

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
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# F12a

**2-20-0221 (PACIFIC VIEW VILLAS)**

**MARCH 11, 2022**

**CORRESPONDENCE**

**From:** [Don Schmitz](#)  
**To:** [Carl.Dan@Coastal](#); [Rexing.Stephanie@Coastal](#)  
**Cc:** [KoppmanNorton.Julia@Coastal](#); [Nick.Weidhaas](#); [Adrienne.Coryell](#); [Scott.Hoeft](#); [Don.Schmitz](#)  
**Subject:** RE: Item F11a, Application No. 2-20-0221, Pacific View Villas in Pacifica  
**Date:** Monday, March 7, 2022 5:33:54 PM

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Good afternoon Dan.

Thank you for our productive telephone call last Friday March 4<sup>th</sup>, whereupon we discussed the staff report for the above-mentioned matter, our concern that there are additional historical documents being discovered that rectified some of the assertions in the staff report of unpermitted development, and that staff and the applicant needed more time to sort through the history and clarify the same for the Commission and general public. We as applicants understand the extremely difficult situation the staff is struggling with as it pertains to planners leaving the agency and you being short-handed. This resulted in the regrettable and fairly unprecedented situation whereupon the Commission has gone beyond the Permit Streamlining Act (PSA) limitations for processing timelines, resulting in the Commission's legal staff concluding that we as applicants can not avail ourselves of our normal rights for a postponement to allow us all to continue working on this matter.

Accordingly, to avoid a hearing whereupon there is dispute over factual matters, the only option is for us as the applicants to withdraw the application and immediately reapply, which is our intention. That being said the property owners are unwilling to pay again application fees totaling over \$20,000.00 due to exceeding the PSA, which was no fault of their own. Apparently the CCC regulations do not allow the staff to waive the fees, and only the Commission itself can do so at the scheduled hearing. It is our understanding that the staff will be recommending this course of action, and we as the applicants are committing that should the Commission waive the fees, we will withdraw the application at the same hearing, and immediately reapply. Furthermore, we are committed to continue working constructively with staff and to provide supplemental documentation so there is clarity on the history of the subject property and the development of the same.

Thank you for your time and consideration regarding this matter, and please don't hesitate to contact me directly should you need any additional information or materials.

Sincerely,

Don

**Donald W. Schmitz II / President / A.I.C.P.**

28230 Agoura Rd. Suite 200  
Agoura Hills, CA 91301  
Cell: (310) 617-0773 | Office: (818) 338-3636



March 4, 2022

To: Donne Brownsey, Chair, California Coastal Commission  
Cc: John Ainsworth, Executive Director, California Coastal Commission  
Julia Koppman Norton, Coastal Program Analyst, California Coastal Commission

**Re: Item F1a, Application No. 2-20-0221, Pacific View Villas in Pacifica**

Dear Chair Brownsey and Commissioners,

The Surfrider Foundation (Surfrider) is a nonprofit grassroots organization dedicated to the protection and enjoyment of the world's ocean, waves and beaches, for all people, through a powerful activist network. The San Mateo County Chapter of Surfrider is actively engaged in Pacifica advocating for and encouraging local government decisions to manage the problem of sea level rise in Pacifica in a way that benefits public resources and access to the coast. We would like to raise some concerns about the Coastal Development Permit request submitted by Pacific View Villas Home Owners' Association that seeks approval for modification and retention of current stormwater infrastructure and unpermitted shoreline armoring, especially in light of their long history of violations to the original CDP.

**Pacific View Villas HOA has committed numerous significant Coastal Act violations.**

Pacific View Villas Homeowners' Association (The HOA) has committed multiple Coastal Act violations over decades which have cost the public access to and enjoyment of the beach and bluff. The HOA has made a number of unpermitted modifications to the stormwater drainage infrastructure violating the terms of the CDP and exacerbating the problems at this site, leading to a cascade of issues that if allowed to continue will further endanger the stability and safety of the bluff and beach going forward. They installed a rock revetment that is five times the footprint and over ten times the volume of what was originally approved for dissipation of stormwater runoff, taking up 4,000 square feet of unpermitted beach space since 2008 and eroding the beach so that it is now visibly smaller than surrounding areas. As the staff report correctly notes — there really is no substitute for this type of beach loss to the public as a beach cannot simply be replaced. Surfrider finds it especially egregious that the applicant failed to even provide the blufftop public access loop trail as required, having closed it without a CDP for the past five years (due reportedly to erosion concerns.)

**There is no “existing development” on the site and shoreline armoring must be removed**

We strongly agree with staff's conclusion that all structures on this property are not entitled to shoreline protection, per Coastal Act Section 30235 which defines 'existing' development as structures existing before the effective date of the Coastal Act.



The Coastal Commission originally permitted minimal rock dissipation revetment to mitigate the impact of the stormwater infrastructure in accordance with the Coastal Act's water quality provisions. This was clearly spelled out in the CDP and subsequent direction to The HOA. Rock revetment for the purpose of protecting any development on the site was not warranted as the Commission originally agreed, and still isn't warranted, in keeping with the Coastal Act's direction. The applicant has essentially created the issues that they are now seeking approval to address and their preferred solution would cause even greater harm over time to this area. We believe the alternative that staff have presented, of approval with special conditions to relocate the stormwater management system and remove the rock revetment, is the least damaging and best long-term solution for the area.

It is clear The HOA development has privately benefitted from keeping access to the site restricted and as a run-around, has pursued revetment as a protective structure at the expense of the public's access to the beach and the bluff. Because corrective action to remove and relocate the stormwater drainage system cannot be done immediately (due to the potential impacts to water quality this could have during the next storm season and related potential Coastal Act violation) we support the compromise that staff has identified to relocate the stormwater infrastructure inland by May 26, 2023, and to fully remove the rock revetment upon completion.

Surfrider continues to encourage the City of Pacifica to take every possible step to address sea level rise given the extreme impacts already experienced and the continuing impact on public resources and development along its shoreline. In the case of this application, an opportunity for migrating coastal infrastructure inland is achievable within a year. The course of action proposed in the staff report presents a clear opportunity to manage ongoing impacts to the public beach caused by erosion and sea level rise and to restore access that rightfully belongs to the public.

### **Public access and the beach must be restored**

The special conditions outlined by staff generously allow the applicant temporary retention of the emergency drainage system as a way to facilitate relocation of the drainage inland. During this time, it is more than appropriate that the public begins to recuperate benefits through restoration of the public access loop trail on the blufftop portion of the property and lateral access to the beach. Surfrider applauds staff's recognition of environmental justice implications and the reality that shrinking access to the shoreline throughout Pacifica has an outsized impact on lower income and minority communities.

Surfrider also cautiously supports the in-lieu mitigation fee (\$1,703,362.86) which was calculated using the real estate valuation method, as a way of compensating the public for the impacts of the unpermitted revetment over fifteen years. We strongly encourage the Commission to add language to the special conditions that ensures this fee goes towards



creation of the amount of beach space that was lost in a nearby location, and to remove language that would allow diversion of the funds to unrelated projects or purposes if not used within the 10-year timeframe. If the City of Pacifica is given the opportunity to divert the funds to other projects after the 10-year timeframe has expired, their historic actions have shown they will plan to do so. Mitigation fees for the loss of beach space should not go towards any other use, including public access improvements. Ultimately, it is the beach that the public must be able to access.

Surfrider therefore supports the compromise outlined in staff's recommendation because it will allow natural shoreline processes to be restored at this location within a year and it will best resolve the stormwater drainage issue to ensure longer term safety and stability of the bluff. In addition, with the mitigation fee and immediate public access conditions, this proposal will provide public benefits that have been unlawfully privatized for more than 10 years. **Therefore, we urge the Commission to approve the project with all conditions suggested by staff.**

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Williams".

Kimberly Williams  
Volunteer Policy Manager  
San Mateo County Chapter  
Surfrider Foundation

A handwritten signature in black ink, appearing to read "M. Sackett".

Mandy Sackett  
California Policy Coordinator  
Surfrider Foundation



Scenic Pacifica  
Incorporated Nov. 22, 1957

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## CITY OF PACIFICA

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**MAYOR**  
Mary Bier

**MAYOR PRO TEM**  
Tygarjas Bigstyck

**COUNCIL**  
Mike O'Neill  
Sue Vaterlaus  
Sue Beckmeyer

March 9, 2022

Chairperson Donne Brownsey  
California Coastal Commission  
455 Market Street, Suite Fremont Street, Suite 300  
San Francisco, CA 94105

**Re: Application No. 2-20-0221 Pacific View Villas, 200-224 Palmetto Avenue, Pacifica**

Dear Chairperson Brownsey:

The City of Pacifica (City) has reviewed the staff report Addendum for the above reference item on the Coastal Commission's Friday, March 11, 2022, agenda. The City recognizes that the Applicant and the Commission are in a difficult spot in light of the Permit Streamlining Act and additional time is needed to fully assess the project site's 40-year development history. The City supports the solution recommended by your staff to allow the Applicant to withdraw and resubmit the application with waived permit fees to allow both parties more time to discuss this application and staff recommendations.

Additionally, the City of Pacifica would like to be invited to participate in future conversations regarding directing the site's storm drainage eastward towards the City storm drain system to fully understand the proposal and to be able to provide Commission staff with City support when the applicant provides all documentation and analyses of the revised drainage management system.

Sincerely,

Tina Wehrmeister  
Assistant City Manager/Planning Director

Cc: Kevin Woodhouse, City Manager  
Sam Bautista, Deputy Director of Public Works