Staff Recommendation's findings that the Project access would be safe from coastal hazards, as conditioned by Special Condition 1.b, are strongly supported by the evidence in the record.

3. Requirement to Remove Development Should It Become Unsafe or Inaccessible

While the City of Pacifica intends to maintain and reinforce the seawall that supports Beach Boulevard and the adjacent promenade and underground utilities, if that does not occur and if the development ever becomes unsafe for habitation or inaccessible due to coastal hazards, the Staff Recommendation would require that the development be removed or relocated, pursuant to Special Condition 4.d. The Applicant would accept this special condition of approval.

The appeals argue that the Project is inconsistent with LCP and Coastal Act policies in that it would require the construction of shoreline protective devices to be safe from coastal hazards for its design life. The Staff Recommendation addresses this issue primarily through the imposition of Special Condition 1.a, which limits development on the property to only that which can be found safe based on forty years of remaining design life for the Seawall. The appeals also argue that the Project is not safely sited because its site access requires reliance upon Beach Boulevard, which they argue will eventually become degraded and unusable. While that argument unreasonably assumes the City would not seek to maintain Beach Boulevard, which it has committed to doing, the Staff Recommendation nevertheless addresses this concern through Special Condition 1.c, which requires that site access be relocated to the southern portion of the site, thereby minimizing the use of Beach Boulevard for access.

Special Condition 4.d then adds another layer of protection to ensure LCP and Coastal Act consistency by addressing the scenarios where the Seawall does not last for its remaining design life, the development outlasts the Seawall's design life, or if access to the site becomes impeded. If in these scenarios, the Project were to become unsafe for habitation or emergency vehicles, residents or guests cannot access the site via Beach Boulevard, Special Condition 4.d would require the development to be removed or relocated. The Staff Recommendation therefore ensures that the Project can be sited safely without ever creating the need for new shoreline protection.

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Industries, Inc. provided additional detailed analysis, dated June 2, 2019, which is attached at Exhibit C to this letter. Mr. O'Connell's analysis concluded that the driveway in front of the Project site, the stretch of Beach Boulevard to and from Paloma Avenue and the intersection with Paloma Avenue all would remain passable to vehicles during occasional overtopping events. This conclusion is based on several factors, including the slope of the road, the ability of water to flow back over the Seawall and redundant storm drain facilities. Moreover, even if both storm drains were to clog, both Mr. Donguines and Mr. O'Connell concurred that the amount of water within the street would be a matter of inches, which would allow vehicles to pass. Mr. O'Connell's analysis also indicated that 54 residential units (including a 36-unit development at 2355 Beach Boulevard) presently exist on Beach Boulevard where that street is their only means of access. These residents have been able to access their homes during wave overtopping, and based on the analysis that has been provided, the Project's residents would as well.

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**B. The Project is Consistent with the Community Character; The Staff Recommendation Would Further Ensure This Through Design Criteria**

While the City determined and the Staff Recommendation concurs that the Project would be consistent with LCP community character policies and compatible with the surrounding neighborhood, the Staff Recommendation establishes design criteria for the development to further ensure consistency with community character, pursuant to Special Condition 1.d. The Applicant would accept this special condition of approval.

**1. The Staff Recommendation Concludes the Project is Consistent with the Community Character**

The Staff Recommendation concludes that the Project is not inconsistent with LCP community character policies, including those related to size, scale and general design.<sup>15</sup> In so doing, Staff recommends against a substantial issue finding with respect to the Appellants' contentions that the Project is incompatible with the design, scale and character of the West Sharp Park neighborhood. Moreover, any potential questions regarding impacts of the development on coastal views along Beach Boulevard have been addressed through the Staff Recommendation that would result in the elimination of the Project's front building, leaving only the building at the rear of the property.

The Appeal also incorrectly argues the Project would be inconsistent with the City's LUP Policy pertaining to protecting and continuing low- and moderate-income housing in the West Sharp Park neighborhood. In response, the Staff Recommendation provides that "the LCP requirement is not to provide affordable housing, but rather to maintain a range of price points. In that context, and although it would expand the price point 'mix', as any development on the higher end of the price spectrum would, the City-approved project can be found compatible in terms of costs." (Staff Recommendation, at page 27.)<sup>16</sup> Moreover, since the Project site is vacant, it would

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<sup>15</sup> "Although large in scale, staff does not believe that the City's approval raises a substantial issue with respect to community character, including because the development is similar in size, scale, and general design with the two adjacent buildings between Paloma Avenue and the northern terminus of Beach Boulevard, as well as other development in the general area, despite the LCP's vision for 'bungalow style' development here. It does raise some question about how the massing nearest the street might impact overall public coastal views, particularly from along the Beach Boulevard public promenade, but this is a fairly developed section of the City, and the City's determination on this point could be supported by the evidence in the record. And although the LCP describes maintaining a mix of price points for housing, this would be market rate condos on the highest end of the mix, it could be argued to be a part of that mix." (Staff Recommendation, footnote 2 at page 3.)

<sup>16</sup> The Staff Recommendation suggests the Coastal Commission could regulate the price at which the proposed housing units may sell to "maintain the economic mix of housing opportunities in this area," although it recommends against the Commission doing so. (Staff Recommendation, at page 43.) It should be noted that, under the Mello Act and Coastal Act Section 30600.1(c), neither the Coastal Act nor the LCP vest the Coastal Commission with the authority to regulate the prices of the units. Moreover, the LCP does not require that development within this portion of West Sharp Park be restricted to low or moderate income units, provide for price control authority, or suggest that new residential development that is not low or moderate would be inconsistent with the community character. Rather, the LCP requires that development of vacant lots, such as the Project site "should in-fill with residential uses similar to the existing adjacent uses." As noted in the Staff Recommendation, the Project's size and scale is similar to several adjacent and proximate residential buildings in the immediate vicinity. Even where the LCP does address residential development pricing more directly, such as within the Mori Point area, it states only that the developer would be

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not remove any low or moderate income housing in the neighborhood, and its size and scale are similar to several adjacent and proximate residential buildings in the immediate vicinity, the Project would be consistent with the protection of low and moderate income housing envisioned in the West Sharp Park neighborhood narrative in the LUP.

2. Additional Information in Support of the Staff Recommendation

This section provides additional support for the Staff Recommendation’s community character findings. The Project’s size, scale and massing are all contemplated by and consistent with its land use designation and zoning. The General Plan and LCP both designate the Project site as “High Density Residential”, and it is located within the R-3 (Multiple-Family Residential) and CZ (Coastal Zone Combining) zoning districts. The Project is within the allowable height and density of the property’s high-density residential zoning; is similar in size and scale with neighboring multifamily properties along Beach Boulevard; and continues the prevalent development pattern of West Sharp Park involving a mix of multifamily and single family properties. Moreover, under the Staff Recommendation, the Project’s front row of building would be removed, thereby further reducing the Project’s massing along Beach Boulevard.

In addition, the Project site is adjacent to other multifamily residential uses, including a 71-unit apartment complex (SeaPointe Apartments) to the rear/east of the site, which is owned by Appellant GRG/Pacific Ventures, Ltd., and a multi-family residential building to the south, which is owned by Appellant Nicholas Langhoff. While there also are two single family homes to the south of the site on Paloma Avenue, these homes are legal nonconforming uses that sit on properties that today are zoned R-3 (Multiple-Family Residential). In other words, when these two properties are redeveloped in the future, they will be redeveloped with multifamily developments consistent with R-3 zoning, such as the Project.

The intended land use of the entire block north of Paloma Avenue between Palmetto Avenue and Beach Boulevard, and nearly the entire block to the south between Paloma Avenue and Carmel Avenue, is HDR according to the City’s General Plan and LCP. The HDR designation intends for development at a density of 16-22 units per acre, or one housing unit per 1,980 to 2,723 square feet of site area. On this basis, the General Plan and LCP indicate the project site should have between seven and nine units. As initially proposed with seven units, the Project included the minimum number of units allowable under the General Plan and LCP standards; as modified by the Staff Recommendation, the Project would be below the minimum density range.

As the City of Pacifica Planning Department staff report to the Planning Commission stated, other “conforming uses in the vicinity involve taller and bulkier buildings which reflect the changing character of this portion of the West Sharp Park neighborhood towards uses which implement the High Density Residential land use designation of the General Plan.” Moreover, the City’s LUP acknowledges that in West Sharp Park “[s]ingle-family and multiple-family

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“encouraged” to provide pricing affordable to persons of moderate income. (See LCP, at page C-44 (<https://www.cityofpacific.org/civicax/filebank/blobdload.aspx?BlobID=7043>.) Had the City in approving and the Coastal Commission in certifying the LCP intended to include a similar policy for West Sharp Park it would have done so.

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dwelling units are intermixed.”<sup>17</sup> Based on this surrounding zoning and these neighboring uses, the Project’s scale is appropriate for the site and its surroundings. In conclusion, the Project is within the allowable height and density of the zoning; is similar in size and scale with neighboring multifamily properties along Beach Boulevard; and continues the prevalent development pattern of West Sharp Park involving a mix of multifamily and single-family properties.

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The Applicant therefore respectfully requests that the Coastal Commission adopt the Staff Recommendation and approve the CDP and looks forward to presenting the Project to the Commission at its meeting on June 10, 2020.

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<sup>17</sup> City of Pacifica Land Use Plan, at page C-32.

**EXHIBIT B**



# COTTON, SHIRES AND ASSOCIATES, INC.

CONSULTING ENGINEERS AND GEOLOGISTS

March 4, 2019  
Revised March 12, 2019  
U5028

TO: Tina Wehrmeister  
Planning Director  
CITY OF PACIFICA  
1800 Francisco Boulevard  
Pacifica, California 94044

SUBJECT: **Supplemental Geotechnical Peer Review – Seawall Condition**  
RE: 1567 Beach Boulevard  
Pacifica, California

At your request, we have completed a supplemental geotechnical peer review of seawall conditions at 1567 Beach Boulevard using:

- 1567 Beach Blvd. Wave Wall Assessment (letter report), Prepared by Daedalus Structural Engineer, Inc., dated February 27, 2019;
- City of Pacifica, Beach Boulevard Seawall, Pacifica, California, construction plans (Sheet Nos. 1, 6 and 23) prepared by Woodward Clyde Consultants, dated August 31, 1984, revised October 11, 1984;

In addition, we have completed a recent site reconnaissance to observe the condition of exposed metal reinforcing strips and connections in two test pits excavated by others.

## DISCUSSION

We understand that City Planning and Public Works departments have requested a detailed evaluation of the condition of the existing Reinforced Earth seawall located west of 1567 Beach Boulevard where construction of a proposed condominium building is planned. Vehicle access to this building will be protected from coastal erosion by the existing Reinforced Earth seawall and adjacent rock revetment constructed in 1984. We understand that multiple episodes of rip rap revetment repair and replacement have

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Tina Wehrmeister

March 4, 2019

Revised March 12, 2019

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U5028

occurred adjacent to the seawall (in 2002 and 2008). We also understand that a portion of the seawall failed north of 1567 Beach Blvd. in 2016.

In our previous peer review letter, we recommended that test pits be excavated in at least two locations to expose and allow for inspection of at least three metal reinforcing strip layers. We also recommended that a structural engineer should inspect the metal reinforcing strips and connections for corrosion, and develop opinions regarding the functional life of the wall.

### RECENT GEOTECHNICAL AND STRUCTURAL EVALUATIONS

Two test pits were excavated on the inboard (land) side of the seawall to expose three and four layers of metal reinforcing strips. According to the Reinforced Earth web page, the strips are 2 inches wide and 5/32-inch thick (0.15625) and have a standard design lifespan of 75 to 100 years.

In the recently excavated test pits, Daedalus Structural Engineering, Inc. (Daedalus) and CSA observed that the upper (top) reinforcing strips and connections showed signs of corrosion; however, the lower 2 to 3 strips had little to no corrosion. We measured the width and thickness of the upper strips, at 1.9 inches and 0.15 thick, respectively.

### CONCLUSIONS AND RECOMMENDED ACTIONS

Based on the observation by Daedalus and CSA, it appears that only the upper (top) metal reinforcing strips show signs of corrosion. Daedalus concluded that “. . . *there has been little to no capacity loss in the measured top row, where corrosion is visible. For the sub-sequence rows, where there were no visible signs of corrosion, we conclude there is no loss in capacity.*” Daedalus also concluded that “. . . *there is approximately 40 years of life remaining.*”

Based on these observations and conclusions it appears that the existing seawall has approximately 40 years of life remaining, assuming a similar rate of corrosion/degradation as has been observed to date; however, we did not evaluate the integrity of the wall at other locations.

CSA has no other issues regarding the present structural integrity of the existing Reinforced Earth seawall. The seawall and adjoining rip rap revetment warrant at least annual inspection and noted degradation of either structure should be addressed by appropriate maintenance.

COTTON, SHIRES AND ASSOCIATES, INC.

Tina Wehrmeister

March 4, 2019

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**LIMITATIONS**

This supplemental geotechnical peer review has been performed to provide technical advice to assist the City with its discretionary permit decisions. Our services have been limited to an independent review the referenced geotechnical report to determine the adequacy of the liquefaction hazard evaluation and any associated mitigation measures. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

Respectfully submitted,

**COTTON, SHIRES AND ASSOCIATES, INC.**  
**CITY GEOTECHNICAL CONSULTANT**

Ted Sayre

Engineering Geologist

CEG 1795



David T. Schrier

Principal Geotechnical Engineer GE 2334

TS:DTS:st

Attached: Daedulus Structural Engineering, Inc. letter

**COTTON, SHIRES AND ASSOCIATES, INC.**



February 27, 2019

Cotton, Shires and Associates, Inc.  
Attn: David Schrier, G.E.  
330 Village Lane  
Los Gatos, CA 95030

Via E-mail: [dschrier@cottonshires.com](mailto:dschrier@cottonshires.com)

Subject: 1567 Beach Blvd. Wave Wall Assessment  
Project Name: 1567 Beach Blvd. Wave Wall, Pacifica, CA  
Project Number: 19028

Dear David:

### **Introduction**

The objective of this letter report is to present the results of the structural engineering evaluation of the existing wave wall located at 1567 Beach Blvd., Pacifica, CA.

### **Scope of Work**

We have provided the following structural engineering services associated with the evaluation of the existing wave wall:

- 1) Reviewed available construction drawings and previous evaluation reports.
- 2) Visited the subject wave wall to observe existing structural conditions.
- 3) Written this report covering the following item:
  - a) Assessment of structural condition.

Assessments, conclusions, and/or recommendations contained within this report are based upon observations made during our site visit of February 12, 2019, and upon our experience evaluating other structures of similar configuration, construction type, and location. We have performed a cursory review of the provided existing structural drawings; no structural calculations have been performed.

### **Review of Documentation**

Our review of documents consisted of the review of the following drawings:

1. Structural Drawings – Sheets 1, 6 and 23, dated August 31, 1984, by Woodward-Clyde Consultants.

**Limitations**

Services associated with the preparation of this report were performed by Daedalus Structural Engineering, Inc., in a manner consistent with the level of care and skill ordinarily exercised by members of the structural engineering profession currently practicing under similar conditions. No other warranty, expressed or implied, is made. The report is based on a limited review of the existing site and was prepared solely for the use of Cotton, Shires & Associates; No third party shall have the right to rely on opinions expressed herein without both Cotton, Shires & Associates and Daedalus Structural Engineering, Inc.'s written consent. The actual structural characteristics of the existing wave wall could not be fully assessed since no calculations were performed. In addition, site terrain and armor protections conceal many features of the structure throughout. Information not available under these conditions to Daedalus Structural Engineering and hidden construction quality conditions could alter the structural characteristics of the existing site from what is inferred in this report.

**Description**

The structure at 1567 Beach Blvd., Pacifica, CA, consists of a wave wall with an approximate height of 14'-6" and approximately 500 feet in length. The wave wall has a top cap panel, then followed by cruciform panels (5'x5') x 7-1/16 inches thick, refer to Figure 1 for panel layout, with four- (4) strap connections per panel. The steel reinforcing straps are two- (2) inches wide by 5/32-inch (0.1563 inch) thick, with a rib pattern, refer to Figure 2 for strap connection, and Figure 3. The wave wall was constructed in 1984.

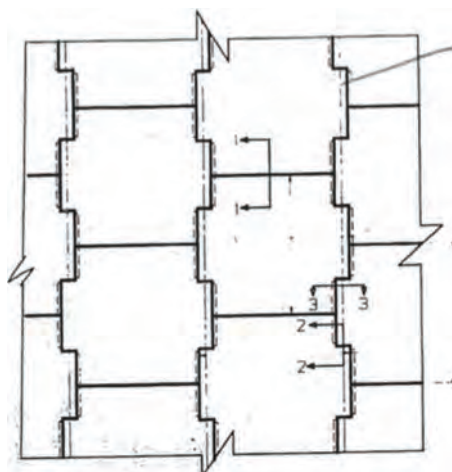


Figure 1 – Panel Layout.

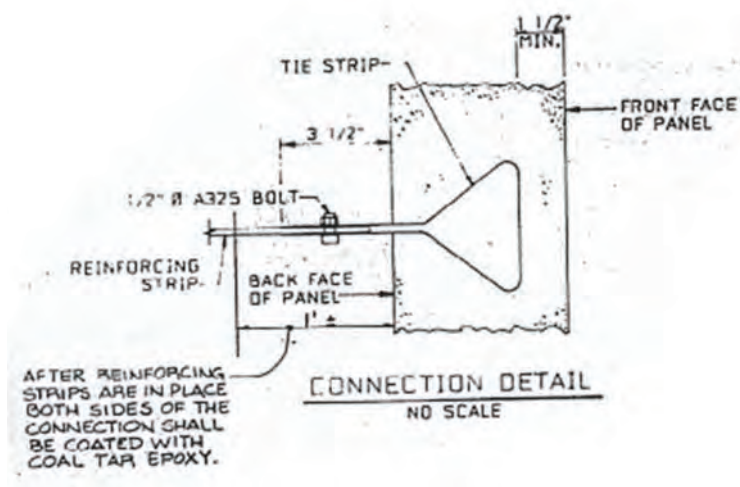


Figure 2 – Connection Detail.

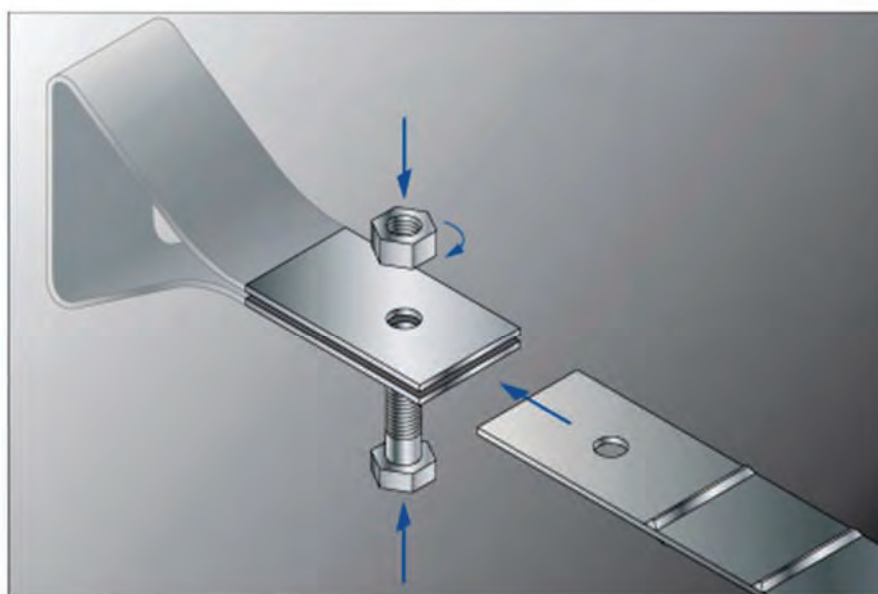
*Reinforcing strip connection at back face of panel.*

Figure 3.

**Site Visit Report**

Overall the existing wave wall appeared to be in good structural condition. No noticeable signs of settlement or structural distress were observed.

The site observations were limited to just the exposed access pits and the wave wall face. At each access pit we observed the top three – four rows of straps, and only the top row showed signs of corrosion. The deeper straps showed little to no corrosion. We measured the width and thickness at the top row, and we measured the width to be 1.9 inches and the thickness to be 0.15 inches. Refer to Photos 1 through 3 for the existing strap connections.



1567 Beach Blvd.  
Pacifica, CA

Structural Assessment  
February 27, 2019



Photo 1.



Photo 2.





Photo 3.

### Geotechnical Conditions

At the time of this report, no geotechnical report was available for review.

### Conclusion

In conclusion, based on ASSHTO, FHWA and the Reinforced Earth Industry the expected life of this type of system is approximately 75 years plus, depending on the type of corrosion protection and material used. If we use the minimum life expectancy for this system, there is approximately 40 years of life remaining. Based on our field observations, and limited calculations comparing the strength capacity of a new strap system dimensions against our field measured dimensions, it is our professional opinion there has been little to no capacity loss in the measured top row, where the corrosion is visible. For the sub-sequence rows, where there were no visible signs of corrosion, we conclude there is no loss in capacity.

Sincerely,

DAEDALUS

Bryan G. Cortnik, P.E., S.E.  
Associate Principal



**Geotechnical • Geologic • Coastal • Environmental**

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June 4, 2019

W.O. S7309

Pacifica States Capital Corp.  
PO Box 7602  
Menlo Park, CA 94026

Attention: Mr. John Hansen

Subject: Response to Appeal Comments by Cheryl Henley Concerning the Proposed Development at 1567 Beach Boulevard, Pacifica, San Mateo County, California

Dear Mr. Hansen:

GeoSoils Inc. (GSI) is pleased to provide the following comments in response to Ms. Cheryl Henley's (Appellant) appeal letter dated May 16, 2019 concerning CDP 395-18 at 1567 Beach Boulevard in Pacifica. Our response to the Appellant's comments focus on the existing shore protection and the analysis of future wave overtopping of the shore protection in consideration of sea level rise (SLR).

## **EXISTING SHORE PROTECTION**

The existing shore protection is a quarry stone revetment backed by a reinforced earth (RE) retaining wall. The RE wall relies upon the mass of soil behind it, that buries the metal straps, which restrain the wall. Even partial loss of this soil mass allows the wall to rotate seaward and fail. Failures of the RE wall along Beach Blvd near the municipal pier have occurred in the past. Based upon GSI's conversations with the City Engineering Department, in the past, one of the reasons for the failure of the RE wall was possibly the degradation of the restraining straps. An approximate 10 feet of length of RE wall failed in about 2002. The RE wall failure increased in size to about 30 feet over subsequent days. It should be noted that there is about 1300 feet of revetment and RE wall from the pier north to the site. The city needed FEMA funding to do more extensive repairs but took remedial action to stop the enlargement. After a more thorough investigation of the failure, including the recent in-depth investigation of the RE wall fronting the site, it was determined that the cause of the failure of the RE wall was related to the condition of the revetment below the wall. In her appeal, the Appellant referenced our 2002 observations (See Appellant's Letter page 17) which identify the cause of the RE wall failure to be movement of the revetment.

A revetment is a “mobile” form of shore protection that requires periodic maintenance. Monitoring and maintenance of the revetment and the RE wall are required by the California Coastal Commission (CCC) Coastal Development Permit (CDP). This is a typical condition, and for other Pacifica shore protection that includes a quarry stone revetment, such as Cottages by the Sea (formally Pacific Skis Estates), monitoring is done annually and maintenance in the form of rock repositioning and upper wall patching is done about every two years. Additionally, the homes along Shoreview perform maintenance every few years. We are not aware of the City’s monitoring of the Beach Blvd shore protection and the last major maintenance was in 2007 -2008.

The rocks below the Beach Blvd RE wall, and that also support the RE wall, move over time due to extreme wave action. The movement of the rocks rips the filter fabric behind the rocks and allows for wave action to go beneath the footing of the RE wall, through the damaged filter fabric behind the revetment, and erode the soils behind the wall. When the, the restraining straps became exposed, over time, they will rust due to direct exposure to sea water. This type of movement would be readily observed during annual monitoring and timely maintenance would have likely avoided the failure. The loss of soil behind the wall, which holds it in place, due to the damaged filter fabric from rock movement, is the reason for the localized failures of the RE wall. The reduction of the strap strength from rusting over longer periods of time from exposure to sea water only occurs after the soils are lost behind the wall. The revetment and some voids behind the RE wall were repaired under FEMA funding in 2007-2008. This was permitted by the CCC as maintenance.

In the middle of March 2008 some of the soil behind the RE wall fronting the 1567 Beach Blvd site was lost due to wave action (See Appellant’s Letter page 18) . At the request of the City, we observed this distress and recommended a repair. Figure 1 was taken during our March 17, 2008 inspection. The straps are visible and in good condition. The sink hole was formed by waves acting beneath the footing of the RE wall. The straps did not cause the sink hole. Figure 2 shows the repaired distress on March 26, 2008. It also shows that a heavy roller compactor was used for the repair directly next to the RE wall. The roller compactor had no impact on the RE wall. This illustrates that traffic near the RE will not impact the wall.





Figure 1. RE wall restraining straps in excellent condition after the 2008 loss of RE wall backfill.



Figure 2. Repaired area of 2008 sinkhole with roller compacting operated at the top of the RE wall.

The failures of the RE wall are caused by the movement of the revetment rocks and damaged filter fabric and not the degradation of the straps. The Appellant confuses this point in the appeal. This is understandable in that the Appellant lacks the technical background to understand how the shore protection, the revetment and RE wall, are designed to function together. The January 2016 collapse of the RE wall was due to undermining of the RE wall. The City Engineer clearly stated that the “straps did not fail” (See Appellant’s Letter page 19).

This type of shore protection requires observation and maintenance over its life. The actual shore protection system can last almost indefinitely, if properly maintained. The rocks are massive and will last for a century or more. The concrete of the RE wall, if monitored and maintained, can last almost as long. For example the Ocean Beach O’Shaughnessy seawall is over 100 years old and has many more decades of useful life. Several licensed professionals who have examined the shore protection fronting the site, including the City third party reviewer, have concluded that the shore protection will function as intended for at least the next 40 years, if properly maintained. It is GSI’s opinion that maintenance and repair, in a timely fashion will, extend the life for 40 additional years or more.

Based upon the proposed City of Pacifica Draft Sea Level Rise Adaptation Policies for the site area, the City proposes to maintain and expand shoreline structures to project public infrastructure (the promenade, Beach Blvd, utilities, and storm drain fronting the site) (Hazard Policy 25). In addition, the City proposes to upgrade shoreline protection structures to limit overtopping (Hazard Policy 26).

## **WAVE OVERTOPPING AND SEA LEVEL RISE**

The site has been subject to a site-specific wave overtopping analysis by GSI, and additional analysis as part of the Draft Sea Level Rise Adaptation Policies by ESA. GSI has concluded that the development is safe from wave overtopping including sea level rise (SLR) using analysis method contained in the CCC SLR 2018 guidance. The ESA draft report considers the USGS modeling program referred to as CoSMoS. Figure 3 is the CoSMoS output for the site with 6.6 feet of SLR. Based upon CoSMoS wave runup does not impact (reach) the site during the 100 year storm and 6.6 feet of SLR. ESA performed an independent wave runup analysis for 5.7 feet of SLR for the sub area including the site. This output is provided in Figure 4. The ESA analysis shows that the limit of the wave runup, where the overtopping water depth goes to 0.0 feet, is just at the seaward edge of the property. The Appellant on page 6 of her letter mistakenly claims that the line of the limit of the wave runup is where the wave runup starts. This is incorrect.

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Figure 3. USGS CoSMoS wave overtopping analysis for 6.6 feet of SLR and the 100 year storm.

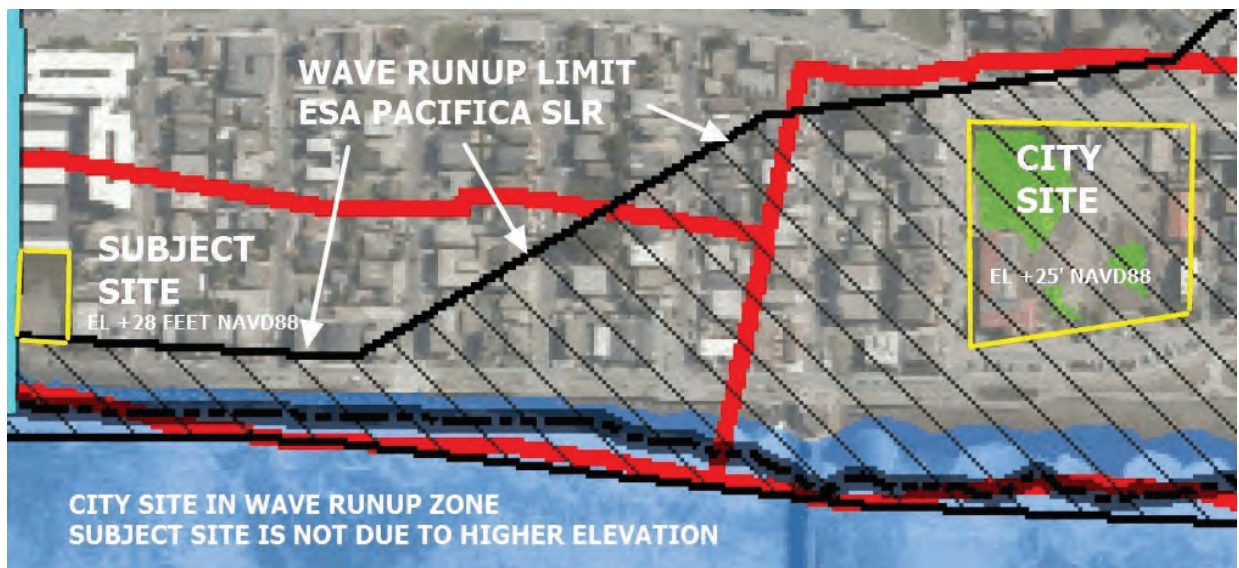


Figure 4. ESA limit of wave runup (overtopping) line with 5.7 feet SLR. Note the comparison of the wave runup limit at the properties to the south of the site.

Figure 4 shows that the seaward portion of the site is at the very landward limit of the wave runup zone with the shore protection in place. It also shows that much of the area to the south of the site is impacted by wave runup with 5.7 feet of SLR. The red lines in Figure 4 show the approximate location of the shoreline with 5.7 feet of SLR and NO SHORE PROTECTION along Beach Blvd. The draft ESA Pacifica SLR adaptation report clearly states that the shore protection along Beach Blvd is to be maintained and upgraded to protect the vulnerable areas. Finally, based on the ESA report, the development is not vulnerable to wave overtopping with 5.7 feet of SLR.



The Appellant challenges the SLR analysis. The Appellant's statement that "Pacifica saw SLR of nearly 9 feet in the 1996/97 El Nino period" is factually incorrect and not supported by any data. Most estimates of the impact of the El Nino on sea level was on the order of inches and less than 1 foot. The CCC 2018 SLR Guidance for SLR analysis is based upon the California Ocean Protection Council (OPC) 2018 SLR report which is the "best available science." SLR estimates at the site is based upon the OPC SLR report table below.

**TABLE 13: Projected Sea-Level Rise (in feet) for San Francisco**

*Probabilistic projections for the height of sea-level rise shown below, along with the H++ scenario (depicted in blue in the far right column), as seen in the Rising Seas Report. The H++ projection is a single scenario and does not have an associated likelihood of occurrence as do the probabilistic projections. Probabilistic projections are with respect to a baseline of the year 2000, or more specifically the average relative sea level over 1991 - 2009. High emissions represents RCP 8.5; low emissions represents RCP 2.6. Recommended projections for use in low, medium-high and extreme risk aversion decisions are outlined in blue boxes below.*

		Probabilistic Projections (in feet) (based on Kopp et al. 2014)				H++ scenario (Sweet et al. 2017) "Single scenario"
		MEDIAN	LIKELY RANGE	1-IN-20 CHANCE	1-IN-200 CHANCE	
		50% probability sea-level rise meets or exceeds...	66% probability sea-level rise is between...	5% probability sea-level rise meets or exceeds...	0.5% probability sea-level rise meets or exceeds...	
			Low Risk Aversion		Medium - High Risk Aversion	Extreme Risk Aversion
High emissions	2030	0.4	0.3 - 0.5	0.6	0.8	1.0
	2040	0.6	0.5 - 0.8	1.0	1.3	1.8
	2050	0.9	0.6 - 1.1	1.4	1.9	2.7
Low emissions	2060	1.0	0.6 - 1.3	1.6	2.4	
High emissions	2060	1.1	0.8 - 1.5	1.8	2.6	3.9
Low emissions	2070	1.1	0.8 - 1.5	1.9	3.1	
High emissions	2070	1.4	1.0 - 1.9	2.4	3.5	5.2
Low emissions	2080	1.3	0.9 - 1.8	2.3	3.9	
High emissions	2080	1.7	1.2 - 2.4	3.0	4.5	6.6
Low emissions	2090	1.4	1.0 - 2.1	2.8	4.7	
High emissions	2090	2.1	1.4 - 2.9	3.6	5.6	8.3
Low emissions	2100	1.6	1.0 - 2.4	3.2	5.7	
High emissions	2100	2.5	1.6 - 3.4	4.4	6.9	10.2

The table shows the tremendous uncertainty of what SLR may be in the year 2100. It could be anywhere from 1.6 feet to as much as 10.2 feet. However, the "likely range" for high emissions in the year 2095 is about 1.5 feet to 3.2 feet, the 5% probability is 4 feet, and the 0.5% is about 6.25 feet. The GSI analysis in 2017 used 3 feet and 4.9 feet for the overtopping analysis. The ESA report used 5.7 feet, and the CoSMoS 6.6 feet analysis is provided herein. All of the SLR estimates used in GSI, ESA, and CoSMoS overtopping analysis are within the potential SLR range.

It should again be noted that GSI's analysis is consistent with the CCC 2018 SLR Guidance. The ESA analysis with 5.7 feet of SLR shows the limit of the wave runup is at about the seaward line of the development. CoSMoS analysis with 6.6 feet of SLR shows the water on Beach Blvd proper, but not near the actual site. GSI's analysis with 3 feet of SLR has the wave overtopping bore going about 40 feet, or close to the seaward side of the site (but not at the building). GSI also used CoSMoS with 4.9 feet. The GSI report

concluded that overtopping waters may reach the site but the water elevation will just be inches and not impact the site. GSI used a lower SLR than ESA but got result similar to ESA with 5.7 feet. This is why the GSI analysis can be considered to be more conservative.

A careful analysis of the plans shows that at the south end of the site the distance from the top of the RE wall to the property line wall is about 44 feet. The distance to the actual building is about 68 feet. The distance from the top of the RE wall to the development at the north end of the site is less. However, the RE wall is at an angle of about 45 degrees to the shoreline at this location which significantly reduces the overtopping. Finally, the site is fronted by a low height property line wall. The finished floor is about 4 feet above the adjacent street. This is well above any coastal hazard elevation. In closing, based upon the GSI analysis, the CoSMoS analysis (including herein), the ESA analysis, the project design with finished floor elevation, the subject development is reasonably safe for wave overtopping hazards over the life of the development.

The Appellant provided some dramatic pictures of wave overtopping at the foot of Palmona Avenue. These pictures include damage to a fence and landscaping. The Appellant did not provide pictures that showed overtopping water reaching the actual site. In addition, the site natural grade elevation is about 3 to 4 feet higher than the property with the damaged fence and three feet higher than the top of the RE wall fronting the site. To our knowledge the residential structure where the fence was damaged was not flooded. It is also interesting to note that there are people experiencing this overtopping, which contradicts the Appellant's claim of life threatening conditions.

Overtopping occurs along Beach Blvd and will continue to occur. The Draft Pacifica SLR Hazard Policies will address this coastal hazard going forward. Overtopping of the RE wall is characterized by a large splash, which after it comes over the wall, quickly reduces in height such that by the time it crosses the street is only inches of water. Figure 5 and Figure 6 are a better representation of overtopping along Beach Blvd.



Figure 5. Wave overtopping at Beach Boulevard. The actual wave splash is dramatic.



Figure 6. Actual wave overtopping is just inches of water. This picture was taken right after the picture in Figure 5.

Much of the information about the existing shore protection, SLR, wave overtopping, and potential project impacts provided by the Appellant is misleading and misguided. The Appellant has not provided an opinion from a licensed professional to counter not only GSI's conclusions, the conclusion of other project consultants, but also the conclusions of the ESA report. The City draft SLR polices recognize that the Beach Blvd shore protection is a valuable public asset that protects lateral public coastal access, coastal viewing benches, Beach Boulevard, and other City infrastructure. The acceptance or reliance of the Appellant's mistaken arguments as justification for denying the project essentially condemns the black cross hatched (an any area seaward on the red line) in Figure 4, going forward.

The opportunity to be of service is greatly appreciated. If you have any questions concerning this report, or if we may be of further assistance, please do not hesitate to contact any of the undersigned.

Respectfully Submitted,



GeoSoils Inc.  
David W. Skelly, RCE #47857



May 30, 2019

Pacific States Capital  
P.O. Box 7602  
Menlo Park, CA 94026

Attention: John Hansen

Re: Beach Boulevard Property  
1567 Beach Boulevard  
Pacifica, California  
Structural Engineering Observation on Adjacent Seawall

Mr. Hansen:

Per your request, we have performed a structural observation of the seawall adjacent to the proposed development project at 1567 Beach Boulevard on May 27, 2019. While our structural observation of the seawall on February 12, 2019 focused on the back of the seawall, particularly the structural condition of the steel reinforcing straps, exposed through the access pits, this observation focused on the structural condition of the front face of the seawall.

Technically, the seawall is a wave wall and a reinforced earth retaining wall, and its structural integrity relies primarily on the steel straps and backfill material. Based on our previous observation and inspection reports provided by Cotton, Shires and Associates, Daedalus Structural Engineering, and GeoForensics Inc, both of those elements are in excellent condition. In terms of resisting wave action, the system relies on the revetment and the wave wall.



The section of the wave wall is approximately 14'-6" in height and 500 feet in length. The wave wall consists of cruciform panels, 5' x 5' x 7-1/16 inches thick, and topped by approximately 40'-0" long cap panels. The cruciform panels are staggered vertically and interlocked by built-in shear keys.

Cap Panel

Cruciform Panel

Rip Rap Revetment



## Discussion of Structural Conditions

### a. Revetment

Based on our observation, the rip rap revetment appears to be in a good and stable condition. It serves a critical function of protecting the base of the wave wall from scouring by the wave action, one of the main cause of seawall failures. The base of the wave wall is protected by cast-in-place concrete. We observed negligible relative movement between the wave wall panels and the concrete base. After being there for over 35 years, this is in excellent condition.



Rip Rap Revetment



Little to separation  
between wall panel  
and concrete base

Rip Rap Revetment

## b. Wave Wall Panels

As a primary structure of the wave wall, the interlocking concrete panels and cap panels are essential in resisting the wave action above and beyond revetment. Our observation included the following;

### i. Wave Wall Stability

We assessed the out-of-plane stability of the wave wall through observing its plumbness. We noticed that the wave wall stands very straight and plumb with no visible sign of leaning or out-of-plane movement.

We also observed the in-plane stability of the wall. Similarly, there is no visible sign of vertical or lateral movement can be observed.





ii. Observable Damages

We observed two type of damages: 1. spalling and cracking at panel corners and edges, 2. spalling on the panel surface. While both type of damage are very typical, they are not extensive and easily repairable.



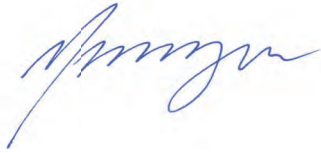
c. **Recommendations and Conclusion**

The essential components of the wave resisting system, revetment and wave wall, are in very stable and good conditions. With no observable movement and deterioration after being in service for 35 years, we consider the system is in excellent condition.

The superficial damages observed in the front face of the interlocking wall panels should be repaired. We recommend the repairs to be completed in the near future and all panel joints to be fully grouted with cementitious and salt water resistant material.

In conclusion, based on ASSHTO, FHWA and the Reinforced Earth Industry, the expected life of this type of system should last 75 years. With the excellent condition it is in after 35 years, if proper and regular maintenance is provided for the revetment and wave wall, it is our professional opinion that the system to last well beyond the remainder of said life expectancy.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Yu', is written over a faint, light blue circular background.

Peter Yu, S.E.  
Principal

## **EXHIBIT C**

June 2, 2019

John Hansen  
Pacific States Capital  
P.O. Box 7602  
Menlo Park, CA 94602

Dear John,

Pursuant to your request, this letter has been prepared to address the following concerns raised by the appellant for the 1567 Beach Boulevard project in Pacifica.

We reviewed the properties on and around Beach Boulevard to determine which properties rely on Beach Boulevard as a singular point of ingress and egress. Several properties on Beach Boulevard as well as Birch Lane and Elder Lane rely on Beach Boulevard as their singular point of ingress and egress. This includes the 36-unit development at 2355 Beach Boulevard. While the development at 2355 Beach Boulevard does have two access points, they are both off of Beach Boulevard. There currently exists 54 units that rely on Beach Boulevard for their ingress and egress. The number of units relying on Beach Boulevard with the addition of the 1567 Beach Boulevard project would be 61. A summary of the addresses and units is included in the table below.

It has been long-standing City policy to close Beach Boulevard during high surf events to prevent onlookers from walking along the promenade and accessing the pier. While most coastal residents understand the need to use caution while along the beach during high surf, many visitors do not exercise the same level of caution. Our understanding is that during a routine high surf event Beach Boulevard is closed to through traffic but open for residents and that this is done to minimize risk to public safety. This policy should be confirmed with City staff.

**Table 1 – Properties that rely solely on Beach Boulevard for Access**

<b>Address</b>	<b># of units</b>
1669 Beach Boulevard	1
1671 Beach Boulevard	1
1815 Beach Boulevard	1
1815 Beach Boulevard	1
1981 Beach Boulevard	1
1983/1985 Beach Boulevard	2
1987 Beach Boulevard	1
2071 Beach Boulevard	1
2071 Beach Boulevard	1
2305 Beach Boulevard	1
43 Birch Lane	1
120 Birch Lane	1
110 Birch Lane	1
82 Birch Lane	1
61 Elder Lane	1
2409 Beach Boulevard	1
2409 Beach Boulevard	1
2355 Beach Boulevard	36
<b>Total without 1567 Beach</b>	<b>54</b>
<b>Total with 1567 Beach</b>	<b>61</b>

In order to address the concern raised regarding the height of water in Beach Boulevard when waves overtop the seawall we must look at two distinct conditions. The first condition is the section of Beach Boulevard between Paloma and the project site and the second is the section of Beach Boulevard at the Paloma intersection. The two sections have different roadway geometrics that facilitate the drainage of seawater post-waver overtopping.

The first condition between Paloma Avenue and the project site is shown below. The section comprises the existing wall, of which the top is flush with the adjacent pavement, and asphalt roadway that is sloped to match the existing pavement slope of approximately 6% towards the wall, and new curb and sidewalk, and a proposed retaining wall that is approximately 3 feet tall. This section of the street does not have the ability to store water because it only has a cross slope and not a crown and there is a flush condition where the top of the existing wall meets the new pavement, allowing water to flow unobstructed back over the wall. The railing on top of the wall is an open railing and does not obstruct the flow of water back over the wall. This is also consistent with how Senior Civil Engineer Raymund Donguines described the flow of water back over the wall during the planning commission meeting. Additionally, the pavement elevation adjacent to the project is approximately 2.7 feet higher than the top of the wall. This creates a cross slope of 6% on the pavement, which is much steeper than the industry standard cross slope of 2%. The steeper cross slope facilitates a faster removal of water from this section of Beach Boulevard. Finally, this section of Beach Boulevard does not rely on a storm drain, which could become clogged, to evacuate the water from the roadway. Therefore, we conclude that there would not be a large enough volume of water in the roadway that would prohibit vehicular travel post-waver overtopping.

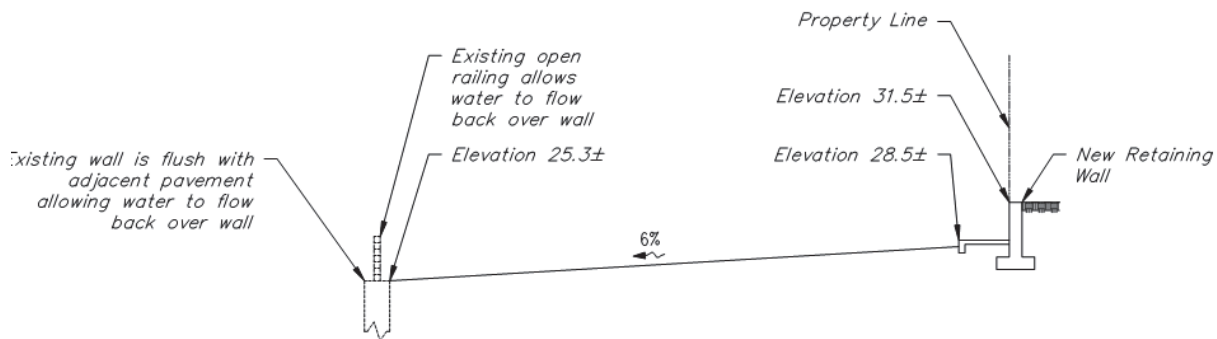


Figure 1: Cross section through Beach Boulevard between Paloma Avenue and project site.



The second condition we must evaluate is at the intersection of Beach Boulevard and Paloma Avenue. This area comprises the seawall, which is flush with the adjacent pavement, an approximately 13-foot-wide asphalt promenade, curb and gutter, storm drain catch basin, and an asphalt street. There is a secondary catch basin on the east side of Beach Boulevard.

Water cannot drain freely over the wall in this location because of the elevation difference provided by the curb and gutter. It must first drain through the catch basin. The catch basin includes an opening in the curb to let more water enter the catch basin faster, and provides a secondary way for water to enter the catch basin should the grate of the catch basin become clogged. The curb opening is the second level of redundancy for this system. The depth of water in Beach Boulevard in this scenario is effective 0 inches because the water can still flow freely into the catch basin.

If the catch basin suffers a complete failure the water would be required to back up until it can spill into the catch basin on the east side of Beach Boulevard. This is the third level of redundancy for the system. The depth of the water in Beach Boulevard in this scenario is 0.14 feet (approximately 1.5 inches).

If both catch basins fail the water would back up and spread out towards the wall and towards Paloma Avenue until it can spill over the top of the wall and into the ocean. The water depth in front of the driveway used to access the site in this scenario varies between 0.33 feet (4 inches) and 0.66 feet (8 inches), with the depth of water being less on the east side of the driveway. It is important to note that once cars leave the driveway and turn left onto the Paloma Avenue the water surface elevation in this scenario reaches a depth of 0 inches approximately 10 feet east of the driveway. Therefore, we conclude that there would not be a large enough volume of water in the roadway that would prohibit vehicular travel post-wave overtopping for such a short distance.

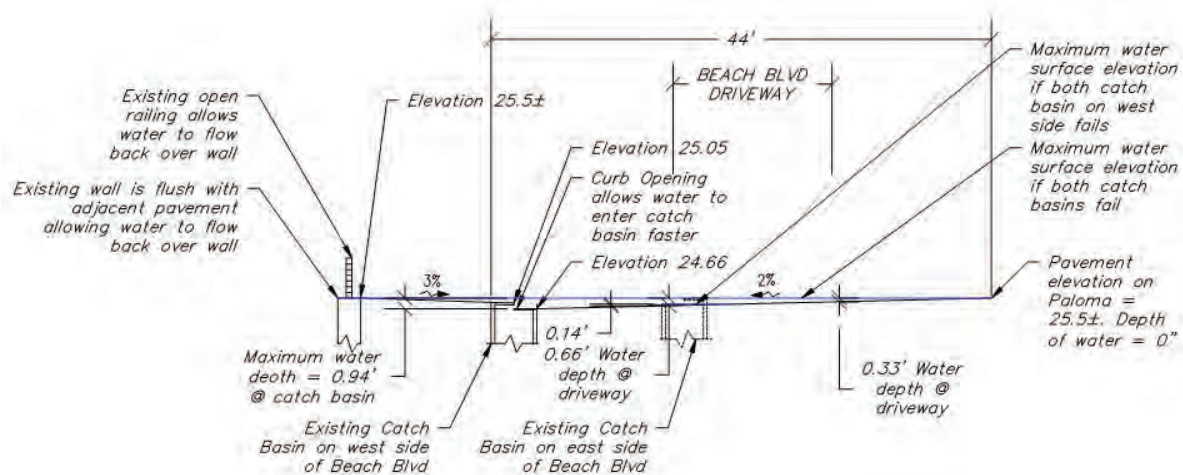


Figure 2: Cross section through Paloma Avenue/Beach Boulevard Intersection.



Please contact me at 650.303.0495 if you have any questions regarding our analysis.

Sincerely,

A handwritten signature in black ink, appearing to read "MA O'CONNELL". The signature is written in a cursive, slightly slanted style.

Mike O'Connell, PE

**Subject:** RE: Beach Blvd - Follow Up  
**Date:** Thursday, May 21, 2020 at 3:54:51 PM Pacific Daylight Time  
**From:** David Goldberg  
**To:** KoppmanNorton, Julia@Coastal, Rexing, Stephanie@Coastal  
**CC:** JOHN HANSEN, Ciyavash Moazzami, Susan McCabe (smccabe@mccabeandcompany.net), Anne Blemker, David Skelly  
**Attachments:** image001.jpg, image002.jpg, image003.jpg, image004.jpg, image005.jpg, bluff top.jpg, S7309 Pacific State Capital Bluff Edge Comparison.pdf

Hi Julia,

We wanted to check back with you on a few items and see if we could schedule a follow-up call for middle of next week, perhaps on Wednesday or Thursday (5/27 or 5/28) to discuss.

### 1. Setback line

As I mentioned in my last email, Dave Skelly of GSI has performed an analysis of the setback exhibit you provided and has prepared the attached exhibit comparing CCC's setback line with an alternative line, which GSI believes reflect more accurate assumptions. Below is a summary of GSI's points on the setback line, which we can discuss further on our call.

- The northern portion of the blufftop required some correction. Please see the attached picture of the bluff. Note that there are rocks on top of the bluff at the home to the north. GSI determined the bluff top on the adjacent property using Google earth underlay and site inspection verification.
- While our team continues to believe the RE wall has a longer remaining life than 40 years, we have retained that assumption for the purposes of this analysis. However, the RE wall stops just south of the storm drain. The shore protection to the north of the RE wall is solid rock and has a life of > 100 years, per GSI. Over the life of the development, there is no expected erosion to the north of the end of the RE wall.
- GSI believes CCC used a reasonably conservative future erosion rate from the year 2060 to 2095 to come up with an erosion of 75 feet over that time period. However, GSI does not concur with CCC adding an additional 30 feet for a one-time extreme event. Per GSI, the long-term rate by definition incorporates this type of short-term event. In addition, GSI is not aware of this type of approximation to determine a setback. GSI does not believe there is a geotechnical justification for this additional 30 feet.
- Using the Geologic Setback concept to determine a setback for development (i.e., the sum of the retreat over the erosion period added to the 1.5 Factor of Safety line distance), the 1.5 FOS is 10.5 feet from the bluff top, which yields a geologic setback of 75 feet + 10.5 feet, or 85.5 feet over the design life of the development (conservatively assuming 75 years).

### 2. Relocating Site Access to the South

The team is still analyzing the feasibility of this alternative access and will be prepared to discuss that on a call next week. We need to interface with the City on this issue. One question for discussion is whether the northern access could be retained, while including the southern access for emergency purposes.

### 3. Site Plan

If we can reach concurrence on the setback line, there may be room for one or perhaps two additional units

reoriented to the north in the front behind that setback line. If so, we would like to discuss with you the logistics of providing an updated site plan. We also will be discussing this with City staff.

#### 4. "Triggers" Approach

As we mentioned on our last call, we have worked with CCC staff on other matters where staff supported the use of a "triggers" approach to coastal hazards issues. Under this approach, approved development would be required to be removed in the future if certain triggers occur indicating that development is no longer safe. We would like to revisit this issue on our call as it relates to the front row of development.

#### 5. Timing

Given the outstanding issues and our interest in trying to work with CCC staff on a mutually agreeable recommendation, we would like to discuss hearing scheduling with you on our call. If it looks like we will be able to work through these issues, but require a little more time to do so, we would like the flexibility for the item to be heard in July, if necessary.

Please let us know your availability for a call next week.

Thanks,

David

David A. Goldberg



Armbruster Goldsmith & Delvac LLP

12100 Wilshire Blvd. | Suite 1600 | Los Angeles | CA | 90025

Direct: 310.254.9027 | Main: 310.209.8800

[david@agd-landuse.com](mailto:david@agd-landuse.com)

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Please consider the environment before printing this email.

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**From:** David Goldberg

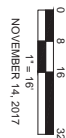
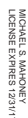
**Sent:** Monday, May 18, 2020 5:05 PM

**To:** KoppmanNorton, Julia@Coastal <julia.koppmannorton@coastal.ca.gov>; Ciyavash Moazzami <ciyavash@gmail.com>

**Cc:** Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>

**Subject:** RE: Beach Blvd - Follow Up

Hi Julia,

[illegible]

OWNERS:	PHOENIX CAPITAL L.V., LLC
APN:	016-011-190
AREA:	0.415 ACRES
TITLE DATA:	OLD REPUBLIC TITLE CO., NO 0147020526-J2

LOTS 1, 2, 3, 36, 37 AND 38, OF BLOCK 14, AS DELINEATED ON THAT CERTAIN MAP ENTITLED, "REVISED MAP SALADA BEACH, SAN MATEO COUNTY CALIFORNIA" FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO STATE OF CALIFORNIA ON AUGUST 5, 1907 IN BOOK OF MAPS AT PAGE 20.

(R1) "RECORD OF SURVEY MAP NO. 1824," FILED IN BOOK 30 OF LLS MAPS AT PAGE 38, ON DECEMBER 14, 2007, IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY.

(IN) THE CERTIFICATE ON THE MAP ENTITLED "REVISED MAP SAKUDA BEACH, SAN MATEO CO. CAL., FILED IN VOLUME 5 OF MAPS AT PAGE 20, INDICATES THE BOARD OF SUPERVISORS REJECTED DEDICATION OF BELLA VISTA AVE. THE CITY OF PACIFIC HAS NOT ACCETED DEDICATION OF BELLA VISTA AVE. SAID BELLA VISTA AVE. OWNERSHIP REMAINS IN THE SUCCESSORS OF THE OCEAN SHORE LAND COMPANY.

ENCROACHMENT INTO THE 25' STRIP OF LAND KNOWN AS BELLA VISTA AVE. PER 5 MAPS 20.

SHOWN ON THAT CERTAIN MAP ENTITLED "REVISED MAP SALADA BEACH, SAN MATEO CO. CAL." FILED IN VOLUME 5 OF MAPS AT PAGE 88. ALSO SAID TO BE A COPY OF THE SAME MAP ON FILE IN VOLUME 4 AT PAGE 88.

(M4) ALL DISTANCES ARE IN FEET OR DECIMALS THEREOF

STILL, NORTH CAROLINA'S 2017-2020 BUDGET TITLE IN PHOENIX CAPITAL, LLC, WHICH DOES NOT INCLUDE THE 7.80-8.02 STRIP PARCEL DESCRIBED BY (N3).

THE BEARING OF N90°00'00"E BEING THE CENTERLINE OF PALOMA AVENUE BETWEEN TWO FOUND CITY MONUMENTS AS SHOWN ON THAT CERTAIN MAP "RECORD OF SURVEY MAP NO. 1824" FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY IN BOOK 30 OF LLS MAPS AT PAGE 39, ON DECEMBER 14, 2007.

ELEVATIONS AND CONTROLS SHOWN HEREIN ARE BASED ON A SURVEY DONE ON NOVEMBER 4, 2017.





## Joe Street

1. Location of the bluff top. Attached is a topo and some pictures that shows the location of the bluff. As you can see, the bluff top is further seaward than depicted in the CCC memos. You will note that on the property to the north there are rocks that have been placed on top of the bluff.





2. The addition of the 30 feet extreme event erosion to the setback is not justified in this location. This is a low height bluff that transitions to the even lower height bluff and dunes at the south end of Beach Blvd. Attached is the 1979, and 1987 coastal records of the south end of Beach Blvd. This shows the area before and after the 1982-83 El Nino. There does not appear to be this extreme type erosion of 30 feet.







3. We support the use of the Geologic Setback methodology, which is more commonly used by the CCC. There is uncertainty in the amount of future SLR, and the calculation of the future bluff erosion rate is not precise science. It is basically an educated guess based upon modeling. The retreat rate is based upon an historic retreat which would have extreme event erosion within the record. At this site there was no revetment during the 1978 El Nino event. As I mentioned in the conference call, the removal of any jeopardized portion of the development is part of the approval. Other projects have an actual trigger mechanism, for example, like the structure being within 15 feet of the top of the bluff.

4. Lastly, when using the methodology where the RE wall fails in 40 years, it should be noted that the revetment does not have a life shorter than the 75 life of the development. This means that the shoreline to the north will not retreat. On a minor note the base of the RE wall is at about elevation +18 feet NAVD88, which is the top of the rock. This fixes the toe of the bluff while the upper portion of the bluff will retreat if no protection action is taken. This bluff erosion would be a result of overtopping and not direct wave impact on the bluff. The erosive potential of the incoming wave energy is reduced by the remaining revetment. This erosion rate would be logically less than a rate using the landward movement of the bluff toe as appear to be done in the CCC analysis.

ROBERT J. LANZONE  
JEAN B. SAVAREE  
GREGORY J. RUBENS  
CAMAS J. STEINMETZ  
KAI RUESS  
KIMBERLY L. CHU  
JEREMY KIRSHNER

CAMAS J. STEINMETZ, Ext. 225  
Email: csteinmetz@adcl.com



## AARONSON DICKERSON COHN & LANZONE

A PROFESSIONAL CORPORATION

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FAX: 650-453-3911  
[www.adcl.com](http://www.adcl.com)

MICHAEL AARONSON  
(1910-1998)  
KENNETH M. DICKERSON  
(1926-2008)  
MELVIN E. COHN  
(1917-2014)

Of Counsel:  
NELLIE ANCEL  
JOAN A. BORGER

June 4, 2020

California Coastal Commission  
NorthCentralCoast@coastal.ca.gov

**Re: Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)**

Dear Chair Padilla and Members of the California Coastal Commission:

This law firm represents GRG/Pacific Ventures, Ltd., one of the two appellants that filed the above referenced appeal of the City of Pacifica's approval of a Coastal Development Permit (CDP) to allow for construct a condominium development on undeveloped property located at 1567 Beach Boulevard (APN 016- 011-019). One of the central issues in this appeal is that the project relies on an existing City-owned seawall for protection over which the applicant has no control, and which has an expected remaining life that is between 10-60 years shorter than the 50-100 year life of the proposed development.

We have reviewed Staff's recommendation that you find that the City's approval raises a substantial issue and take jurisdiction over the CDP, and that you further approve the project with conditions to require (1) that the site plan be substantially modified to adhere to a 105 ft. front setback, add additional parking, and relocate access to come from the southern end of the property; and (2) a prohibition against future shoreline armoring to protect this development; and (3) triggers for future removal/relocation of the project instead of armoring.

While our client still has serious reservations and concerns about development of this site, after careful evaluation we have concluded that Staff's recommended conditions would bring the project into substantial conformance with the policies of the City's Local Coastal Program and the Coastal Act which the project, as proposed and approved by the City, currently violates. Accordingly, we respectfully request that you follow Staff's recommendation and (1) find that the appeal raises a substantial issue and take jurisdiction over the CDP; and (2) approve the CDP subject to the aforementioned conditions recommended by Staff.

Sincerely,

Camas J. Steinmetz

Cc: Julia KoppmanNorton, Project Planner

Nicholas Langhoff  
1581 Beach Blvd. #3  
Pacifica, CA 94044  
phone: (415) 373-2154  
email: [langhoffn@smccd.edu](mailto:langhoffn@smccd.edu)

June 5, 2020

California Coastal Commission  
North Central Coast District Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Attn: [julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)

RE: ITEM W10A, APPEAL NO. A-2-PAC-19-0160 (PHOENIX CAPITAL LXV LLC, PACIFICA)  
OPPOSITION TO DEVELOPMENT AT 1567 BEACH BLVD. IN PACIFICA (CDP-395-18)

Dear Commissioners:

I want to thank California Coastal Commission staff for their time patiently hearing our concerns and for their comprehensive examination of the information provided in our appeal; for their own methodical evaluation incorporating sea level rise science and geologic engineering expertise to issues associated with this proposed development; and, their efforts to provide sound and reasonable recommendations to resolve those issues with the applicant.

I continue to have serious concerns over the structurally degenerating and dangerous singular site access via Beach Boulevard to the property. As indicated in our appeal letter, Beach Boulevard site access is regularly pummeled with dangerous and destructive overtopping waves and high velocity wave runup several weeks out of the year during the winter months. This presents regular danger to future residents traveling in vehicles or on foot to and from their homes at this project site. With the structural uncertainty and regular hazards that this mission-critical site access is subject to, I do not feel this project is safe to develop.

Though I don't believe the staff report explicitly states it, there are no legal options for alternate or emergency site access should Beach Boulevard access become compromised. I am formally confirming here that the easement behind my property, 1581 Beach Blvd, is unavailable for alternate access now and in perpetuity should Beach Boulevard access become compromised. Though I concur with staff report special condition 4D (page 13) that degradation and eventual failure of Beach Boulevard as a viable roadway should trigger project removal, I see that Beach Boulevard is already an unviable roadway for hours at a time several weeks out of the winter months. How can we develop a site with singular access that is periodically dangerous to navigate?

The recommendations in the staff report reasonably address most of the challenging physical constraints at this project site; however, if adopted, I urge the Commission to add the following considerations I and my fellow appellant Nancy Merchant have:



- Allow no more than one dwelling unit (sited behind a minimum 105' setback and without allowing any variances) to imperil the fewest number of people. (This would be consistent with LUP Page C-20)
- Provide the utmost transparency about the extent and likelihood of severe overtopping multiple times perhaps each and every year. Broadly including overtopping as a possible hazard amongst the others under Condition 4a doesn't seem sufficient. Rather, we believe that overtopping should be a separate condition, similar to the tsunami warning, with samples provided that show the risk of injury and how both pedestrian and vehicular access may be impeded for hours at a time, which may delay medical care during an emergency.
- Similarly, we believe it needs to be abundantly clear to future buyers that there is only one access road to the property. Aside from the "climb a fence and trespass" variety, there is no alternative access, emergency or otherwise.
- Add specific removal/relocation triggers, determined prior to permit approval, that take into account the **intermittent** loss of access and subsequent encroachment on public street/beach parking – How many times a year is it acceptable to not be able to access one's home safely?

In summary, I feel there is a moral responsibility to accurately inform potential homeowners of what they would be legally binding themselves to. Thank you again for reviewing this unique and complicated project with care and thought for the future.

Respectfully,  
Nicholas Langhoff  
[langhoffn@smccd.edu](mailto:langhoffn@smccd.edu)

June 4, 2020

California Coastal Commission  
45 Fremont St.  
San Francisco, CA  
Coastal Analyst Julia Koppman Norton  
Via Email to KoppmanNorton, Julia@Coastal <[julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)>  
CC: Langhoff, Nick <[langhoffn@smccd.edu](mailto:langhoffn@smccd.edu)>

**RE: Item W10a, Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)  
Opposition to Development at 1567 Beach Blvd. in Pacifica (CDP-395-18)**

Honorable Commissioners:

Commission Staff has done an admirable job balancing the many aspects of this challenging site. Although the recommended minimum 105-foot compromise setback outlined in the conditions of approval would reduce hazards to the buildings, I continue to have grave concerns that the sole access is dangerously exposed to all the cited coastal hazards, including high-velocity overtopping.

The rigorous geotechnical analysis presented in the Staff Report clearly concludes that this site is undevelopable under the LCP due to risks to life and property. Although I believe that “undevelopable” should exclude it from being developed for housing, LUP Page C-20 states that in such circumstances ONE residential unit may be permitted to allow economically viable development.

The applicant was undoubtedly aware of the extremely speculative nature of this hazardous location, and thus had no reasonable expectation of being issued a Coastal Development Permit.

- The current applicant acquired the property merely four months after the prior project permit was denied by both the Pacifica Planning Commission and the City Council.<sup>1</sup>
- The prior project was denied on substantially the same issues – risks to life and property from coastal hazards and reliance on existing shoreline protective devices with an expected lifetime less than that of the development and with a history of failures.
- The Coastal Commission submitted letters to this applicant early in the process, prior to City approval, requesting the applicant to address concerns pertaining to setbacks, overtopping, and the problematic singular access. (See Exhibit 9 of Staff Report)
- By failing to address Commission Staff’s repeated requests and deliberately underrepresenting the risks, it seems that the Applicant is not at all concerned about the safety of future residents or the long-term viability of the project.

Thus, I urge the Commission to consider the following:

- Allow no more than one dwelling unit (sited behind a minimum 105’ setback) to expose the fewest number of people to the risks.
- Provide the utmost transparency about the extent and likelihood of severe overtopping occurring multiple times perhaps each and every year. Broadly including overtopping as a possible hazard amongst the others under Condition 4a doesn’t seem sufficient. Rather, I believe that overtopping should be a separate condition, similar to the tsunami warning, with

samples provided that show the risk of injury and how both pedestrian and vehicular access may be impeded for hours at a time, which may delay medical care during an emergency.

- Similarly, I believe it needs to be abundantly clear to future buyers that there is only one access road to the property. Aside from the “climb a fence and trespass” variety, there is no alternative access, emergency or otherwise.
- Add specific removal/relocation triggers, determined prior to permit approval, that take into account the **intermittent** loss of access and subsequent encroachment on public street/beach parking – How many times a year is it acceptable to not be able to access one’s home safely?

I have selected several pictures to illustrate that there has been a long history of significant overtopping at this site, beginning as early as 1998. Storms in 2016 and 2017 caused damage to the adjacent properties along the sole entryway to this site and to the homes in the Shoreview subdivision to the north.<sup>2</sup> I believe that potential homeowners need to know what they are binding themselves to before they purchase.

Thank you for your careful consideration of this complex project.

Sincerely,  
Nancy Merchant  
77 Paloma Ave. #201  
Pacifica, CA 94044  
[nmerch2009@gmail.com](mailto:nmerch2009@gmail.com)

1. 03/20/17 – Prior project permit extension (Pinkstone LLC) denied by Pacifica Planning Commission;  
05/22/17 – Prior project permit extension (Pinkstone LLC) denied on appeal by Pacifica City Council;  
09/29/17 – Property sold for \$1,050,000 (Zillow);  
11/27/17 – GeoSoils, Inc. letter to John Hansen, Pacifica States Capital Corp., re “Coastal Hazard Discussion 1567 Beach Blvd and Inspection of City of Pacifica Shore Protection Fronting 1567 Beach Blvd, Pacifica, San Mateo County, California”
2. Screen shots from KTVU News coverage of damaging waves on page 4:  
KTVU News Fox 2, January 22, 2016,  
[https://archive.org/details/KTVU\\_20160123\\_020000\\_KTVU\\_Fox\\_2\\_News\\_at\\_6pm/start/120/end/180](https://archive.org/details/KTVU_20160123_020000_KTVU_Fox_2_News_at_6pm/start/120/end/180)  
YouTube Video, January 23, 2016, Mila Zinkova (includes a KTVU News broadcast)  
<https://www.youtube.com/watch?v=HYamOHcDtrE&feature=youtu.be>

## Wave Overtopping Along Beach Blvd. North of Paloma Ave.

*(Note that many of these photos were taken a day or two AFTER the damaging storms subsided enough to reduce risks to the photographers and cameras)*



1998 (Nov) – Entryway at Beach Blvd & Paloma



2005 (Mar) – Entryway



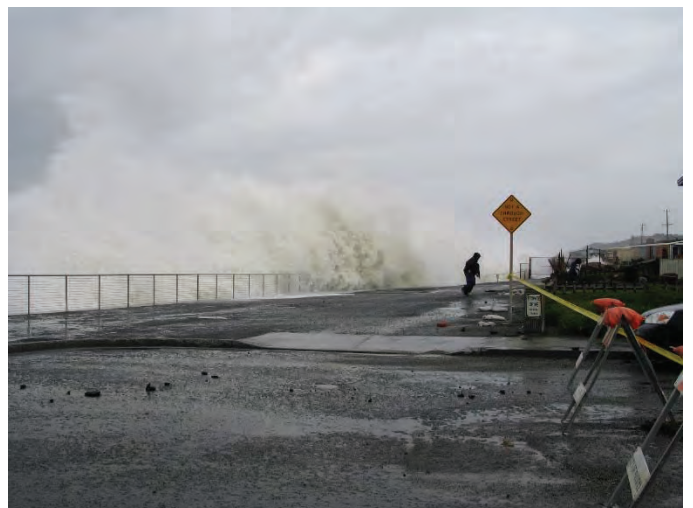
2006 (Oct) – Entryway



2006 (Dec) – Paloma Ave. at Beach Blvd.



2007 – Entryway



2008 (Jan) – Entryway and road closure signs at Paloma & Beach Blvd.





2008-(Jan) – Entryway (from stairs of 1581 Beach Blvd., fence delineates subject site). These are NOT clouds!

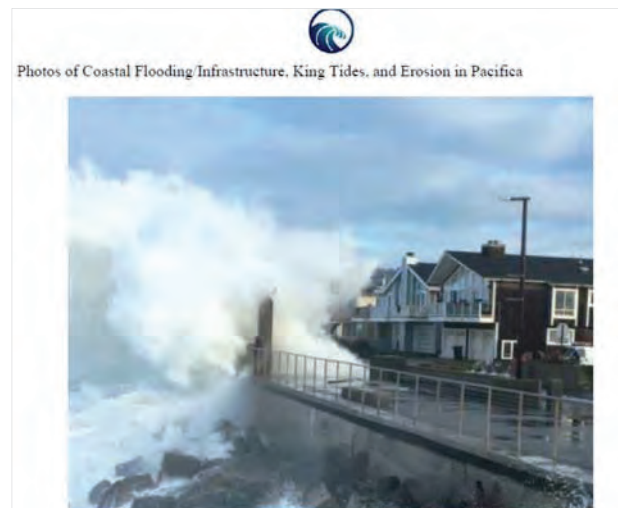


Looking north at entryway (light pole is on the corner of Paloma Ave.)

### Overview of Beach Blvd. Looking North



2008 (Jan) – Note high water level & rock tossed up



Pacifica LCP Grant 2016

### Destruction from Overtopping to Adjacent Buildings (1 Paloma Ave. in Jan. 2016) (1581 Beach Blvd. & 244 Shoreview in Jan. 2017)



2016 (Jan) – KTVU interview at 1 Paloma;  
KTVU reporter *"I've been out there at that very spot, hit by one of the waves, and almost killed"*

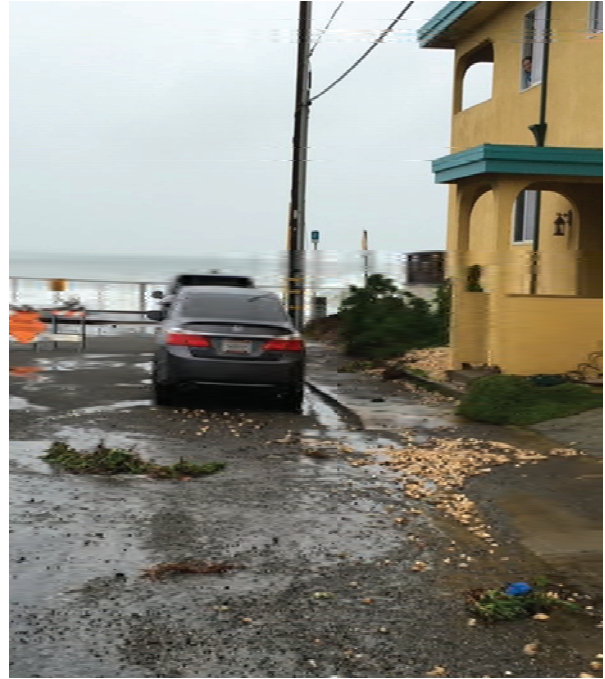


2016 (Jan) – Destruction of fence at 1 Paloma where woman was pinned against the building





2016 (Jan) – Remnants of fence at 1 Paloma along entryway



2016 (Jan) – Debris flow along Paloma Ave. and road closure signs at Beach Blvd.



2017 (Jan) – Fence destroyed at 1581 Beach Blvd. (60 foot setback)



2017 (Jan) – Destruction at 244 Shoreview on the north side of subject property and 3 or 4 feet higher in elevation



Scenic Pacifica  
Incorporated Nov. 22, 1957

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## CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506  
[www.cityofpacifica.org](http://www.cityofpacifica.org)

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**MAYOR**  
Deirdre Martin

**MAYOR PRO TEM**  
Sue Beckmeyer

**COUNCIL**  
Sue Vaterlaus  
Mary Bier  
Mike O'Neill

June 5, 2020

The Honorable Steve Padilla, Chair  
California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA 94105

**Subj: Appeal No. A-2-PAC-19-0160 - City of Pacifica Comments on 1567 Beach Boulevard Appeal Hearing**

Dear Chair Padilla,

I am writing to offer the City of Pacifica's ("City") comments on the matter of an appeal of the City-issued Coastal Development Permit CDP-395-18, approved on appeal by the City Council of the City of Pacifica on June 24, 2019, to authorize construction of a seven-unit condominium complex at 1567 Beach Boulevard (APN 016-011-190) in Pacifica. The matter is Item No. W10a on the California Coastal Commission's ("CCC") June 2020 meeting agenda.

The City disagrees with numerous assertions made by CCC staff in its *Appeal Staff Report: Substantial Issue Determination & De Novo Hearing* (May 22, 2020). These assertions result in an inaccurate record of the project as it was considered by the City, provides Coastal Commissioners with erroneous information upon which to base a determination on the pending appeal, and further, would establish a flawed framework for analyzing other projects located in the Sharp Park neighborhood of Pacifica and potentially elsewhere in the City. The following sections summarize the City's objections.

I. Flawed Framework for Analyzing Projects Protected by the Beach Boulevard Seawall

The City does not dispute that the subject project is *new development* as that term is used in the LCLUP. The project proposes seven residential condominium units on an undeveloped site and therefore, is plainly new development. The Pacifica LCLUP includes several policies to address new development. Policy No. 26(b) which provides that new development shall "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" (Pacifica LCLUP, p. C-10). Policy No. 23 provides that "New development ... shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it..." (LCLUP, p. C-9). Pacifica LCLUP Policy No. 16 does not directly address new development, but will be addressed later in relation to existing development.

The City's Implementation Plan ("IP") also includes the provisions addressing new development. Section 9-4.4406(c) of the Pacifica Municipal Code ("PMC") provides, in subsection (1) that "...placement or erection of a shoreline protection device, shall not be permitted ... unless, without such measures, the property at issue will be rendered undevelopable for any economically viable use," and further provides in subsection (2) that "Consistent with the City's Seismic Safety and Safety Element, new development which requires seawalls as a mitigation measure or projects which would eventually require seawalls for the safety of the structures shall be prohibited, unless without such seawall the property will be rendered undevelopable for any economically viable use."

CCC staff improperly generalizes LCLUP Policy Nos. 16, 23, and 26(b), as well as IP Section 9-4.4406(c), as providing that "new development that would rely on shoreline armoring is prohibited..." (staff report, p. 32). A similar statement is made on p. 35 of the staff report, stating that "In order for the project to be consistent with [LCLUP Policy No.] 16 and IP [Section] 9-4.4406(c), the development cannot rely on shoreline armoring in order to assure safety from hazards to the site ... regardless of the fact that there is a seawall and rip-rap revetment already in place." These statements are the result of CCC staff ascribing a different meaning than that offered by the plain language of LCLUP Policy No. 26(b) and IP Section 9-4.4406(c), both of which are applicable to new development (as noted above, LCLUP Policy No. 16 is not applicable to new development and the reason for CCC staff's reference to it in this analysis is unclear). LCLUP Policy No. 26(b) describes "construction of protective devices," IP Section 9-4.4406(c)(1) describes "placement or erection of a shoreline protection device," and IP Section 9-4.4406(c)(2) describes projects requiring "seawalls as a mitigation measure" and "eventually [requiring] seawalls." These provisions, when read together and in proper context, address future construction of a shoreline protection device or seawall which is not in existence at the time of project approval. There is no reasonable reading of the plain language of these provisions to have the meaning attributed to them by CCC staff.

Additionally, LCLUP Policy No. 23 discourages new development in areas distant from existing development. The subject project is located contiguous with existing developed areas at 1581 Beach Boulevard, 7 Paloma Avenue, 15 Paloma Avenue, 29 Paloma Avenue, and 77 Paloma Avenue. It is also in close proximity to existing developed areas at 244 Shoreview Avenue and 252 Shoreview Avenue (approximately 12 feet away). The project site can accommodate the proposed development because it has direct access to the Beach Boulevard public right-of-way, and all required utilities, including but not limited to water, sewer, gas, electricity, and telecommunications, are available at the site without requiring significant utilities extensions. No utility capacity limitations have been identified for the proposed development. Therefore, the proposed development is consistent with LCLUP Policy No. 23.

The CCC staff's analysis of the subject project does not correctly characterize important factors applicable to the project site which support a conclusion that the Beach Boulevard seawall is not a seawall required to be constructed as a mitigation measure for the subject project, or a seawall eventually required to be constructed for the safety of structures on the project site. It is not in dispute, and in fact it is a central element of this appeal, that the Beach Boulevard seawall exists. It was constructed in the 1980s after certification of Pacifica's LCLUP in order to protect existing, pre-Coastal Act development and to achieve other important public benefits such as providing a lateral coastal access trail and public parking along Beach Boulevard, and defined vertical access points to the beach. However, for reasons which are unclear to the City, the CCC staff report omits an accurate description of existing development located between the project site and the Beach Boulevard seawall which demonstrate the presence of the Beach Boulevard seawall is consistent with LCLUP Policy No. 16. LCLUP Policy No. 16 provides that "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when

required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.” The Beach Boulevard seawall protects existing pre-Coastal Act development, as further explained below.

The CCC staff report states that “there is no formal road, sidewalk or vehicle access to 1567 Beach Boulevard...” (staff report, p. 37). However, as demonstrated in Figure 1, below, there is a curb cut from Paloma Avenue which provides vehicular access to a paved segment of Beach Boulevard north of Paloma Avenue. Pedestrian access is similarly provided by sidewalks on the north side of Paloma Avenue and west side of Beach Boulevard which connect to the paved segment of Beach Boulevard north of Paloma Avenue. This segment of Beach Boulevard previously provided access to a single-family residence on the 1567 Beach Boulevard site (Figure 2, below). The City issued a demolition permit to demolish the single-family residence in December 2003 and Figure 2 demonstrates the structure remained at least as last as February 2004. A well-worn unpaved driveway as well as a vehicle in front of the 1567 Beach Boulevard are present in Figure 2 (there is also ample contemporary evidence of vehicles parking on the 1567 Beach Boulevard to view the coast). Therefore, contrary to CCC staff’s description, there is formal vehicle and pedestrian access to 1567 Beach Boulevard. This area constitutes development as defined in Coastal Act Section 30106, which includes “any road.”



**Figure 1. Beach Boulevard north of Paloma Avenue, April 2019.**





***Figure 2. Aerial Image of Previous Single-family Residence at 1567 Beach Blvd., February 2004.***

The Beach Boulevard seawall is owned and maintained by the City. It protects existing development including not only the Beach Boulevard public right-of-way and street, but also existing public utilities including but not limited to sewer infrastructure operated by the City and electrical infrastructure operated by Pacific Gas & Electric (PG&E). CCC staff calls into question the age of certain of this infrastructure by stating that “No City records have been found with information on whether these [sewer] lines were constructed prior to enactment of the Coastal Act or have been replaced” (staff report, p. 37). However, the CCC staff has not provided any evidence that the lines were constructed after enactment of the Coastal Act or replaced. Records for infrastructure which may have been installed more than 50 years ago are often difficult to locate, particularly when such infrastructure may have been installed prior to the City’s incorporation in 1957 (comprehensive records are not always provided to newly incorporated cities by the county), and especially prior to the current era of careful land use planning brought about by the Coastal Act and environmental review required by the California Environmental Quality Act. Yet, other information supports a conclusion the sewer line was installed



prior to enactment of the Coastal Act in 1974. The City's prior sewage treatment plant was constructed in 1952 in the Sharp Park neighborhood at 2212 Beach Boulevard, approximately 1,500 feet due south of the subject site, and the sewer line terminated at this plant.

The Beach Boulevard street as well as sewer infrastructure below it, and potentially other utilities, are pre-Coastal Act development. This public infrastructure qualifies as existing development in the Coastal Act and Pacifica LCLUP contexts. Thus, pursuant to Coastal Act Section 30235 and LCLUP Policy No. 16, this existing development which is located between the Pacific Ocean and the subject site is entitled to shoreline protection such as the existing Beach Boulevard seawall.

The sewer line running along Beach Boulevard north of Paloma Avenue serves other areas of Pacifica north of the subject site and is an important means of conveying sewage from other parts of Pacifica to the Calera Creek Water Recycling Plant located at 700 Coast Highway. The City has no plans to relocate or abandon the Beach Boulevard public right-of-way used to access the 1567 Beach Boulevard site or to relocate the existing public utilities located beneath Beach Boulevard. Therefore, there is sufficient information to support a conclusion that existing development entitled to shoreline protection (public street and utilities), and the Beach Boulevard seawall currently constructed to protect the existing development, will be necessary and present for the foreseeable future.

New development proposed behind an existing shoreline protection device or seawall, such as the subject project, is a type of development not addressed in Pacifica's LCLUP. It is arbitrary for CCC staff to invent new policy that is not contained in Pacifica's LCLUP, or to repurpose existing policy that plainly is inapplicable, to address new development proposed behind existing shoreline protective devices or seawalls. The clearest policy support in Pacifica's LCLUP is that the Beach Boulevard seawall is warranted and justified to protect existing pre-Coastal Act development consisting of a public street and utilities infrastructure. It is also supported in LCLUP policy and in fact that the subject project is not prompting the construction of a seawall.

The CCC staff's conclusion related to the subject project, which is located behind an existing seawall, is not supported in LCLUP policy. Furthermore, the provisions of LCLUP Policy Nos. 16 and 23 support the City's determination on the subject CDP.

## II. Replacement of the Beach Boulevard Seawall Is Not Speculative

As explained in Section I above, the current Beach Boulevard seawall is justified under the Coastal Act and Pacifica LCLUP policy for purposes of protecting pre-Coastal Act development. The same is true of any future replacement of the wall. Coastal Act Section 30235 and LCLUP Policy No. 16 provide clear justification for replacement of the wall for purposes of protecting existing pre-Coastal Act development. The City acknowledges the design of any future replacement must include features to eliminate or mitigate adverse impacts on local shoreline sand supply. However, the CCC staff's premise that replacement of the Beach Boulevard seawall may not be needed or supported in policy is unfounded and inaccurate.

There is sufficient information to demonstrate the City will have an enduring need to protect existing public access and infrastructure along and below Beach Boulevard, respectively, for the foreseeable future. The City has not identified a capital project to evaluate the feasibility of or to actually perform relocation of the sewer line beneath Beach Boulevard, nor has the City identified an alternate means to provide access to the subject site other than Beach Boulevard. As a result, any suggestion that the City

could abandon or remove the Beach Boulevard seawall in the absence of resolving utility relocation and alternate access to a public right-of-way is speculative at best. However, CCC staff states that “In theory, [sewer infrastructure] could be moved inland, hooking up with other connections in the near proximity of the project site” (staff report, p. 37). The City acknowledges that in theory, many infrastructure improvements may be possible. But in reality, the process of undertaking a major public works project of this sort requires significant resources to undertake technical feasibility studies, prepare detailed technical designs, obtain necessary permits, solicit responsive bids, and perform actual construction. CCC staff, without supporting evidence, summarily concludes that appropriate grade differentials are present to allow gravity flow of sewage within the relocated sewer lines, and that funding and public land would be available for construction of the relocated sewer lines and any pump stations needed to be constructed to overcome potentially incompatible grades which inhibit gravity flow.

The process from start to finish on a public works project can take years and begins with a capital improvement project in the City’s Five-year Capital Improvement Program, or CIP, approved annually by the City Council. No such project to relocate sewer lines on Beach Boulevard is currently included in the City’s CIP. Thus, any suggestion of a theoretical relocation ignores the complex process which has yet to be initiated and for which the City has stated no intention of undertaking. Relocation of the sewer infrastructure beneath Beach Boulevard is speculative.

However, in the absence of any technical analysis, CCC staff concludes in the staff report that “... it appears that there are likely feasible, less environmentally damaging options than shoreline armoring in front of [1567 Beach Boulevard] for the purpose of protecting this infrastructure (e.g., the sewer lines could be relocated...)” (staff report, p. 37). The staff report goes on to state that “With respect to the City’s armoring fronting Beach Boulevard itself, it is clear that some form of augmentation and or [sic] redevelopment on the armoring would be required if it is to continue to adequately protect Beach Boulevard and its infrastructure, and the City is very much interested in ensuring its continued viability,” but “It is not clear whether the City will be able to secure adequate funding to maintain the existing seawall for its anticipated remaining life, much less the funding that would be required to build and to repair and maintain an augmented or redeveloped armoring structure in the future” (staff report, p. 37). The staff report further acknowledges the City’s request for proposals but describes “a number of unknowns including the anticipated timeline, the high cost to maintain the existing seawall for its remaining life, and whether the City will have the necessary funding to cover the total cost as well as the ongoing cost of maintenance of any new armoring,” and lastly notes the requirement for such a project to be found LCP and Coastal Act consistent (staff report, pp. 37-38).

The City has identified the Beach Boulevard Seawall Reconstruction Project in its 2020-2025 CIP (first included in the 2019-2024 CIP) and allocated \$2,250,000 to the project over the next two fiscal years for purposes of a feasibility study and conceptual design alternatives (Phase I). Phase II is identified as engineered plans and specifications (including permitting), and Phase III is defined as construction. The funding for Phases I and II was provided in part by a \$1,500,000 appropriation from the California Legislature in the Budget Act of 2019. The City received another \$750,000 from the Division of Boating and Waterways. Phase III is currently unfunded and estimated to cost \$25,000,000. The City approved an agreement with GHD, Inc., on May 26, 2020, for Phase I of the Beach Boulevard Seawall Reconstruction Project.

The City has taken substantial steps toward replacement of the Beach Boulevard seawall, including but not limited to identifying the project in its CIP, seeking funding for initial study and design of the wall replacement, and approving a contract to commence work on Phase I of the project. The State

Legislature has invested significant public funds to assist the City with its preliminary work, and so has a sister agency to the Coastal Commission. The City is unable to pursue the additional funding cited by CCC staff as calling into question the seawall's replacement until it progresses through the Phase I feasibility analysis. The CCC staff's analysis does not recognize the process for major public works projects or the important initial steps the City has taken toward replacement of the Beach Boulevard seawall. Notably the CCC staff also disregards Coastal Act Section 30516, which provides that "Approval of a local coastal program shall not be withheld because of the inability of the local government to financially support or implement any policy or policies contained in this division; provided, however, that this shall not require the approval of a local coastal program allowing development not in conformity with the policies in Chapter 3 (commencing with Section 30200)." These provisions logically extend to implementation of the policies, including but not limited to LCLUP Policy No. 16, which provides for construction of shoreline protective devices to protect existing development, in relation to ongoing maintenance of the existing Beach Boulevard seawall and a replacement thereof. Yet, a significant portion of CCC staff's analysis of the subject project is predicated on speculation that the City cannot afford to fund maintenance of the current Beach Boulevard seawall, cannot afford to fund a replacement of the seawall, and cannot afford to maintain a replacement seawall. Application of Coastal Act Section 30516 undermines significant portions of CCC staff's analysis and results in a flawed analytical framework for evaluation of the subject project.

The CCC staff also fails to recognize the lack of immediate alternatives to replacement of the seawall. Rather, CCC staff places great weight on a theoretical relocation of sewer infrastructure which has not been identified as a CIP project by the City and has no funding associated to determine if the relocation is even feasible. The evidence in the record weighs in favor of the City's replacement of the Beach Boulevard seawall rather than relocation of the sewer infrastructure beneath Beach Boulevard, to say nothing of any stated alternative by CCC staff to access to a public right-of-way for the 1567 Beach Boulevard site.

The City's replacement of the Beach Boulevard seawall is more than a speculative possibility. It is a necessity to protect pre-Coastal Act development including a public street (Beach Boulevard) and public infrastructure (sewer line). The City has identified no alternative to replacement of the Beach Boulevard seawall which would allow continued access to the 1567 Beach Boulevard site or continued transmission of sewage from northern Pacifica to the Calera Creek Water Recycling Plant.

### III. Improper Interpretation of City's Local Coastal Land Use Plan and Implementation Plan

#### a. *Net Developable Area.*

The analysis put forth by CCC staff results in an assumption that portions of the subject site will be subject to a geotechnical hazard event within the design life of the project, assumed to be 50-75 years (staff report, p. 33). As a result, CCC staff asserts that the LCLUP and IP call for application of the "net developable area" concept to the site, wherein the land use density of the site is determined by the area remaining outside the hazard area over the project's design life (staff report, p. 32).

CCC staff's analysis relies on provisions in Pacifica's LCLUP which define "net developable area" and describe its application to sites within Pacifica (staff report, p. 30). Though not cited by CCC staff, the LCLUP references "net developable area" in narratives for the West Fairmont (LCLUP, p. C-20-C-21), West Edgemar-Pacific Manor (LCLUP, p. C-25-C-26), and West Sharp Park (LCLUP, p. C-33) neighborhoods. The subject site is located within the fully-developed West Sharp Park neighborhood in

the Sharp Park School-Ocean Park Manor Subdivision South to the North Side of Montecito subarea (see Figure 3, below). The West Sharp Park neighborhood narrative describes the application of net developable area concept to the Northern Commercial Area subarea of the neighborhood (LCLUP, p. C-33-C-34), located generally between 1080 Palmetto Avenue and 700 Palmetto Avenue. The Sharp Park School-Ocean Park Manor Subdivision South to the North Side of Montecito subarea, where the project site is located, is approximately 2,000 feet south of the Northern Commercial Area subarea.



**Figure 3. West Sharp Park Neighborhood.**

IP Section 9-4.4404(d) provides further standards for application of the net developable area concept. CCC staff references this section of the IP to support a determination that "... the [LCLUP] indicates that the appropriate land use designation for a site will be applied only to its established net developable area..." (staff report, p. 32).

Section 30513 of the Coastal Act provides that an IP must conform with and implement the provisions of the LCLUP (“The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.”). The “net developable area” provisions of IP Section 9-4.4404(d) can only be interpreted to apply to the extent these provisions are consistent with the LCLUP. The LCLUP describes specific neighborhoods and, in the case of West Sharp Park, subareas of the neighborhood, where application of the net developable area concept is warranted. The LCLUP does not indicate application of the net developable area concept to the Sharp Park School-Ocean Park Manor Subdivision South to the North Side of Montecito subarea of the West Sharp Park neighborhood, where the project site is located. The LCLUP also omits discussion of the net developable area concept from the narratives for the Sharp Park Municipal Golf Course-West Fairway Park-Mori Point-Rockaway Beach, The Headlands-San Pedro Beach, and Pedro Point-Shelter Cove neighborhoods. The LCLUP intends to apply the net developable area concept to certain parts of the City and not to others. Therefore, because the LCLUP does not indicate the net developable area concept for the Sharp Park School-Ocean Park Manor Subdivision South to the North Side of Montecito subarea of the West Sharp Park neighborhood, where the project site is located, then application of IP Section 9-4.4404(d) to the subject project is inappropriate.

Because the application of the net developable area concept is not applicable to the subject site, it is not appropriate to reduce the calculated density of the project site below the seven to nine units indicated for the site based on its High Density Residential land use designation within the LCLUP.

*b. General Plan Density.*

The land use designation applicable to the subject site within the LCLUP is High Density Residential. The High Density Residential land use designation indicates an average of 16-21 dwelling units per gross acre, with “the precise density, distribution, and type of unit ... determined by the physical constraints, including slope, geology, soils, availability of utilities, availability of adequate sewage and highway capacity, public safety, visibility and environmental sensitivity” (LCLUP, p. C-14).

The City’s LCLUP includes five residential-only land use designations, ranging from densities of more than five acres per dwelling unit (Open Space Residential) to the 16-21 dwelling units per acre mentioned above within the High Density Residential designation. These different land use designations are used to guide the intensity of development in different locations of the City, with some locations, for instance those near transportation and utility infrastructure, potentially suitable for higher densities, while other locations distant from transportation and utility infrastructure, or with other limitations, more appropriate for lower densities. The City has interpreted the flexibility provided within the High Density Residential land use designation to determine the “precise density” to mean the precise density with the prescribed range, as opposed to some higher or lower density outside the range. The same interpretation has been applied to other land use designations with similar provisions. The City’s interpretation preserves the core purpose and intent of the land use designations contained within the LCLUP while allowing some flexibility to respond to site-specific conditions which may not be known at the time of plan adoption when planning at a city-wide scale.

The CCC staff claims that the High Density Residential land use designation allows the 16-21 dwelling units per acre density range is “subject to reductions due to site-specific constraints” (staff report, p. 15). This is in direct conflict with the City’s interpretation of its LCLUP and application to other projects in the Coastal Zone, including but not limited to the 4009 Palmetto Avenue residential project where the



City required the applicant to propose four units, the minimum number within the density range on that site, rather than fewer units as originally intended by that applicant. There is no evidence to support a conclusion that the prescribed density ranges may be arbitrarily disregarded. To do so would run counter to good land use planning where certain areas are determined to be appropriate for lower densities and certain areas for higher densities, and would preclude the City's ability to coherently implement a comprehensive land use plan in the Coastal Zone.

The subject project, proposed at the minimum density permissible in the High Density Residential land use designation (seven units), is consistent with the applicable land use designation contained within the LCLUP and the allowable range for reduced density in light of identified site constraints. A project with fewer than seven units on the subject site would not be consistent with the LCLUP land use designation for the site.

#### IV. CDP as Conditioned Will Require Processing of Local Entitlements

Even if the Coastal Commission supports CCC staff's interpretation of the Pacifica LCLUP provision described in Section III, above, the subject project as conditioned will nevertheless require the Applicant to process amended local entitlements. The subject project required City approval not only of a CDP, but also a Site Development Permit, Use Permit, Variance, and Vesting Tentative Subdivision Map. The findings for approval of a Site Development Permit, Use Permit, and Vesting Tentative Subdivision Map all require a finding of General Plan consistency.

The City's General Plan contains identical language to that in the LCLUP regarding net developable area and permissible density in the High Density Residential land use designation. Thus, the aforementioned City interpretations related to net developable area and General Plan density will be applied to the local entitlements required for the project which include findings requiring General Plan consistency (all local entitlements except the variance). The City has sole discretion to make determinations on the local entitlements, including findings of General Plan consistency.

Any density less than seven units on the project site would be inconsistent with the Pacifica General Plan. Inconsistent density on the project site will prevent the finding of General Plan consistency required for approval of the local entitlements (except the variance). No relief, including not limited to a variance, is available to deviate from prescribed General Plan density (variances may provide relief from zoning regulations only). The City would, as a result, be obligated either to deny the project as approved by the Coastal Commission, or else consider the Applicant's request for a General Plan amendment. A General Plan amendment is a legislative action and fully within the City Council's discretion to approve or deny. Any action by the Coastal Commission to approve a CDP for the subject project which includes conditions that, on their face, would cause the project authorized by the CDP to be found inconsistent with the Pacifica General Plan, would cause the Applicant great uncertainty in relation to its ability to proceed with the project and ultimately to obtain a building permit from the City.

The change in project design and architecture required by Special Condition No. 1.d also relate to findings in the local entitlements. The findings for approval of a Site Development Permit, Use Permit, and Variance require the project to be consistent with the City's adopted Design Guidelines. Special Condition 1.d would require the Applicant to completely change the architectural style of the project from a modern design reviewed and approved by the City to a classical bungalow style. Without reviewing the proposed building architecture, the City is unable to determine if the bungalow style prescribed in this condition could be found consistent with the City's adopted Design Guidelines.

Another particular concern is the prescriptive requirements included in Special Condition No. 1.d. These include the requirement that the project be “balanced and proportional” (staff report, p. 8). Given the constrained site resulting from the CCC staff-recommended hazard setbacks, and the expanded off-street parking requirements recommended by CCC staff in Special Condition No. 1.c (discussed in Section V, below), the City expects the Applicant may be obligated to maximize vertical height of the proposed structures. It is unclear, then, how the Applicant would maintain a balanced and proportional architectural design, while also siting and designing the project “so as to limit its visibility from [view from Beach Boulevard and other public viewing areas]...,” blending the site “into the public coastal viewshed,” and ensuring the structures “avoid boxiness and large flat planes” with “upper floors setback from lower floors” (staff report, p. 8).

The conditions of approval recommended by CCC staff, if imposed by the Coastal Commission, would cause the Applicant to process amended entitlements (and potentially new entitlements, such as a General Plan Amendment) with the City prior to issuance of a building permit, and would include uncertainty as to the City’s ability to approve the entitlements. The conditions recommended by CCC staff cause the City concern with finding General Plan consistency and Design Guidelines Consistency. The amended (and/or new) entitlements would also involve a lengthy public hearing process and discretionary actions by the Planning Commission and City Council. The local process typically takes 4-6 months to complete, but can take longer in the event of appeal to the City Council.

#### V. Special Condition No. 1.c is Speculative, Arbitrary, and Capricious

LCLUP Policy No. 25(d) provides that the location and amount of new development should maintain and enhance public access to the coast by “Providing adequate parking facilities or providing substitute means of serving the development with public transportation” (LCLUP, p. C-10). The subject project has provided off-street parking in accordance with the standards in Article 28 “Off-Street Parking and Loading” of the City’s Zoning Regulations (Chapter 4 of Title 9 of the Pacifica Municipal Code), has not sought an exception from any parking standards, and, therefore, has provided adequate parking facilities.

The imposition of an *ad hoc* parking requirement as proposed by CCC staff in Special Condition No. 1.c is speculative, arbitrary, and capricious. The analysis lacks rigor and a sufficient evidentiary basis. As a preliminary matter, CCC staff’s justification for an enhanced parking requirement mischaracterizes the scale of the project in terms of bedrooms per unit by stating that “The City-approved project includes only two parking spaces for each of the seven units, despite the units containing up to five bedrooms...” (staff report, p. 28), causing unjustified alarm. CCC staff accurately describes the project’s bedroom count in Footnote No. 5 on p. 17 of the staff report, indicating that it includes (1) two-bedroom, (3) three-bedroom, (2) four-bedroom, and (1) five-bedroom units. Focusing on a single five-bedroom unit to justify expanded off-street parking requirements, when in fact more than half the proposed units include three or fewer bedrooms, is misleading and does not constitute sufficient evidence on which to base this condition of approval.

CCC staff’s analysis speculates that the amount of parking is insufficient based primarily on bedroom count of units in the proposed development, but provides no rational basis for its estimation of parking demand generated per bedroom. Special Condition 1.c lacks any evidentiary basis to support the conclusion that “...it is very likely that residents will have more than two cars per unit, and equally likely that the development will have more than one guest visiting at any given time” (staff report, p. 28). No

evidence is provided from accepted technical publications, expert opinion, experience with similar projects in Pacifica, or any other source to justify the assumptions related to number of vehicles per household or frequency/number of visitors per household. Instead, CCC staff speculates as to the number of cars likely within each household, and the frequency/number of visitors. Specific to visitors, CCC staff also curiously discounts the value of the visit to the coast by these individuals simply because they may also be visiting a resident of the subject project. The City believes all classes of visitors driving passenger vehicles are entitled to use of on-street parking as visitors to the coast, and that the CCC staff seeks to inappropriately segregate these visitors into a separate class. Therefore, CCC staff's imposition of an invented parking standard is arbitrary because it is not based on any evidence of typical vehicle-to-bedroom ratios, evidence of visitor-to-household ratios, or evidence of why visitors to the subject site should be classified differently than other visitors to the coast.

As a further concern, the City is unaware of any recent project within the City of Pacifica adjudicated by the Coastal Commission wherein a parking standard other than the Article 28 parking standard has been imposed. The imposition by CCC staff of an invented parking standard crafted by CCC staff at the end of a lengthy entitlement process is capricious, prevents an applicant from thoughtfully designing a project in the first instance, hampers effective decision making and investment by an applicant, and results in an untenable situation for the subject Applicant. Moreover, the CCC's comment letters on the subject project submitted during the City's review (dated March 13, 2018, and May 6, 2019) omitted any mention that insufficient off-street parking facilities were proposed in the project. Rather, the March 13 letter indicated that "A final condition of approval should include a requirement that adequate parking be provided *pursuant to City code* in a way that does not impact beach parking..." (italics added). The May 6 letter made no mention of parking concerns.

The project, as noted above and as acknowledged by CCC staff in their report, complies with "City code" by virtue of its compliance with Article 28 of the Zoning Regulations. The project would provide a two-car garage for each dwelling unit and one guest parking space, consistent with the standards in Article 28. The new interpretation by CCC staff contributes to the capriciousness of Special Condition No. 1.c. CCC staff had the ability to evaluate the off-street parking proposed in the subject project at the time of the March 13, 2018, and May 6, 2019, letters but identified no deficiency and made no recommendation to include additional off-street facilities in excess of those required by City code. The off-street parking facilities are an obvious element of the project which would have been clearly understood by CCC staff at the time of drafting the comment letter. Therefore, the imposition of a parking requirement other than that provided in City code is onerous and inappropriate.

Lastly, a portion of Special Condition No. 1.c may be unenforceable. The last sentence of the condition states that "Signs shall be installed that make clear that the public is able to access and use the area north of Paloma Avenue on Beach Boulevard for parking and general access." The Applicant may be able to install such signs on its private property on the east side of Beach Boulevard comprising roughly the northern half of the segment of Beach Boulevard north of Palmetto Avenue. However, placement in any other location outside the private property owned by the Applicant would burden either the adjacent private property owners at 1581 Beach Boulevard or 1 Paloma Avenue, or the City of Pacifica by requiring placement within the public right-of-way. The City objects to this condition of approval if it is intended to burden the City to install one or more signs within the public right-of-way and seeks clarification from the Coastal Commission as to the intent of this condition.

VI. Special Condition No. 4.d Inappropriately References Responsibilities of the City of Pacifica

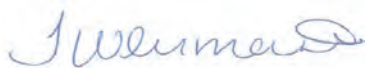
Special Condition No. 4.d addresses matters pertaining to removal or relocation of development if it should be determined in the future to be unsafe for occupancy or use due to coastal hazards, including but not limited to a coastal hazard event which eliminates access for emergency vehicles, residents, and/or guests by causing degradation and eventual failure of Beach Boulevard as a viable roadway.

The condition includes a provision that “The City of Pacifica shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances” (staff report, p. 13). The City is not an applicant for the subject CDP. As such, this CDP should not address matters pertaining to the duties, responsibilities, obligations, or authorities of the City. The City must conduct its own analysis of any legal obligations related to access or utilities service to the subject site based on the facts of any future coastal hazard event affecting the subject site. Accordingly, Special Condition No. 4.d as recommended by CCC staff should be amended to delete this sentence.

Thank you for giving consideration to the City’s comments. The CCC staff’s analysis presents significant concerns to the City in relation to the application of LCLUP policy to new development behind existing publically-owned seawalls protecting other pre-Coastal Act development; factual misrepresentations or omissions of the subject project and existing condition of the area surrounding the project site; statements related to future replacement of the existing Beach Boulevard seawall; application of LCLUP and General Plan policies to the development as conditioned; burdens and uncertainty imparted on the applicant by the proposed conditions; and, ambiguities associated with certain conditions of approval as they relate to the City as a non-applicant on this project.

I am available to discuss any points which require further clarification prior to the hearing.

Best,

A handwritten signature in blue ink, appearing to read "Tina Wehrmeister".

Tina Wehrmeister  
Planning Director

cc: Pacifica City Council  
City Manager  
Coastal Commissioners  
Coastal Commission Executive Director



June 5, 2020

To: Steve Padilla, Chair, California Coastal Commission  
CC: Jack Ainsworth, Executive Director, California Coastal Commission  
Julia Koppman Norton, Coastal Planner, California Coastal Commission

Re: Opposition to item W10a, Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)

Dear Chair Steve Padilla,

As affirmed in California's Constitution and the California Coastal Act, Surfrider Foundation San Mateo chapter recognizes beaches as a public resource held in the public trust. California's beaches are intended to provide recreational access to everyone regardless of income, identity or background. As more people move to and visit the coast, preservation of our beaches grows ever more important, especially in the face of rising seas. Surfrider Foundation is an organization representing thousands of surfers and beachgoers worldwide who value the protection and enjoyment of oceans, waves and beaches. With the public's interest in mind, we submit the following comments regarding the pending project at 1567 Beach Boulevard in Pacifica.

**We ask you to deny the proposed development. Approval of this development as recommended by staff would create a loophole in the Coastal Act, setting a precedent by which the prohibition against armoring new development could become meaningless. New development must not be allowed to rely on existing shoreline armoring regardless of who owns, manages or maintains the seawall.**

This project should be denied for the following reasons:

1. The new development completely relies on existing shoreline armoring for its design life, including for safety purposes – clearly inconsistent with the Coastal Act and LCP policies.
2. IP Section 9-4.4404(d)(5) on Geotechnical Suitability does not automatically supersede other LCP policies that clearly state new development may not rely on shoreline armoring.
3. IP Section 9-4.4404(d)(5) on Geotechnical Suitability is not a requirement. It states that development *may* be allowed where this is insufficient space on a





lot to set back – not **shall**. It does not state that the setback may be reduced if there is existing shoreline armoring to make the site safe over a portion of its lifetime.

4. The staff recommendation prioritizes private development without mitigating for sand supply or the loss of public recreation associated with the shoreline armoring impacts that the proposed development would benefit from.

A portion of an existing seawall protects Beach Boulevard and residential development for seven blocks. The one-way boulevard at this section provides approximately eight parking spaces and no additional access benefits because without Beach Boulevard, access would still be available from the seven perpendicular avenues that end at Sharp Park Beach and the Pacifica Municipal Pier. In other words, if Beach Boulevard and the adjacent seawall were to be removed as part of a managed retreat strategy in this area, access would still be available from the seven perpendicular avenues that end at Sharp Park Beach and the Pacifica Municipal Pier and a natural sandy beach could be restored. Presently, the beach is entirely eroded adjacent to this portion of the existing seawall, which was built in the 1980s to protect Beach Boulevard. Removal of the seawall and Beach Boulevard and restoration of the beach would bring public benefit far beyond those eight parking spaces.

Also noteworthy, is that the portion of Beach Boulevard adjacent to the site of the proposed development is abandoned and car traffic must turn right on Paloma Avenue rather than continuing. Arguably, the existing seawall no longer protects a public accessway at this location and should be removed. While the staff report notes there is a stairway down to the riprap seawall at this location, common sense will tell you there is no reason to maintain a stairway where the public would need to crawl over a dangerous rip rap seawall subject to wave action just to arrive at a beach that no longer exists.

The Coastal Commission de novo staff recommendation allows for a smaller size project on the lot by invoking the a section of the City of Pacifica's LUP policy which was designed as an outlet to avoid a takings claim where necessary. In IP Section 9-4.4404(d)(5) on Geotechnical Suitability, the policy states that:

"new development **shall** be set back from the coastal bluffs an adequate distance to accommodate a 100-year event [...] unless such a setback renders a site undevelopable. In such a case, the setback **may** be reduced [...] provided a qualified geologist determines that there would be no threat to public safety and health" [Emphasis added].



This policy does not automatically supersede other LCP policies that clearly state new development may not rely on shoreline armoring. Further, it does not state that the setback may be reduced if there is existing shoreline armoring to make the site safe over a portion of its lifetime. Regarding this proposed project, the City is unsure how long the existing seawall will be maintained but states that it will “likely” be viable for 40 years. As such, even the minimum project design as recommended by staff faces uncertainty as to whether it will be safe over its lifetime. The City’s draft LCP update for coastal hazards designates this site as extremely vulnerable to sea level rise and coastal hazards.

In the staff report, Dr. Lesley Ewing concludes that:

“overtopping and runup without shoreline armoring is a likely threat to the proposed development as the bluff retreats landward and overtopping flows reach closer to the site and increase in depth with sea level rise, and as such would likely eventually impact the proposed development, especially vehicle access.”

In other words, while the City’s implementation Plan does have an allowance where a setback may be reduced – not shall – there is adequate data that the proposed project will not be safe without relying on the existing shoreline armoring.

Further in the staff report, it states:

“the Applicant’s analysis of the site in the absence of shoreline armoring found that future erosion would require setbacks of at least 105 feet (over 50 years) or 180 feet (over 75 years).”

The staff recommendation is to require the 105 ft. setback and smaller development on the lot despite the fact that the Coastal Commission typically requires a minimum of 75-year design life and LUP Page C-20 states that the design life of a project when determining a hazard setback is, “generally assumed to be 100 years.” The staff report even states that the architect assumes the design life to be 50-75 years.

There is ample reason to assume that owners of the condominiums will have an invested interest in extending the design life to 75 years and beyond by any means necessary – including reliance on existing shoreline armoring, and even likely needing additional shoreline armoring as sea levels rise. Therefore, Coastal Commission staff should use the required setback of 180 ft. – which would go beyond the site – and deny this project all together. The staff report also points out



that the Applicant's bluff retreat analysis is likely insufficient for several reasons and the setback should likely be even further – from 200- 300 feet by 2100 given the high rates of erosion and bluff retreat in this area which would eliminate all development potential for this site.

In attempting to compromise, Coastal Commission staff is creating a loophole whereby beachfront and blufftop sites located within coastal hazard zones can still be rendered developable. **There is no reason the Coastal Commission should allow this site to be developed. It will perpetuate reliance upon the existing City maintained seawall and it will perpetuate the complete and total loss of beach adjacent to the site for private benefit at the enormous expense of the public's resources.**

While the staff recommendation acknowledges that the minimum development with a 105 ft. setback would rely on shoreline armoring; it does not propose a sand mitigation fee or a recreational mitigation fee for the loss of public resources and sandy beach space at this location. This development would rely on shoreline armoring and must not be exempt from Coastal Commission's typical mitigation requirements.

Coastal Commission staff should not be in the business of creating loopholes that enable developers to construct or redevelop property within coastal hazard zones. This staff recommendation is the opposite of the direction that the Coastal Commission and other state agencies are moving when it comes to permitting and planning for sea level rise and coastal hazards. This development, as modified by staff, is counter to the best available science and state policy guidance on sea level rise, create a terrible precedent, and continue a hazardous pattern of development along our beloved coast. Thank you for your time and consideration of this important issue. Please let us know if you have any questions.

Sincerely,

Kari Mueller  
Chair  
San Mateo Chapter  
Surfrider Foundation

Mandy Sackett  
California Policy Coordinator  
Surfrider Foundation

**Subject:** comment for A-2-PAC-19-0160

**Date:** Wednesday, June 3, 2020 at 4:58:13 PM Pacific Daylight Time

**From:** Stan Zeavin

**To:** KoppmanNorton, Julia@Coastal

California Coastal Commissioners

via email to Julia KoppmanNorton

3 June 2020

subject: Item W10a, A-2-PAC-19-0160, 1567 Beach Boulevard, Pacifica

Dear Commissioners,

I am grateful for the staff's expertise and willingness to review the engineering and geologic assumptions presented in support of this project. The findings described on page 34 of the staff report highlight the underestimated risk and projections that mischaracterize and therefore significantly underreport bluff retreat. These inaccuracies demand the more realistic assessment of vulnerability to sea level rise that was accomplished by CCC staff. We cannot pretend that our dunes and unconsolidated sandstone substrates will not continue to experience the effects of both episodic and long-term erosion. Dr. Ewing's and Street's letters in the report exhibits clearly and thoroughly detail their findings.

Uncertainties about the retaining wall, which is not a seawall, raise questions about the long-term survival of the project. Independent inspection of the wall shows areas that may fail from sagging and fractures. The forty-year life assumed by the City for the retaining wall is also contradicted by the monthly city council proclamation of an emergency claimed to be necessary to obtain funding for repairs. The future of the wall is unknown and should by itself require denial of this development or a much more drastic reduction in size.

The 105 foot setback is the most important condition for this development. Because the north end of Beach Boulevard provides access for the city to drive equipment down to the beach for wall repairs and residents to the north use the same access for repairs to their revetments, this property will always be vulnerable. The 105 foot setback is minimal given that vulnerability.

While the proposed 105 foot setback (not the 300 foot LCP consistent setback) may possibly provide safety for the structures during their proposed 50-75 years (not the 100 years of the original LCP), I am very seriously concerned that the sole access along Beach Boulevard will prove dangerous for the occupants. If there are children who must travel on bicycle or on foot through storm conditions and waves as sea level rises and El Nino events increase in frequency, they may severely injured or even killed. A small child has no defense against the volume and power of waves that already move rocks, furniture, even a car and break windows. That danger, present now, will increase in the future and should disqualify this site for family housing.

The compromise arrived at by CCC staff to allow for an economically viable development is more than generous. Perhaps even too generous. Very few investments carry the guaranteed return of Pacifica's LCP.

The special conditions dictated in this staff report acknowledge sea level rise, its hazards, and Pacifica's real vulnerabilities. Perhaps this Coastal Commission report will encourage Pacifica to engage in a discussion leading to a more sustainable future.

Sincerely,

Margaret Goodale  
Pacifica



**LETTER TO THE CALIFORNIA COASTAL COMMISSION  
CONCERNING APPEAL NO. A-2-PAC-19-0160**

June 3, 2020

To: California Coastal Commission  
Attn.: Julia KoppmanNorton

From: Stan Zeavin

Dear Commissioners,

I strongly support the conclusions stated in the CCC staff report for Appeal No. A-2-PAC-19-0160. I particularly agree that the CCC ....”take jurisdiction over the CDP application for the proposed project”. For the most part the CCC report has addressed my concerns about the continually troubling parameters and figures used in the GSI report surrounding both their SLR studies, their examination of the retaining wall, and their use of the Pacifica’s 1980 LCP. My concern extends to blanket acceptance of the developer’s report by our Pacifica City Council, an acceptance that is becoming all too common for coastal projects.

For those Commissioners who have not visited the 1567 Beach Blvd. site, it is fronted by a visibly cracked and crumbling retaining wall which has already undergone serious repair in other areas.. This wall was not built to protect the existing property from the sea or the effects of SLR, but to protect the eroding land, i.e., Beach Blvd. from tumbling into the ocean. On the north side of the property, where Beach Blvd. once continued northward, now sits the end of the road at the edge of what is now a ravine with nothing but riprap to protect the land from being pounded by king tides and storms.

Meanwhile, Pacifica, for the sake of coastal development, claims this retaining wall will last another 40 years. Conversely, Pacifica also claims emergency conditions exist on Beach Blvd.

Due to the extreme SLR safety issues, 1567 Beach Blvd. should not be developed at this time. However, I do understand the limitations under which the CCC works. I urge the Commission not to renegotiate the setback any closer than the 105’ stated in the special conditions of the staff report for the following reasons:

1) The 105’ setback is already a gift. Staff scientists have concluded that “...the required LCP-consistent setback would extend inland of the site which would render the entire site undevelopable”. The setback, as stated, is already a dangerous compromise to allow for economic viability of the property. For this setback to work, the CCC staff accepted the city’s 40-year life expectancy of the retaining wall, which in itself, is highly questionable. Couple this with the unprotected north side of the property (the ravine) and you have a disaster waiting to happen.

2) Moving the setback westward would not only cut down on off-street parking for the project, but would negatively affect on-beach parking and visitor parking which is inconsistent with the 1980 LCP.

3) It will put lives at risk and shorten the life of any development created on the west side of the 105' setback. There is already both visual and written testimony to several storms already exceeding 70' mark for wave overtopping east of the wall.

I appreciate the transparency the staff report is demanding along with the fact that no height waiver will be allowed for any of the development.

I would like to compliment the CCC staff for their ability to compromise while adhering to the principles of science, their communication skills, and their extreme patience in dealing with both sides of the question.

Stan Zeavin  
Pacifica

**Subject:** Appeal No. A-2-PAC-19-0160

**Date:** Friday, May 29, 2020 at 7:08:22 PM Pacific Daylight Time

**From:** Pete Shoemaker

**To:** KoppmanNorton, Julia@Coastal

Ms. Norton,

I approve the conclusions of the CCC staff report on the proposed property on Beach Blvd. in Pacifica. I appreciate their detailed work.

Pete Shoemaker

351 Keith Ave.

Pacifica, CA

**Subject:** California Coastal Commission hearing June 10, 2020 - Appeal No. A-2-PAC-19-0160 (Phoenix Capital Condos)

**Date:** Saturday, May 30, 2020 at 11:45:33 AM Pacific Daylight Time

**From:** Hal Bohner

**To:** KoppmanNorton, Julia@Coastal

Dear Ms. Norton:

I am writing concerning the appeal identified above. I would like to voice my support for the staff report on the project. I urge that the Commission approve the conclusions of the staff report and adopt the motions and resolutions in the staff report.

Sincerely,

Hal Bohner



**Subject:** Pacifica sea level rise

**Date:** Sunday, May 31, 2020 at 12:03:50 PM Pacific Daylight Time

**From:** Bill

**To:** KoppmanNorton, Julia@Coastal

June 1, 2020

Subject: Appeal No. A-2-PAC-19-0160  
1567 Beach Boulevard, APN 016- 011-019

Dear Commissioners,

The Pacifica Shorebird Alliance appreciates the CCC staff focus on safety and sea level rise to limit development at 1567 Beach Boulevard here in Pacifica.

The special conditions imposed in this report are important precautions as Pacifica faces both the uncertainties and the reality of sea level rise.

We ask you to adopt the report and fully support its conditions.

Sincerely,

Bill Collins  
Pacifica Shorebird Alliance

**Subject:** Fwd: Beach Boulevard Pacifica development  
**Date:** Sunday, May 31, 2020 at 1:46:03 PM Pacific Daylight Time  
**From:** Sharon Duvall  
**To:** KoppmanNorton, Julia@Coastal

Sent from my iPhone

Begin forwarded message:

**From:** Sharon Duvall <sharonbduvall@me.com>  
**Date:** May 31, 2020 at 1:40:38 PM PDT  
**To:** Julia.koppmannorton@coalstal.ca.gov  
**Subject:** Beach Boulevard Pacifica development

I am writing as a homeowner and full-time resident of Pacifica CA. I believe our city governance is unduly and dangerously influenced by short sighted real estate and development interests - and as such has made a decision to allow a multi-unit development on the northernmost end of Beach Boulevard. There are so many obvious reasons why this a very bad idea I am flabbergasted that the city officials have even given serious consideration to this proposal, much less approve it. Small town politics in the hands of small minded self interests is such a sad condition for us all.

Therefor I am pleading with you for help in this matter. If you can't stop it altogether, I will reiterate the statement you've heard my fellow advocates of right minded development in Pacifica:

I strongly support the conclusions of the CCC staff report and the special conditions listed therein. I support the 105' setback for development as opposed to the 70' setback the city approved, and that the owner assumes full liability for the property so the city of Pacifica is not on the hook for future damage due to sea level rise.

Best wishes to you.

Sharon B Duvall

Sent from my iPhone

**Subject:** Regarding Appeal No. A-2-PAC-19-0160

**Date:** Sunday, May 31, 2020 at 3:53:34 PM Pacific Daylight Time

**From:** Claudia R

**To:** KoppmanNorton, Julia@Coastal

I support the staff report which is taking a serious, science based, position on coastal development and sea level rise.

I think coastal development in Pacifica is ludicrous... we just removed 4 buildings due to erosion! Hightide storms splash up to this property now... I guess they could build a house boat.

Since I'm writing, I have another concern:

Gas stations /auto repair facilities west of Highway 1. Obvious pollutants flow into the ocean with every rain.. really, you can see it.

I'm assuming new construction is not allowed.

Is there any discussion on removing the ones that exist... like not allowing transfer of ownership or shutting them down in 5 years, etc? Can you please send me information regarding Auto shop/ gas station regulations?

Thank you for the work you do.

Claudia Reinhart  
Pacifica

Sent from my iPhone

**Subject:** Fwd: Appeal No. A-2-PAC-19-0160

**Date:** Sunday, May 31, 2020 at 3:59:29 PM Pacific Daylight Time

**From:** Michael Andrews

**To:** KoppmanNorton, Julia@Coastal

I strongly support the conclusions of the CCC staff report and the special conditions listed therein.

I support the 105' setback for development as opposed to the 70' setback the city approved, and that the owner assumes full liability for the property so the city of Pacifica is not on the hook for future damage due to sea level rise.

Cheers,  
Mike



**Subject:** Re Appeal No. A-2-PAC-19-0160

**Date:** Sunday, May 31, 2020 at 6:16:26 PM Pacific Daylight Time

**From:** pawzitively@yahoo.com

**To:** KoppmanNorton, Julia@Coastal

Dear Ms. Koppman-Norton:

I am writing to express my support for certain of the California Coastal Commission's conclusions in the staff report for the above-titled project.

Specifically, I support (1) the 105' setback for development, as opposed to the 70' setback the city approved, and (2) most importantly, the requirement that the developer and/or owner assumes full liability for the property, so the city of Pacifica is not on the hook for future damage due to inevitable sea level rise (a reality that, sadly, Pacifica has deliberately decided to ignore).

Thank you,

Dina Horan

**Subject:** Appeal No. A-2-PAC-19-0160

**Date:** Monday, June 1, 2020 at 10:07:38 AM Pacific Daylight Time

**From:** Bruce and Joyce Huston

**To:** KoppmanNorton, Julia@Coastal

Dear Ms. Norton:

In regard to Appeal No. A-2-PAC-19-0160, I strongly support the conclusions of the CCC staff report and the special conditions listed therein.

I support the 105' setback for development as opposed to the 70' setback the city approved, and that the owner assumes full liability for the property so the city of Pacifica is not on the hook for future damage due to sea level rise.

The cliff in this area has suffered considerable erosion over recent years, and that is likely to continue in the future. That risk needs to be reduced somewhat, and any costs associated with further erosion should be borne by the property owner, not the taxpayers of Pacifica.

Sincerely,

Bruce Huston  
939 Yosemite Dr.  
Pacifica, CA 94044

**Subject:** Appeal No. A-2-PAC-19-0160

**Date:** Monday, June 1, 2020 at 6:51:57 AM Pacific Daylight Time

**From:** Robert Juergens

**To:** KoppmanNorton, Julia@Coastal

Good morning Julia Koppman Norton,

I am taking the time out of my life to write you today to voice my concerns over this Over-Reach by staff from CCC. I've lived in Sharp Park since 1988, and in Pacifica since 1965. I'm acutely familiar with every street in West Sharp Park, and actually resided on Beach Blvd in the past.

I attest to the positive direction the development of this street and area has been trending these past 30+ years, and I want to see it continue. The hoops and arbitrary obstacles that the Pacifica Planning/Zoning dept. has historically put my fellow citizens through is legendary. I recently (2015) replaced a dilapidated and unsafe detached ADU and was, overall, pleased with the change that has occurred since my prior interactions with them back in the early/mid 90's.

I trust the professionals that are employed by the City have treated EVERYONE with respect and fairness, balanced all the rules and come to a reasoned judgment about what the applicant gets to do with their property.

I encourage you to set aside the CCC recommendations. Let the project at the far Northern end of Beach Blvd progress AS approved by the City Of Pacifica Planning/Zoning dept. stand.

Sincerely, Robert Juergens

**Subject:** Appeal No. A-2-PAC-19-0160

**Date:** Monday, June 1, 2020 at 1:24:09 PM Pacific Daylight Time

**From:** Julie Starobin

**To:** KoppmanNorton, Julia@Coastal

I want to write to totally support the conclusions of the CCC staff report including the special conditions listed: a 105' setback for development as opposed to the 70' setback the city approved, and that the owner assumes full liability for the property. I don't want the city of Pacifica to be responsible for future damage due to sea level rise.

Thank you for your report,  
Julie Starobin Pacific Manor, Pacifica

**Subject:** Appeal No. A-2-PAC-19-0160

**Date:** Monday, June 1, 2020 at 12:02:43 PM Pacific Daylight Time

**From:** James Kremer

**To:** KoppmanNorton, Julia@Coastal

TO: the California Coastal Commission

DATE: June 1, 2020

RE: **Appeal No. A-2-PAC-19-0160**

I strongly support the proposed actions in the APPEAL STAFF REPORT. I read the SUMMARY OF STAFF RECOMMENDATION and looked through much of the rest of the report.

In May 2019, I submitted a personal statement of alarm and caution to the City Council and to Planners, and I spoke at the the Council meeting on this Beach Blvd Project. There is a vocal group fighting for weak coastal SLR regulation in Pacifica, but you also should appreciate that many in Pacifica support strong SLR policy and vigorously oppose this project in its present form for many substantive reasons.

Many of the conditions proposed by the Coastal Commission for moving ahead with this project align with concerns raised by City residents who participated in the hearing process.

Specifically, I applaud the *legal, justifiable, and science-based* rationale for:

- the assumption of jurisdiction over the CDP by the CCC
- the revisions to the site plan and setback
- the deeded disclosure of liability and risk
- & • the detailed treatment of lifetime assessment, with triggers and public involvement

I also support the positive attitude shown by the CCC in encouraging specific revised conditions required for a more appropriate and responsible project proposal for this site.

I am a Professor of Coastal Marine Science (emeritus), living in Pacifica east of Hwy 1 in the Sharp Park district. In 2018 I served on the City's *Citizens Working Group* assisting as the Planning Commission and the former City Council hammered out a draft plan for the new Sea Level Rise section of the revised LCP. I have followed the subsequent deliberations in this process as well as specific project proposals like this one.

Thank you for your hard work and difficult decisions.

-- James Kremer, PhD

Pacifica, CA

[jamesnkremer@gmail.com](mailto:jamesnkremer@gmail.com)



**Subject:** RE: Appeal No. A-2-PAC-19-0160. Pacifica Climate Committee comment  
**Date:** Monday, June 1, 2020 at 11:25:38 AM Pacific Daylight Time  
**From:** Carlos Davidson  
**To:** KoppmanNorton, Julia@Coastal

Dear Ms Norton

RE: Appeal No. A-2-PAC-19-0160

The Pacifica Climate Committee is a citizens group in Pacifica working on climate change issues. We are writing in support of the CCC staff report on the development project on Beach Blvd in Pacifica.

We support the 105' setback for development as opposed to the 70' setback the city approved, and that the owner assumes full liability for the property so the city of Pacifica is not on the hook for future damage due to sea level rise. We appreciate the CCC taking a firm stand and making science based decisions on coastal development.

Sincerely,

Carlos Davidson for the Pacifica Climate Committee

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From: Miguel Sandoval <sandoval85@ymail.com>

Sent: Monday, June 1, 2020 3:36 PM

To: NorthCentralCoast@Coastal

Subject: Public Comment on June 2020 Agenda Item Wednesday 10a - Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)

Dear board I support the approval of this project by the Coastal Commission.

Thank you,

Fidel Figueroa

Pacificans for Highway 1 Alternatives

June 2, 2020

California Coastal Commission  
Via email to Julia Koppman Norton  
julia.koppmannorton@coastal.ca.gov

**RE: APPEAL NO. A-2-PAC-19-0160**

Dear Commissioners,

Pacificans for Highway 1 Alternatives is pleased to support the conclusions of the staff report concerning Appeal No. A-2-PAC-19-0160. Incorporating present day Sea Level Rise guidelines into the staff report is a welcome response to the GSI report and the approval of their report by the City of Pacifica.

In particular, we strongly support the CCC taking over the jurisdiction of the CDP application for this project. Pacifica's refusal to recognize what's stated in its 1980 LCP, let alone follow present day CCC guidelines, is troubling.

Due to its dangerous location, we also ask that you accept the 105' setback as well as the releasing of the City of Pacifica from any future liability surrounding this property as stated in the staff report.

We thank the CCC staff for its thoroughness, its desire to come to a reasonable compromise and its continued good work.

Sincerely,

Pacificans for Highway 1 Alternatives  
Steering Committee

Chaya Gordon  
William Leo Leon  
Peter Loeb  
Pete Shoemaker

**Subject:** Fwd: Appeal No. A-2-PAC-19-0160

**Date:** Wednesday, June 3, 2020 at 2:57:27 PM Pacific Daylight Time

**From:** VICTOR CARMICHAEL

**To:** KoppmanNorton, Julia@Coastal

**TO: Julia Koppman Norton** – julia.koppmannorton@coastal.ca.gov

**Appeal No. A-2-PAC-19-0160**

Pacifica based **Committee to Save the Fish and Bowl 2.1** firmly supports the conclusions of the California Coastal Commission staff report re: the appeal of the City-approved Coastal Development Permit for the a seven unit condo project at 1567 Beach Blvd. We appreciate the complex of factors that went into staff's analysis as conveyed in this report. This is especially true with respect to the area's special vulnerability to ongoing coastal erosion now exacerbated by sea level rise.

The appeal was based on the following contentions regarding the City-approved permit:

- Inadequate hazard and risk assessment.
- Not adequately minimizing risk to life and property.
- Reliance on City-owned armoring which applicant has no control over.
- Possible reliance on significant improvement of a City-owned seawall
- .Inconsistent with character of neighborhood.
- Not bolstering public access to beach.

CCC staff accepted most of the above contentions of the appeal as substantial concerns. And we at CSFB strongly agree, especially in so far as that the City-approved project did not consider adequate 'hazard and risk' assessment with regard to coastal hazards.

A key problem staff identified is that the project relies on an existing seawall that has a projected lifespan shorter than the projected life of the project. Yet the City's Local Coastal Plan specifically does not allow new structures t hat require additional armoring. Furthermore in the event that additional armoring on the north end of the lot where no seawall exists might be required to save the the structure, the effects of a loss of sand supply to the adjacent beach was not evaluated.

As additional armoring is not allowed, coastal setback also must be calculated on the basis of no seawall under a worse case scenario – a 100 year storm amplified by SLR. This would increase the required setback substantially (from 70' to 105'). Such an extreme setback forces the project as designed to be so far back as to not fit on the lot. The LCP provides that setback may be reduced to a safe minimum to allow a project to be economically viable. To retain economic viability and observe a safe setback the project's size therefore must be scaled down substantially.

We also support the staff's recommendation that owner assumes full liability.

Finally we support the staff's concern regarding parking and beach access which is very limited at that end of Beach Blvd.

We in CSFB are especially concerned about our city's general vulnerability to SLR. We welcome CCC's role in assuring new projects accede to the existing LCP policies. As climate change proceeds and SLR becomes more pronounced, the State's coastal zone will more and more resemble flood plains and barrier islands, zones where further development should have been discouraged long ago. In a more environmentally sustainable world further development in all coastal zones would be halted.



**Subject:** Appeal No. A-2-PAC-19-0160, 1567 Beach Blvd, Pacifica

**Date:** Thursday, June 4, 2020 at 11:13:51 AM Pacific Daylight Time

**From:** deni asnis

**To:** KoppmanNorton, Julia@Coastal

To: California Coastal Commissioners

**Re: Appeal No. A-2-PAC-19-0160, 1567 Beach Blvd, Pacifica**

Dear Commissioners:

As a Pacifican with an interest in conformance to Pacifica's Local Coastal Plan for sound coastal development policies, I am writing to express my strongest support for the conclusions of the CCC staff report regarding 1567 Beach Blvd in Pacifica.

The staff report found that a substantial issue exists with respect to the City-approved project's conformity with the LCP, and recommends that the Commission take jurisdiction over the CDP application. Approval of the staff report and taking the recommended action will alleviate many of my concerns with the project, including coastal shoreline hazard armoring and setback, adjacent parking that includes public access, a liability waiver, and height waiver restrictions.

Thank you very much for your work to protect California's coast.

Sincerely,  
Deni Asnis  
Pacifica, CA

**Subject:** Development proposal at 1567 Beach Blvd-  
**Date:** Thursday, June 4, 2020 at 11:30:43 AM Pacific Daylight Time  
**From:** stella pilgrim  
**To:** KoppmanNorton, Julia@Coastal  
**Attachments:** 6- 4--#51.jpg

In the matter of:

***Appeal No. A-2-PAC-19-0160***

Honorable Commissioners,

I/we fully support the conclusions of the CCC staff report, particularly, the special conditions for development at 1567 Beach Blvd..

\* The waiver of liability for both the city and the CCC must be iron clad, ***with no exceptions.***

\* The 105' setback determined as minimum by the CCC engineer and geologist is entirely reasonable and necessary and provides some (minimal) safety against sea level rise hazards for future residents.

\* The building height must conform to current standards.

Thank you for your consideration,

Robert L. Pilgrim-

Stella M. Pilgrim

**Subject:** Appeal of 1567 Beach Boulevard Project, Pacifica

**Date:** Thursday, June 4, 2020 at 12:00:05 PM Pacific Daylight Time

**From:** Paul Jones

**To:** KoppmanNorton, Julia@Coastal

**CC:** Nick Langhoff

Dear Commissioners: I am writing as a member of the group associated with the appeal submitted by Nick Langhoff of the proposed development project at 1567 Beach Boulevard, Pacifica, CA. While I remain opposed to this project, I am very grateful to the California Coastal Commission staff for their detailed and thorough examination of the information we provided, for their own evaluation of the science and engineering issues associated with this proposed development, and the efforts to resolve those issues with the applicant.

The recommendations in their report to you seem reasonable and are valid in the face of the very challenging physical constraints at this project site. I urge you to either deny the project or adopt the report and its recommendations.

Sincerely,

Paul Jones

1190 Manzanita Drive

Pacifica, CA 94044

650-743-2155

[pauljonessailor@gmail.com](mailto:pauljonessailor@gmail.com)

June 5, 2020

Re: CCC Appeal No. A-2-PAC-19-0160, 1567 Beach Blvd., Pacifica, CA

Dear California Coastal Commission Commissioners,

I am writing to express my continued grave concerns about the proposal for new residential development at 1567 Beach Blvd., a hazardous site within the coastal zone in Pacifica. While I remain opposed to any development at this site, I offer strong support for the thorough and balanced recommendations proposed by staff of the California Coastal Commission.

CCC staff have undertaken the comprehensive review of the site including a detailed and unbiased review of prior studies with respect to coastal hazards and risk assessment that they have requested the developer and City staff to conduct. CCC staff's analysis and on-site review as detailed in the Exhibits 6 and 7 further support the concerns raised in the appeal and need for modifications to the development as originally proposed.

I request your support for the finding of substantial issues, assumption of jurisdiction of the Coastal Development Permit (CDP) and approval of all standard and special conditions proposed by staff. Of particular importance are the conditions pertaining to:

- Revisions to the site plan providing for a minimum 105' setback as depicted in Exhibit 8.
- No future shoreline armoring to protect the development.
- Triggers for future Removal and Relocation as described in Special Condition 4.
- Deeded real estate disclosure of liability and risk, including explicitly the coastal hazard requirements of Special Condition 4.
- Parking to be provided as prescribed in Special Condition 1c, to reduce the effect of the new development in an area where parking is already constricted impacting beach and coastal visitor parking.

This appeal isn't about development, it's about recognizing the volatile dynamics of building on the coast. It's about acknowledging, as the City of Pacifica City Council has done each month since January 2016, that this project is proposed for an area that is in a constant state of emergency.

If you have the opportunity prior to the Wednesday, June 10, CCC meeting, please watch these videos recorded at the corner of Paloma and Beach Blvd. showing the ongoing, unrelenting force of the waves in front of the proposed development site.

<https://youtu.be/vcg84Mn4YUc>

<https://youtu.be/HYamOHcDtrE>

Thank you for looking beyond the near-term, for not placing future generations at risk, and ensuring coastal access for the people of California.

Sincerely,

Cindy Abbott

51 Salada Ave, Pacifica, CA (a few blocks south of the development site)

**Subject:** Appeal No.A-2-PAC-19-0160, 1567 Beach Blvd., Pacifica  
**Date:** Friday, June 5, 2020 at 3:23:28 PM Pacific Daylight Time  
**From:** Steven Clark  
**To:** NorthCentralCoast@Coastal, KoppmanNorton, Julia@Coastal  
**CC:** Nick Langhoff

**TO:** Julia Koppman Norton, California Coastal Commission  
and Commissioners

**Subject:** Appeal No. A-2-PAC-19-0160, Appeal by GRG/Pacific Ventures, Ltd., and Nicholas Langhoff of the  
City of Pacifica

Dear Commissioners: I am writing in support of the above referenced appeal of the 7 unit condo development at 1567 Beach Blvd., Pacifica, CA. My residence is 7 Paloma Avenue, Pacifica, adjacent to the proposed development, and I am a member of the group associated with the appeal submitted by Nicholas Langhoff.

While I oppose the project, I want to thank the California Coastal Commission's staff for their hard and thorough work in reviewing both appeals and evaluating the science, engineering and safety issues associated with the proposed project.

I fully support the staff report and recommendations to take jurisdiction of the CDP and require the applicant to provide new design drawings that address safety, site access and parking issues and incorporate a minimum 105-foot setback. While the singular site access and dubious condition of the retaining wall (which the City acknowledges must be replaced soon) remain challenging to any development, these new requirements offer the applicant an opportunity to resize the project.

In closing, I offer a personal example of the risk involved. When I bought my house in 2014, I assumed that State Farm, with whom I had auto and renters insurance for years, would provide homeowners insurance. However, they informed me that company policy forbade them from insuring me because my house was too close to the ocean. For the record, my house is approximately 120 feet in from the ocean. I was able to obtain insurance through my mortgage company, but this illustrates the risk with building on this site.

I urge you to either deny the project or adopt your staff's report and its recommendations. Thank you for your consideration.

Sincerely,  
STEVEN M. CLARK  
7 Paloma Avenue, Pacifica, CA 94044  
415.860.0170  
[smclark331@gmail.com](mailto:smclark331@gmail.com)



**Subject:** Appeal No. A-2-PAC-19-0160

**Date:** Friday, June 5, 2020 at 2:56:16 PM Pacific Daylight Time

**From:** Craig Joyner

**To:** KoppmanNorton, Julia@Coastal

**CC:** Nick Langhoff

To Whom It May Concern,

I am writing in regards to Appeal No. A-2-PAC-19-0160, 1567 Beach Blvd Pacifica.

Although I continue to oppose development on the site on the basis of safety, I support the compromise staff report for this property. I continue to be very concerned with the NorthWest corner of the property, which is a poorly protected ramp down to the beach for Revetment repair. Wave runup at that location is common, and the requested 105 foot setback is inadequate.

I live just north of the property, facing the coast. My property is perhaps 5 feet higher than 1567 Beach Blvd, and by direct observation I can confirm wave runup and damage. My dividing fence to the neighbor North of me was destroyed by a wave. That neighbor has the ocean facing side of his home completely boarded up during the winter of 2019/2020 as protection. This is a dangerous area that is particularly vulnerable during King Tides and winter rogue waves.

I'm also very concerned with the one point of access for this proposal. Safety and egress during an emergency are paramount. Having one way in and out, adjacent to the ocean retaining wall (not a sea wall) is very troubling. Should the developer choose to make more density in the remaining developable area, there will be more people put at risk and trying to leave simultaneously during an emergency.

In short, I urge you to accept the staff report as written or to further strengthen the noted safety precautions.

Regards  
Craig Joyner  
244 Shoreview Avenue  
Pacifica CA 94044

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Craig Joyner  
PO Box 14771  
San Francisco CA 94114  
415/264-8881

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From: brian o'flynn <btof123@gmail.com>

Sent: Thursday, June 4, 2020 8:38 PM

To: NorthCentralCoast@Coastal

Subject: Public Comment on June 2020 Agenda Item Wednesday 10a - Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)

I am writing to in support of this much needed project as an owner of several properties nearby on Beach Blvd. The project will be a benefit to the community by providing needed housing with a neighborhood compatible design. Ive been waiting for several decades for someone to develop this property. This empty lot was like a missing tooth on the smile of Beach Blvd. I attended the planning commission hearing in support of this project which had wide support. The only dissenters were the immediate neighbors of this site and it was clear to all who attended and to those on the commission , that the real concern of these individuals was an impact on their views though they couched their objections in terms of ' safety'. Meanwhile they all continue to live in the exact same location happily enough that these stated concerns do not prompt them to move. These individuals have only relatively recently moved to this area - or inherited a building next door ( which by the way is in quite a state of disrepair). Please support this project .

Brian O'Flynn

btof123@gmail.com

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From: Carol Zammit <clzammit6@gmail.com>

Sent: Thursday, June 4, 2020 8:43 PM

To: NorthCentralCoast@Coastal

Subject: Public Comment on June 2020 Agenda Item Wednesday 10a - Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)

This project is beautiful and needed. We should be embracing additional living spaces because we don't have an abundance of private property, so we are limited as to what is Allowed to be built here in Pacifica. We have a lot people here in Pacifica that are always against additional building. What if the tables were turned and you were told No you can't do what you want with your property???

Regards,

Carol Zammit  
clzammit6@gmail.com  
(650) 303-5151

**From:** Jason Pressman <jason@shastaventures.com>

**Sent:** Friday, June 5, 2020 7:27 AM

**To:** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

**Subject:** Public Comment on June 2020 Agenda Item Wednesday 10a - Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)

Dear California Coastal Commission-

We are the owners of 236 Shoreview Avenue, Pacifica, CA, the home that is located approximately 100 feet to the north of the proposed development at 1567 Beach Blvd. We are writing to provide support of the proposed project. As you know, we are in desperate need of more housing in the bay area and this site, which is currently an ugly vacant lot, is a perfect place to build beautiful new homes. In addition, reasons that we support the project include.

1. The project will blend in nicely with the community. The size, scale and design are appropriate and will improve/elevate the area.
2. The project will continue to add to the unit mix at its price point, since the community and West Sharp Park has a range of housing types, not just low and moderately priced homes.
3. As a homeowner in Pacifica, we view the site safe for development given the expectation that the city will protect the Seawall, and the coastal commission staff recommendation only further makes the development safely sited. We have paid particularly close attention to this matter since our home is located so close to the site.
4. We see no concerns with the parking situation as parking in the neighborhood is not currently an issue and now that our project has been reduced in half there will be the opportunity to provide more parking for the residents of the back row of our homes.
5. Now that the project has been reduced by eliminating the front row, the area that is directly by the ocean can now be landscaped further providing even more neighborhood beautification.

In summary, we are fully supportive of this project.

Thank You-

Jason and Jessica Pressman  
236 Shoreview Ave.  
Pacifica, CA 94044

**Subject:** COMMENTS: Item W10a, Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)  
**Date:** Friday, June 5, 2020 at 12:44:34 PM Pacific Daylight Time  
**From:** Cheryl Henley  
**To:** KoppmanNorton, Julia@Coastal

Item W10a, Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)

Dear Commissioners,

As the original appellant to the City of Pacifica and as a member of the group supporting Nick Langhoff's appeal of the proposed development project at 1567 Beach Boulevard in Pacifica, CA, I am writing to voice my continued concerns. I remain opposed to this project for the many reasons I originally brought before the City and the issues brought to the California Coastal Commission in Nick's appeal. I applaud the California Coastal Commission staff for providing a thorough examination of the geotechnical issues associated with this proposed development.

A few issues particularly concern me: the single route of access to this property which is known by local residents to be too hazardous to traverse during hazardous weather conditions and the likely impact to parking on adjacent streets already impacted by a parking shortage.

The CCC staff recommendations in their report acknowledge the very challenging physical constraints at this project site. I urge you to either deny the project or adopt the report and its conditions of approval.

Sincerely,  
Cheryl Henley  
15 Paloma Ave  
Pacifica, CA 94044  
650-888-8851  
[henley.cheryl@gmail.com](mailto:henley.cheryl@gmail.com)







**From:** Bill McLaughlin <local415@gmail.com>

**Sent:** Friday, June 5, 2020 4:50 PM

**To:** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

**Subject:** Public Comment on June 2020 Agenda Item Wednesday 10a - Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)

As a San Francisco surfer who likes to occasionally surf and fish in Pacifica, I just wanted to register my opposition to any CDP that allows for the construction of a new development at 1567 Beach Boulevard in Pacifica.

Most of Pacifica's shoreline development is under severe threat from the ocean. This is because development was built too close to the sea at a time when long-term natural erosion rates were either unknown or not properly considered. To protect the town's coastal development, seawalls and revetments have now replaced the sandy beach. There is very little left of the shoreline to safely fish or even sit on a towel and enjoy a picnic on a warm sunny day. Without a sandy beach as a buffer, the threat to the town's seaside development has grown ever dire. In the coming years of sea level rise and climate change driven storm activity coastal hazards will only intensify.

Unfortunately, Pacifica is grappling with a very inconvenient but undeniable truth. The city cannot hold back the ocean forever. Retreat, relocation, or decommissioning of all threatened development will come sooner or later. The very least Pacifica and the Coastal Commission can do right now is to stop approving new developments such as this one in the coastal hazard area. The setback recommended by the staff report is a moot point. This entire parcel will be under threat well before the end of its "design life."

One of the key policy recommendations coming out of the Coastal Commission's 2018 sea level guidance document is that municipalities should avoid building in coastal hazard areas. The proposed site is in that category.

I respectfully urge the Commission to deny this CDP.

Bill McLaughlin

Surfer, Surf Fisherman and Beach Preservation Activist

**From:** Joel Silver <joelbsilver@yahoo.com>

**Sent:** Friday, June 5, 2020 4:32 PM

**To:** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

**Subject:** Public Comment on June 2020 Agenda Item Wednesday 10a - Appeal No. A-2-PAC-19-0160 (Phoenix Capital LXV LLC, Pacifica)

Dear Council,

I am a homeowner in Sharp Park and strongly support this development for the following reasons.

We badly need more houses in this range to support responsible growth in Pacifica and the Bay Area. The project fits very well within the community and area and sets a positive direction for homes in the Pacifica. The city needs a range of options (not just a plethora of Linda Mar-style ranchers) and there are not enough homes available in Sharp Park.

I view this as a safe project for the sea wall and region and will have sufficient parking and egress for pedestrians.

Overall, approval of this project is an important choice and positive direction for Pacifica and it's residents.

Thank you,

Joel Silver



June 5, 2020

**RE: Support for the CCC Staff Findings and Conditions relative to:  
CCC Appeal No. A-2-PAC-19-0160, 1567 Beach Blvd., Pacifica, CA**

Dear California Coastal Commission Commissioners,

Pacifica's Environmental Family is in full support of the staff recommendations for:

- Finding of substantial issues;
- Recommendation for the California Coastal Commission to take jurisdiction over the Coastal Development Permit (CDP); and
- Standard and Special Conditions for this site.

We would like to commend the work of the California Coastal Commission staff. Their comprehensive review of the two appeals filed against the City of Pacifica's approval for new development at 1567 Beach Blvd., Pacifica; evaluation incorporating sea level rise science and geologic engineering expertise to the concerns raised; and application of LCP LUP policies.

It is important to note that due to the hazardous nature of this parcel located in the coastal zone, CCC staff (including the Commission's senior coastal engineer, Dr. Lesley Ewing, and coastal geologist, Dr. Joseph Street) have determined that the required LCP-consistent setback would extend inland of the site, rendering the entire site undevelopable. Though we believe the site should not be developed, it is understood that the LCP allows for a reduced setback to permit an economically viable development. The minimum 105' foot setback; requirements prohibiting future shoreline armoring to protect the development and triggers for removal or relocation; and deeded disclosure of coastal hazards are balanced and well thought out. The condition for appropriate on-site parking will ensure visitors to the area will be able to enjoy beach and coastal access in keeping with the California Coastal Act.

Respectfully,  
Cindy Abbott, President  
For the Board

**Pacifica's Environmental Family, P.O. Box 259, Pacifica, CA 94044**

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**From:** grace mackertich <gmackertich@yahoo.com>  
**Sent:** Friday, June 5, 2020 5:55 PM  
**To:** Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>  
**Subject:** Re: Pacifica's Answer to Phoenix Capital's Appeal to Develop 1567 Beach Blvd. Subject to Sea Erosion

June 5, 2020

CALIFORNIA COASTAL COMMISSION  
**North Central Coast District Office**  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
Att: Stephanie Rexing, District Supervisor

Re: Appeal No. A-2-PAC-19-0160 (*Phoenix Capital LXV LLC*, Pacifica)  
On the docket: Wednesday, June 10, 2020  
Item No. 10

Dear Coastal Commissioners and Staff:

This letter is in support of the 105-ft. setback from the actual bluff edge along the northern part of the site at 1567 Beach Blvd., Pacifica, as delineated by Coastal Commission staff.

**Pacifica's City Council voted NO to the local appeal**

On June, 2019, the Pacifica City Council voted with the Planning Commission to deny the neighborhood appeal of this project. The vote was 3-2, with the majority likely forgetting the massive and costly erosion resulting in property falling into the sea from cliffs at nearby Esplanade in Pacifica.

**1567 Beach Blvd. is uniquely, and will always be, vulnerable** to sea level rise and concomitant coastal erosion, as this north end of Beach Blvd. provides access for the City of Pacifica to drive equipment down to the beach for wall repairs, and residents use the same access for repairs to their revetments.

**Only one road in, and the same road out**

As sea level rises, residents will be increasingly at risk from wave overtopping.

**Sea level continues to rise, while coast still rapidly erodes**

The armoring in place today is only a temporary stay against a rising sea and rapid erosion, both from rains and wave action. Anyone who has lived in Pacifica for the last 30 years or more can tell you that the beach used to be much wider and a trail around the north end has succumbed to erosion by wave action. Others also remember the coastal railroad, long since fallen into the sea.

PHOTOS:

- Link showing 1567 Beach Boulevard, the armoring currently in place. There is only one ?  
<https://www.californiacoastline.org/cgi-bin/image.cgi?image=201906798&mode=big&lastmode=sequential&flags=0&year=current>
- Link showing a series of photos of erosion over a few decades causing housing to fall into the sea at coastal cliffs along Esplanade in Pacifica:  
<https://www.sfchronicle.com/bayarea/article/Pacifica-cliff-disaster-Photos-1972-to-today-6801897.php>
- Link showing video of Esplanade cliff falling into the sea, feet from apartment buildings  
[Dramatic Video Shows California Coastal Community Falling Into the Pacific](#)

Dramatic Video Shows California Coastal  
Community Falling Into the Pacific

The town of Pacifica is facing a state of emergency.

### **Liability Waiver**

When this project fails due to coastal erosion, the public must not be asked to pay for it. It cannot be the liability of Pacifica residents, state or federal taxpayers, to fund a many multi-millions of dollars rescue of private property built on an eroding cliff -- even if they could. Given current economics for Americans today as well as other exigencies, taxpayers won't be able to fund it even if it were their responsibility.

I urge you to reject this project in its entirety or, if it's approved partially, to require that any coastal erosion and land failure of any kind be the complete responsibility of the property developer and owners.

Thank you for your consideration,



**Subject:** Appeal No. A-2-PAC-19-0160

**Date:** Saturday, June 6, 2020 at 9:18:50 AM Pacific Daylight Time

**From:** Blue and Julie

**To:** KoppmanNorton, Julia@Coastal

Honorable Commissioners,

I am writing you to let you know that I support the conclusions of the CCC staff report, particularly, the special conditions for development at 1567 Beach Blvd.

Sea level rise is real and if we do not take it seriously and approach it scientifically we are sunk.

Sincerely,  
Blue Murov