

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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Th10a

A-2-SNF-24-0009 (Great Highway Vehicular Restrictions)

May 9, 2024

CORRESPONDENCE

From: gardeningglenna@gmail.com
To: NorthCentralCoast@Coastal
Subject: Comments for May 9 2024 hearing re the Great Highway
Date: Friday, May 3, 2024 3:48:57 PM

Dear Commissioners:

My note today is in strong support of keeping the Great Highway closed on weekends and holidays. I am in support of the partial closure decision, along with traffic calming measures.

My son and I live on 48th near Quintara.

Great Highway on the weekends and holidays is a wonderful site to see and experience: families, those in all kinds of wheels including wheelchairs, pets...all taking in our beautiful California coast without fear of those driving way too fast on the highway normally. Please keep it closed.

Respectfully,
Glenna

Glenna Wiseman
M: 909 553 3141
gardeningglenna@gmail.com

From: [johnmemo](#)
To: [brian.stokle@sfgov.org](#); [boardofappeals@sfgov.org](#); [engardiostaff@sfgov.org](#); [info@greathighwaypark.com](#); [MelgarStaff@sfgov.org](#); [NorthCentralCoast@Coastal](#); [chanstaff@sfgov.org](#)
Subject: Keep the Great Highway Park weekend compromise. Reject appeals 23-062, 23-064, 23-065
Date: Tuesday, February 20, 2024 4:36:34 PM

Dear Commissioners,

I am writing to ask that you uphold the Planning Commission's unanimous determination to issue the Coastal Zone Permit for the Upper Great Highway pilot project and that you reject appeals 23-062, 23-064, 23-065.

As one of the thousands of San Franciscans who visit Great Highway Park every weekend to walk, roll, jog, bike, and simply enjoy the Pacific Ocean, the pilot program is crucial for my access to and enjoyment of the shoreline. This permit simply maintains the existing compromise approved by the Board of Supervisors and Mayor Breed in 2022 and furthers the objectives of the Coastal Act and San Francisco's Local Coastal Plan by enhancing recreational use of the Ocean Beach shoreline and providing safe space for kids, seniors, and the entire community to benefit from the coast. Maintaining this pilot allows City agencies to collect data and perform community engagement to help determine the long-term future of the Great Highway.

In addition, the permit authorizes important traffic calming in the Outer Sunset. This has greatly improved the safety of the neighborhood and is vital to my safety when I walk and bike to Ocean Beach and nearby businesses.

Thank you,

From: [Daniel Fleck](#)
To: brian.stokle@sfgov.org; boardofappeals@sfgov.org; engardiosstaff@sfgov.org; info@greathighwaypark.com; MelgarStaff@sfgov.org; NorthCentralCoast@Coastal; chanstaff@sfgov.org
Subject: Keep the Great Highway Park weekend compromise. Reject appeals 23-062, 23-064, 23-065
Date: Monday, February 19, 2024 5:11:18 PM

Dear Commissioners,

I am writing to ask that you uphold the Planning Commission's unanimous determination to issue the Coastal Zone Permit for the Upper Great Highway pilot project and that you reject appeals 23-062, 23-064, 23-065.

As one of the thousands of San Franciscans who visit Great Highway Park every weekend to walk, roll, jog, bike, and simply enjoy the Pacific Ocean, the pilot program is crucial for my access to and enjoyment of the shoreline. This permit simply maintains the existing compromise approved by the Board of Supervisors and Mayor Breed in 2022 and furthers the objectives of the Coastal Act and San Francisco's Local Coastal Plan by enhancing recreational use of the Ocean Beach shoreline and providing safe space for kids, seniors, and the entire community to benefit from the coast. Maintaining this pilot allows City agencies to collect data and perform community engagement to help determine the long-term future of the Great Highway.

In addition, the permit authorizes important traffic calming in the Outer Sunset. This has greatly improved the safety of the neighborhood and is vital to my safety when I walk and bike to Ocean Beach and nearby businesses.

Thank you,

Daniel Fleck

From: [Olivia Puerta](#)
To: brian.stokle@sfgov.org; boardofappeals@sfgov.org; engardiostaff@sfgov.org; info@greathighwaypark.com; MelgarStaff@sfgov.org; NorthCentralCoast@Coastal; chanstaff@sfgov.org
Subject: Keep the Great Highway Park weekend compromise. Reject appeals 23-062, 23-064, 23-065
Date: Thursday, February 29, 2024 11:09:25 PM

Dear Commissioners,

I am writing to ask that you uphold the Planning Commission's unanimous determination to issue the Coastal Zone Permit for the Upper Great Highway pilot project and that you reject appeals 23-062, 23-064, 23-065.

As one of the thousands of San Franciscans who visit Great Highway Park every weekend to walk, roll, jog, bike, and simply enjoy the Pacific Ocean, the pilot program is crucial for my access to and enjoyment of the shoreline. This permit simply maintains the existing compromise approved by the Board of Supervisors and Mayor Breed in 2022 and furthers the objectives of the Coastal Act and San Francisco's Local Coastal Plan by enhancing recreational use of the Ocean Beach shoreline and providing safe space for kids, seniors, and the entire community to benefit from the coast. Maintaining this pilot allows City agencies to collect data and perform community engagement to help determine the long-term future of the Great Highway.

In addition, the permit authorizes important traffic calming in the Outer Sunset. This has greatly improved the safety of the neighborhood and is vital to my safety when I walk and bike to Ocean Beach and nearby businesses.

Thank you,

From: [Casey](#)
To: [ExecutiveStaff@Coastal](#); [NorthCentralCoast@Coastal](#); [Henningesen, Luke@Coastal](#)
Subject: Please keep the great highway open as a park and respect the will of the voters.
Date: Thursday, May 2, 2024 7:52:07 AM

Hi,

Please keep the great highway open as a park on weekends, respecting the will of the voters.

Regards,
Casey Frost
District 7

From: [Laura Ehlert](#)
To: NorthCentralCoast@Coastal
Subject: Public Comment on May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Tuesday, April 30, 2024 5:31:27 PM

Dear Coastal Commission,

I oppose closure of the Great Highway between Lincoln Way and Sloan Boulevard to vehicular traffic on weekends or any other day. Please leave the highway as it is today.

A few reasons:

The proposal to close the Upper Great Highway to vehicles **fails to conform with the public access policies of the Coastal Act.**

Some elderly and disabled people access the coast by driving along the highway, enjoying the view, rolling down the windows, and breathing in fresh air. We should ensure that all people using all modes can access the coast at all times.

Also, when the Upper Great Highway is closed to vehicles for a chunk of the week, pedestrians trample the dunes. San Francisco Estuary Institute Report funded by the Coastal Conservancy directly links erosion due to trampling of dunes to closing the Upper Great Highway to vehicular traffic. This is a substantial issue that requires further review.

The great highway should be accessible for all to enjoy, not just for the privileged few.

Sincerely,
Laura Ehlert
Current resident of San Francisco

From: [Lauren Kerins](#)
To: NorthCentralCoast@Coastal
Subject: Public Comment on May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Friday, May 3, 2024 4:29:45 PM

Dear Commissioners,
as an RPD gardener at the Great Highway from 2016 until July 28th 2022 (when I was assaulted by an overnight car camper/ pimp at Rivera and LGH while picking up garbage, and received a traumatic brain injury from which I am still recovering), I would ask that you NOT allow a permit to continue weekend closures at the Great Highway for a number of reasons.

It is my experience and easily measurable by observation that great damage has occurred to both the GGNRA and the Lower Great Highway Park due to the closures during Covid and the weekend closures that have occurred since.

Some of these reasons are:

1. Cars on the roadway naturally move sand off the roadway by centrifugal force and keep people and dogs crossing at the intersections and logical pathways instead of trampling/ causing erosion and crossing anywhere they please as they do now when it is closed . On any weekend that it's not raining (in which case it's a ghost town and just an unnecessarily blocked roadway further diverting congestion onto other city streets through neighborhoods in poor visibility conditions), you will see people sliding down the dunes pushing further sand onto the roadways which then keep the road closed further into the week as heavy equipment is needed to remove it. Also on spectacle are people, cyclists and off leash dogs trampling the dunes, the median, the ice plant for erosion control at the top of the LGH path and habitat/ beautification plantings along the length of the LGH park. There are plenty of actual paths to use, but the number of "social trails " has easily doubled on each block since the closures.

This causes substantial erosion during the rainy months including blocking drains on the lower road. Damage to the endangered snowy plover habitat is a given as even roped off areas/otherwise barriered areas in the two parks are not considered off limits by the public.

2. The road closure stops the police from better patrolling the area and stops their deterrent effect on the increased criminal activities at the Great Highway - from illegal camping and vehicle camping (for up to years in some instances), a huge increase in graffiti, damage to structures/ break-ins, refuse dumping, fires in garbage cans, etc. All of those have greatly increased since the closures.

Also, fire trucks and other emergency vehicles have to use the slower lower road with no signal crossings for all the pedestrians. Traffic calming measures have been ineffective and the lower road has become unsafe for both drivers and pedestrians. The loop using both upper and lower roads provides significantly faster transport times and less time for the nefarious activities to occur unnoticed.

3. The newer habitat plantings that were diligently planted along the nearly two mile stretch during the time I worked there have been severely neglected and some destroyed. Every monday I would have to repair plantings, borders, holes dug, erosion etc from the weekend's activities after spending hours removing trash.

These native and mixed drought tolerant plantings resulted in a huge uptick in insects, birds and other wildlife appearing, even with cars on the road as the people had to stay on the paths.

Wildlife learned to negotiate this. From virtually no butterflies and few bees, to many butterflies, bees and other pollinating insects, hummingbirds, doves, great blue heron, wild turkey, raccoons, red tail hawks, coyotes etc began using this wildlife corridor connecting Golden Gate Park to the habitats farther north in the GGNRA domain.

4. The often confusing and uncoordinated oversight of the area: GGNRA on the Ocean Beach Dunes who have been short staffed with Rangers since before the pandemic. The roadway and median strip controlled by DPW (roadway sand removal falls mostly on DPW as well as its cost) and RPD whose Rangers open and close the gates and are supposed to patrol and handle the LGH park. I have yet to see a citation given for any park rule violations, even when repeated, and thus the wild west attitude in the area. I have 4 times prior to the successful assault in July '22 been chased or threatened by "park patrons", all of which were camping either in cars, campers or tents or frequenting the north end city sanctioned/unhandled encampment. The police or my Supervisor responded in those cases. All of these are a result of the closures and the subsequent decline/changes in the overall safety of the area, though they didn't occur on the weekend. They occurred in the prior 3 years.

5. RPD has not provided proper staffing to it's area of responsibility at the LGH nor sufficient resources to upgrade the area it has control over currently. At most there have been only 2 gardeners assigned to the 2 mile strip at any given time, but long stretches of 7- 10 months where I was the only gardener assigned, with some help here or there to lift heavy dumped objects/ construction dumps onto my truck. Occasional apprentice projects and volunteer community groups are relied upon but can't keep up with the actual work required to maintain this area. The decline is apparent. Ask the neighbors who live there. I have hundreds of pics as well as I developed areas and their decline after the fact.

6. Data from "cameras" placed by RPD on the upper bike path/walk path and roadway for usage data to make their case for continued closure were statistically skewed. Most walkers/ bikers make multiple trips back and forth as its less than two miles. Even myself, walking back and forth collecting garbage everyday or hauling a hose for watering would be counted as separate patrons using the park. Also, no notices were posted of the surveillance to the public or how and why the data was being collected nor for how long. That was less than full disclosure.

Therefore, A FULL ENVIRONMENTAL IMPACT REPORT needs to be done before further permits are granted for closure/weekend closure.

Sincerely, Lauren Kerins
3417 Gardener, SFRPD, PSA4

You are welcome to contact me for further info, pictures, etc

From: [Peter Pirolli](#)
To: [NorthCentralCoast@Coastal](#)
Cc: [ExecutiveStaff@Coastal](#); [Henningesen, Luke@Coastal](#); [Peter Pirolli](#)
Subject: Public Comment to SUPPORT Appeal/Substantial Issue May 9, 2024 Agenda Item Thursday, 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco)
Date: Thursday, May 2, 2024 11:29:28 AM

Dear Commissioners,

Please honor the integrity of the San Francisco Local Coastal Program and give Appellants the opportunity to be heard. They are appealing San Francisco Recreation and Parks Department's Coastal Zone Permit application for a "temporary pilot project" to close the Great Highway to vehicles from noon Fridays until 6 a.m. Mondays. I strongly disagree with California Coastal Commission (CCC) staff's recommendation that this is not a substantial issue. I have no doubt that other members of the public will comment on the many issues with the permit application and the CCC staff report. I will focus on a single issue—**the increase in traffic and likely toxic pollution that is spewed into the Sunset residential areas due to the Upper Great Highway closures every Friday afternoon to Monday morning.**

Throughout the history of the efforts since early 2020 to close the Upper Great Highway (UGH), San Francisco City officials have failed to report the scale of traffic volume diverted to Lower Great Highway. A prime example of this is use of the Westside Circulation Study—conducted in the midst of massive 40% nationwide traffic declines during the COVID-19 lockdowns—to argue that (UGH) traffic diversion into the Sunset was minimal. Data obtained by a recent Sunshine Ordinance request from the San Francisco Municipal Agency (SFMTA) tell a profoundly different story. During the Friday afternoon closures, there is a 187% increase in traffic volume on the Lower Great Highway compared to other weekdays. Over the course of the average weekend closure, there is an excess of 9522 vehicles spewed onto the Lower Great Highway, compared to weekdays. The CCC staff report suggests that traffic diversion from Upper to Lower Great Highway is insignificant because they are somehow part of the same system. I urge you simply to look at this satellite image

<https://maps.app.goo.gl/JGDXJUoe9uzWuuz16>

to see that the UGH is a 4-lane highway and the LGH is a residential street. Nearly 10,000 additional cars at our neighborhood doorsteps is not just an inconvenience—it is potentially toxic and possibly fatal. Many studies have shown excess health risks in proximity to heavily trafficked roads for such outcomes as: cardiovascular mortality, respiratory mortality, myocardial infarction, cardiovascular disease, coronary artery calcification, cardiac function, asthma, asthma hospitalization, lung function reduction, birth weight, childhood cancer, and lung cancer (see e.g., <https://www.ncbi.nlm.nih.gov/books/NBK361807/>).

Please authorize a hearing on the merits to allow for a full review and give the Appellants the opportunity to enlighten you on the project's significant impact on coastal resources, failure to conform to the Local Coastal Program, and dangers to the environment. These impacts will become worse if the San Francisco Recreation and Parks Department's Coastal Zone Permit application for a "temporary pilot project" to close the Great Highway to vehicles from noon Fridays until 6 a.m. Mondays is approved. Thank you for your consideration of my comments.

Respectfully submitted,
Peter Pirolli

San Francisco Resident/Homeowner

From: [edward.rubin](#)
To: NorthCentralCoast@Coastal
Subject: Public Hearing Regarding the Appeal of No. 8-2-SNF-24-0009: Partial Closure of Great Highway
Date: Friday, May 3, 2024 11:12:54 AM

Dear Coastal Commission,

I reside directly opposite the Upper Great Highway on the Lower Great Highway. The minor inconveniences associated with the weekend closure to vehicular traffic of the Great Highway between Sloat and Lincoln Way are significantly outweighed by the benefits offered to urban dwellers of all races and ages with car-free access to this oceanfront space. This includes the large numbers of small children, seniors, families, people with disabilities, bikers, etc., that walk and roll along the Great Highway from dawn to dusk each weekend. The car-free access to this stretch of road for city dwellers has improved urban life for many, while only slightly inconveniencing a small but very vocal group that wants the road to be exclusively the domain of cars twenty-four hours a day, seven days a week. The increase in traffic along the street in front of my house on the Lower Great Highway is imperceptibly higher on weekends versus weekdays, and the difference in my north-south travel time along Sunset Blvd., the alternative route when the Upper Great Highway is closed, is minimal. A majority of San Franciscans have already voted in favor of the weekend road closure. It would be a travesty for the people of this city to lose weekend car-free access to this beautiful coastal space.

Sincerely yours,

Eddy Rubin
2476 Great Highway
San Francisco, CA 94116
Eddyrubin1@gmail.com

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Edward M Rubin, MD, PhD, FACMG, FRSC
Director, Science-Corps



<https://science-corps.org/>

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From: [Patricia Arack](#)
To: [NorthCentralCoast@Coastal](#)
Cc: [ExecutiveStaff@Coastal](#); [Henningsen, Luke@Coastal](#)
Subject: Re: Public Comment to SUPPORT Appeal/Substantial Issue May 9, 2024 Agenda Item Thursday, 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco)
Date: Friday, May 3, 2024 12:58:26 PM

California Coastal Commissioners
NorthCentralCoast@coastal.ca.gov
executivestaff@coastal.ca.gov
[Luke Henningsen luke.henningsen@coastal.ca.gov](mailto:Luke.Henningsen@coastal.ca.gov)

Dear Commissioners:

I am writing today to implore you to not accept the Report issued which concludes that there is no Substantial Issue regarding the Coastal Permit and that the permit should be retroactively approved by you. Instead, please allow the appeal to go forward because there are indeed Substantial Issues which need to be addressed. The Report is inaccurate and flawed. Some details in the Report are works of fiction. I know this because I have lived on the Lower Great Hwy for 39 years and have walked the bike path adjacent to the highway for decades, and have watched everything that has happened on this highway for the same amount of time. I actually watched the 1989 planting of the beautiful beach grass (now destroyed) and flowering ice plant (also destroyed).

DAMAGE TO THE NATURAL ENVIRONMENT

The writer of the Report draws conclusions that demonstrate that the writer has had little if any contact with this Great Hwy/Ocean Beach area. I KNOW, because I have seen it with my own eyes for 39 years, that the significant damage to the dunes and median and all the vegetation thereon has all occurred AFTER the highway was closed to cars from April 2020 to August 2021, and after that, closed on Friday at 12 noon to Monday 6 am. The Report author states that the damage to the dunes and plantings had existed long before the closure. This is a lie. The damage, referred to by the San Francisco Estuary Institute Report, all stem from human activity caused by the closure, which we were promised would be temporary, in April of 2020. This wide-spread damage to the dunes, caused by human activity, is obviously **a very significant issue** and needs to be addressed to save the unspoiled natural beauty of this area.

UNSAFE CONDITIONS ON THE LOWER GREAT HIGHWAY AND OTHER SUNSET STREETS

Another Significant Issue is the damage to the residential street, the Lower Great Highway, and other residential streets in the Sunset. I have lived on this street for 39 years. I live on a corner with a stop sign. On Friday afternoons during the commute, I have counted 700 cars per hour passing in front of my house. I cannot open a window because of the exhaust fumes in the air close to my house. I am afraid to walk outside across the street because of the heavy dangerous traffic.

FALSE NOTION OF A "GREAT HIGHWAY SYSTEM"

The author of the Report erroneously and strangely refers to the "Great Highway System." This is made-up fiction. There is no "Great Highway System." The Report writer tries to create a false notion that the Lower GH is designed to function as a highway that accommodates overflow traffic from the Upper Highway. I read the related documents regarding the Western Coastal Plan. Never is there any reference to a "Great Highway System." In 39 years on the lower Great Highway and 4 years of involvement in the Great Highway issue, I have NEVER HEARD ANY REFERENCE to this fictional "Great Highway System."

In actual fact, the Lower Great Highway is a residential street lined on the east side of the street with single family, 2-story and apartment houses, all filled with people whose property and lives are negatively impacted by the influx of commuter traffic when the Upper Great Highway is closed. When the highway was closed 24/7 from 2020 to 2021, residents could not even back out of their driveways because the traffic was so heavy. When the Upper Great Highway is closed, the exhaust pollution is dangerously high. It is dangerous to cross the street.

DANGER FROM LACK OF ENFORCEMENT OF TRAFFIC VIOLATIONS

Even now, there is no enforcement for speeding or other violations of traffic laws. I have a stop sign in front of my house. NO ONE stops at the stop sign. People roll through and barely reduce their speed. Crossing the street for pedestrians is very dangerous. The speed bumps and new stop signs do little to reduce the speed of the cars. Occasionally, huge gangs of motorcycle riders speed down the Lower GH, taking up both lanes and not stopping at ANY stop signs. They do this with impunity, creating severe danger for pedestrians, children, pets, and property. There is never any effort by police to stop this dangerous practice.

ADA VIOLATIONS AND LACK OF EQUAL ACCESS FOR DISABLED PEOPLE

Also, there is no adequate equal access for disabled people for 10 blocks. The author of the Report states that the highway is equitable for disabled people. It is not. I am disabled. I am unable to access the walking/biking path because the asphalt ramps from the residential street to the upper highway area are not ADA compliant. I walk with a walker. I have rarely seen ANY disabled people with walkers or wheelchairs on the Great Highway. Bike riders are notorious for their speed and for yelling at pedestrians to "Hey! Get out of my way!" In addition, bicyclists ride on the sidewalks on the Lower Great Highway, making it extremely dangerous for me.

Below is Objective 11 of the Master Plan for the Western Seashore. This pilot definitely is a Substantial Issue which violates this objective to protect the neighborhood environment.

OBJECTIVE 11

PRESERVE THE SCALE OF RESIDENTIAL AND COMMERCIAL DEVELOPMENT ALONG THE

COASTAL ZONE AREA.

POLICY 11.6

Protect the neighborhood environment of the Richmond and Sunset residential areas from the traffic and visitor impacts from the public using adjacent recreation and open space areas.

SUBSTANTIAL ISSUES DEFINITELY EXIST

In closing, there are definitely SUBSTANTIAL ISSUES regarding this pilot. I again implore you to reject this report and not provide a Coastal Permit for this Pilot. The stated endgame of this ill-conceived project is full closure of the Great Highway, which will destroy the dunes, the median, the Snowy Plover sanctuary, and safety of the residents who live in the outer Sunset District. This will be a disaster for this beautiful unspoiled and natural area at the beach, and for the residents who will be inundated by constant traffic and pollution. We need to begin planning a compromise which involves ALL stakeholders in this issue, not just the Bike Coalition, Rec and Park, and SFMTA. We can arrive at a better solution that can be equitable for all stakeholders.

Patricia Arack

Concerned Residents of the Sunset

Resident and Homeowner on the Lower Great Highway

Council Member, the Mayor's Disability Council

Retired Faculty, City College of San Francisco

From: [Evan Rosen](#)
To: [NorthCentralCoast@Coastal](#)
Cc: [aeboken](#); [Kathy Hirzel](#); [er@sonic.net](#); [Rexing, Stephanie@Coastal](#); [Henningesen, Luke@Coastal](#); [Kahn, Kevin@Coastal](#); [Carl, Dan@Coastal](#)
Subject: SPEAK Appeal 2-SNF-24-0433- Coastal Zone Permit for Upper Great Highway-San Francisco
Date: Monday, April 1, 2024 4:46:34 PM

To the Coastal Commission and North Central Coast District staff:

At the below Dropbox link is the completed and executed Coastal Zone Permit appeal form, addenda and exhibits filed by the Sunset-Parkside Education and Action Committee (SPEAK) appellant. This is an appeal for the San Francisco Upper Great Highway project-Planning Commission record number 2022-007356CTZ. The Coastal Commission record number is **2-SNF-24-0433**.

<https://www.dropbox.com/scl/fi/96olhxzshfr4wjp3uxdbu/SPEAK-CCC-Appeal-Coastal-Zone-Permit-Upper-Great-Highway-San-Francisco.pdf?rlkey=oyjdspxhpkftogmk620qcxvuc&dl=0>

Please confirm that the Coastal Commission staff received this pdf which is 359 pages including exhibits and that the appeal was submitted in an acceptable manner.

Thank you.

Evan Rosen
On behalf of Eileen Boken, President
Sunset-Parkside Education and Action Committee (SPEAK), Appellant

From: [Steven Metz](#)
To: NorthCentralCoast@Coastal
Subject: SUPPORT Appeal/Substantial Issue May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco)
Date: Friday, May 3, 2024 11:22:56 AM

Commissioners:

The Great Highway Closure pilot program has a massive impact on local residents of the Outer Sunset and particularly, the residents of the Lower Great Highway from just north of Moraga to Quintara street where the houses are at the edge of the sidewalk and approximately 35 feet from northbound traffic. When the Upper Highway is closed there is, per MTA traffic surveys and my own observation and experience since the very first days of the closure in 2020, a significantly higher volume of recklessly driving Upper Highway bypass traffic coming and going to the City at large from the north and south of the Sunset District. This is, without question, “a substantial issue” for many residents of the Lower Great Highway.

This has created an ongoing problem that directly conflicts with the San Francisco General Plan’s Western Shoreline plan. Specifically Objective 11, Policy 11.6, in addition to many objectives and policies in the General Plan that serve to protect the citizenry from changes that create public safety, noise and air quality issues. The drastically increased volume of vehicles create air quality issues from exhaust fumes and significantly higher levels of soot. There is relentless noise increase every day the Upper Highway is closed and the MTA surveys bear that statement out. These cars don’t want to be in the Sunset and they drive that way ->recklessly, especially at night.

Please consider using the Great Highway for what it was designed for: cross town traffic. Don't allow commuter traffic to disrupt a neighborhood designed for quiet and slow movement.

Sincerely,
Steven Metz
2090 Great Hwy, #202
San Francisco, CA 94116
smetz3939@gmail.com
home ph: 415.759.1709

From: [Bill Strachan](#)
To: [NorthCentralCoast@Coastal](#)
Subject: SUPPORT Appeal/Substantial Issue May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Friday, May 3, 2024 8:13:27 AM
Attachments: [image.png](#)

Commissioners:

The Great Highway Closure pilot program has a massive impact on local residents of the Outer Sunset and particularly, the residents of the Lower Great Highway from just north of Moraga to Quintara street where the houses are at the edge of the sidewalk and approximately 35 feet from northbound traffic. When the Upper Highway is closed there is, per MTA traffic surveys and our own observations since the very first days of the closure in 2020, a significantly higher volume of recklessly driving Upper Highway bypass traffic coming and going to the City at large from the north and south of the Sunset District. This is, without question, "a substantial issue" for many residents of the Lower Great Highway.

This has created an ongoing problem that directly conflicts with the San Francisco General Plan's Western Shoreline plan. Specifically Objective 11, Policy 11.6, in addition to many objectives and policies in the General Plan that serve to protect the citizenry from changes that create public safety, noise and air quality issues. The drastically increased volume of vehicles create air quality issues from exhaust fumes and significantly higher levels of soot. There are relentless noise increases all day, every day the Upper Highway is closed and the MTA surveys bear that statement out. These cars don't want to be in the Sunset and they drive that way. They are driving through and not to.

From the Western Shoreline Plan:

OBJECTIVE 11

PRESERVE THE SCALE OF RESIDENTIAL AND COMMERCIAL DEVELOPMENT ALONG THE COASTAL ZONE AREA.

POLICY 11.6

Protect the neighborhood environment of the Richmond and Sunset residential areas from the traffic and visitor impacts from the public using adjacent recreation and open space areas.

MTA SURVEY DATA SHOWING MAJOR IMPACTS TO THE LOWER GREAT HIGHWAY:

The figures here, obtained directly from the SF MTA's own surveys taken in the last 12 months, clearly show a major ongoing impact on a 100% residential street.

2,313 = When the Upper Highway is open, this is the average daily traffic volume for the Lower Great Highway (5 days of data)

5,821 = the average daily traffic volume on the Lower Great Highway on Fridays with 1/2 day Upper Highway closure. That's just two days of MTA data and the one on November 10th was actually 6,433 vehicles. A 250% increase with just a half day of the Upper Highway closed.

4,937 = the average daily traffic volume on Saturday and Sunday on the

Lower Great Highway. (only 4 days of data total!) When they measured in 2020, it was 5000 to 6000 a day which at the time was in the 90th percentile of 2700 residential streets in San Francisco.

More SFMTA data showing heavy local impact:

Stop Sign at Moraga / Lower Great Highway -SF MTA counted volume and how many legal stops there were in four hours on Saturday, October 21st. 12-2 PM and 4-6PM. 2,027 vehicles went through that intersection. 72 total were in compliance. They stopped. 1,955 didn't. 3.6% compliance. Another check at Lawton and the Lower Great Highway apparently had a 13% compliance rate for 1,999 vehicles. 3.6%! Reckless through traffic.

14,471 = the average daily traffic volume for two days of Upper Great Highway traffic. In the time since it was "reopened" Monday to Thursday the MTA has two days of data. That's it. Per the MTA, traffic used to be close to 20K average. A massive amount has likely deferred with the holdup at Sloat and the Extension and now many more vehicles drive through the neighborhood on a daily basis. 19th Avenue and Sunset Boulevard are already slow and crowded. Traffic apps do not direct traffic there.

In what is the only official count (That we know) of another Avenue at a time when the Upper Great Highway was closed and the Lower Great Highway was getting traffic rates of over 500 cars an hour, there was another stop sign compliance check at 48th Avenue and Kirkham. In the same four hour time span as the previously mentioned survey, they had a total of 252 vehicles. 16 of which (6%) were in compliance. Yes, that's 63 cars an hour on 48th Avenue, just a little over ten percent of the volume of the Lower Great Highway at the EXACT SAME TIME. This another reason why many people in the Avenues support the closure and why they do not feel the impact. Citing "local residents" who like the closure but can't feel the impact all day, every day the Upper Highway is closed is simply an attempt at gaslighting those that feel the harsh, very negative impacts of the closure.

Sincerely,
Bill Strachan

From: [Judi Gorski](#)
To: [NorthCentralCoast@Coastal](#); [ExecutiveStaff@Coastal](#); [Henningsen, Luke@Coastal](#); [Judi - gmail Gorski](#)
Subject: SUPPORT Appeal/Substantial Issue May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Thursday, May 2, 2024 9:08:08 AM

To:
California Coastal Commissioners
NorthCentralCoast@coastal.ca.gov
executivestaff@coastal.ca.gov
Luke Henningsen luke.henningsen@coastal.ca.gov

From:
Judi Gorski, Resident/Homeowner
living across the street from the Great Highway
judigorski@gmail.com

Date: May 2, 2024

Re: Public Comment to SUPPORT Appeal/Substantial Issue May 9, 2024 Agenda Item Thursday, 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco)

Dear Commissioners,

These appeals raise Substantial Issues of regional and state-wide significance. Please honor the integrity of the San Francisco Local Coastal Program, and give Appellants the opportunity to be heard. They are appealing San Francisco Recreation and Parks Department's Coastal Zone Permit application for a "temporary pilot project" to close the Great Highway to vehicles from noon Fridays until 6 a.m. Mondays.

I disagree with California Coastal Commission staff's recommendation that this is not a substantial issue. The San Francisco Estuary Institute Report funded by the Coastal Conservancy directly links erosion due to trampling of dunes to closing the Upper Great Highway to vehicular traffic. **This is a substantial issue that requires further review.** This is a situation that has caused thousands of people and a National Wildlife Sanctuary to be negatively impacted. I was invited to speak and did so at the hearing before the SF Board of Appeals because I live across the street from this section of the Highway and my family and I, and many of our immediate neighbors, are personally negatively affected by the closure.

Closing the Upper Great Highway to vehicles from noon on Friday to 6 a.m. Monday fails to conform to the San Francisco Local Coastal Program. Whenever the highway is closed, we witness with our own eyes the increased foot traffic that no longer crosses in a straight path to and from the beach via the 7 paved crosswalks, but instead tramples everywhere back and forth over the dunes, through the native plants and the Wildlife Sanctuary. More than 100 new social paths have been forged over the landscaping and are escalating the erosion and destruction of the sand dunes since the April 2020 "temporary" closure of the Great Highway. **The native plants that once thrived and anchored the sand are nearly gone, and the endangered Snowy Plover habitat is no longer protected.**

Closing the Upper Great Highway to vehicles for most of each week also fails to conform

with the public access policies of the Coastal Act. Some elderly and disabled people access the coast by driving along the highway, enjoying the view, rolling down the windows, and breathing in fresh air. As a caregiver to an elderly disabled person, I experienced firsthand how much comfort, peace and happiness a scenic ride along this stretch of highway brings to someone who cannot walk to the beach. For those who can, there is a multi-use path and wide road shoulders all along the two miles of this highway affording everyone the ability to share the space and bicycle, jog and walk, as they have been doing for decades alongside moving vehicles. There is no data or history of this being a high-injury network. It has been safe and accessible for all who have used it. We should ensure that all people using all modes can access the coast at all times.

Please authorize a hearing on the merits to allow for a full review and give the Appellants the opportunity to enlighten you on the project's significant impact on coastal resources, failure to conform to the Local Coastal Program, and dangers to the environment. These impacts will become worse if the San Francisco Recreation and Parks Department's Coastal Zone Permit application for a "temporary pilot project" to close the Great Highway to vehicles from noon Fridays until 6 a.m. Mondays is approved. Thank you for your consideration of my comments.

Respectfully submitted,
Judi Gorski

San Francisco Resident/Homeowner
living within 150' of the Great Highway for 40+ years

From: [Jane Dunlap](#)
To: NorthCentralCoast@Coastal
Subject: SUPPORT Appeal/Substantial Issue May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Friday, May 3, 2024 1:03:57 PM

Commissioners:

The Great Highway Closure pilot program has a massive impact on local residents of the Outer Sunset and particularly, the residents of the Lower Great Highway from just north of Moraga to Quintara street where the houses are at the edge of the sidewalk and approximately 35 feet from northbound traffic. When the Upper Highway is closed there is, per MTA traffic surveys and our own observations since the very first days of the closure in 2020, a significantly higher volume of recklessly driving Upper Highway bypass traffic coming and going to the City at large from the north and south of the Sunset District. This is, without question, “a substantial issue” for many residents of the Lower Great Highway.

This has created an ongoing problem that directly conflicts with the San Francisco General Plan’s Western Shoreline plan. Specifically Objective 11, Policy 11.6, in addition to many objectives and policies in the General Plan that serve to protect the citizenry from changes that create public safety, noise and air quality issues. The drastically increased volume of vehicles create air quality issues from exhaust fumes and significantly higher levels of soot. There are relentless noise increases all day, every day the Upper Highway is closed and the MTA surveys bear that statement out. These cars don’t want to be in the Sunset and they drive that way. They are driving through and not to.

From the Western Shoreline Plan:

OBJECTIVE 11

PRESERVE THE SCALE OF RESIDENTIAL AND COMMERCIAL DEVELOPMENT ALONG THE COASTAL ZONE AREA.

POLICY 11.6

Protect the neighborhood environment of the Richmond and Sunset residential areas from the traffic and visitor impacts from the public using adjacent recreation and open space areas.

MTA SURVEY DATA SHOWING MAJOR IMPACTS TO THE LOWER GREAT HIGHWAY:

The figures here, obtained directly from the SF MTA’s own surveys taken in the last 12 months, clearly show a major ongoing impact on a 100% residential street.

2,313 = When the Upper Highway is open, this is the average daily traffic volume for the Lower Great Highway (5 days of data)

5,821 = the average daily traffic volume on the Lower Great Highway on Fridays with 1/2 day Upper Highway closure. That’s just two days of MTA data

and the one on November 10th was actually 6,433 vehicles. A 250% increase with just a half day of the Upper Highway closed.

4,937 = the average daily traffic volume on Saturday and Sunday on the Lower Great Highway. (only 4 days of data total!) When they measured in 2020, it was 5000 to 6000 a day which at the time was in the 90th percentile of 2700 residential streets in San Francisco.

More SFMTA data showing heavy local impact:

Stop Sign at Moraga / Lower Great Highway -SF MTA counted volume and how many legal stops there were in four hours on Saturday, October 21st. 12-2 PM and 4-6PM. 2,027 vehicles went through that intersection. 72 total were in compliance. They stopped. 1,955 didn't. 3.6% compliance. Another check at Lawton and the Lower Great Highway apparently had a 13% compliance rate for 1,999 vehicles. 3.6%! Reckless through traffic.

14,471 = the average daily traffic volume for two days of Upper Great Highway traffic. In the time since it was "reopened" Monday to Thursday the MTA has two days of data. That's it. Per the MTA, traffic used to be close to 20K average. A massive amount has likely deferred with the holdup at Sloat and the Extension and now many more vehicles drive through the neighborhood on a daily basis. 19th Avenue and Sunset Boulevard are already slow and crowded. Traffic apps do not direct traffic there.

In what is the only official count (That we know) of another Avenue at a time when the Upper Great Highway was closed and the Lower Great Highway was getting traffic rates of over 500 cars an hour, there was another stop sign compliance check at 48th Avenue and Kirkham. In the same four hour time span as the previously mentioned survey, they had a total of 252 vehicles. 16 of which (6%) were in compliance. Yes, that's 63 cars an hour on 48th Avenue, just a little over ten percent of the volume of the Lower Great Highway at the EXACT SAME TIME. This another reason why many people in the Avenues support the closure and why they do not feel the impact. Citing "local residents" who like the closure but can't feel the impact all day, every day the Upper Highway is closed is simply an attempt at gaslighting those that feel the harsh, very negative impacts of the closure.

Sincerely,

**J Dunlap
Resident District 4,
San Francisco,CA**

From: [jessica dunne](#)
To: NorthCentralCoast@Coastal
Subject: The Great Highway Park
Date: Friday, May 3, 2024 1:46:14 PM

To Whom It May Concern,

I live on the Great Highway and have since 1980. I love having the highway closed to cars on the weekends. It brings the community together and gives a space that is safe and healthy for a variety of people. (When the highway is clogged with cars. I see disabled people unable to cross to the beach.)

I love also seeing children and families and runners and walkers and dogs and even Great Blue Herons on the highway.

I notice very little difference in the street traffic below. San Francisco needs to join advanced cities by having more car-free zones. The highway is perfect for a park. It makes no sense to keep it as a street since it's closed due to sand so often.

Thank you,

Jessica Dunne

2506 Great Highway

SF, CA 94116

(415) 902-4619

<http://www.jessicadunne.com>

@jessicadunnepaint

From: [Katherine Hirzel](#)
To: [NorthCentralCoast@Coastal](#); [ExecutiveStaff@Coastal](#)
Subject: Voice of Snowy Plover: Substantial Issue May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Friday, May 3, 2024 4:29:04 PM
Attachments: [yPc8u7bERTPgqRL.png](#)
[5GxQa5cJvoHBQlt5.png](#)
[m86ve7T0Jq0lvvAa.png](#)

Voice of Snowy Plover: Substantial Issue May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco)

Hi, I'm a Snowy Plover. I'm a Federally-listed threatened species. Please Help Me! My protection zone on Ocean Beach in San Francisco is being trampled since the Great Highway is closed for people to play in the dunes on Friday 12 noon to Monday 6 am. Adults, kids and dogs are stepping all over my home and making all of the vegetation disappear. When the Upper Great Highway is open, people stay away and stay on the paths to the beach and respect my home and the Plover Protection Zone. The vehicles on the highway are my friends and they protect me and keep people off the dunes. **Please consider the findings of the San Francisco Estuary Institute Report and find a Substantial Issue in Appeal A-2-SNF-24-009.**



My bird-lover friends tell the dune trampling people about me. The trampling people feel they are entitled to walk all over the dunes. When my bird-lover friends explain to the trampling people that the dunes are my habitat and I'm a threatened species, my bird friends are told to shut up and mind their own business. The trampers say they are allowed to climb, slide and trample the dunes because the Upper Great Highway is closed for them to play.



Dunes being Trampled when the Great Highway is closed. The people pictured above are walking and sliding down the dunes in the Plover Protection Zone. The Western Snowy Plover is a Federally-listed threatened species.



The Great Highway closure makes the dunes more accessible and more luring for adults, kids, and dogs. The people pictured on the dunes above are walking in the Plover Protection Zone. The Snowy Plover is a Federally-listed threatened species.

Received 851 emails with the following text:

The closure of the Upper Great Highway from Friday at noon until Monday at 6 a.m. presents a SUBSTANTIAL ISSUE that demands a thorough review and a hearing on the merits before the Coastal Commission. As a vital coastal resource, the Upper Great Highway is more than just a roadway; it embodies a cherished connection to our coastline, offering unparalleled access to its beauty and serenity.

However, the decision to limit vehicular access during a significant part of the week is not without its consequences. As highlighted by recent findings of the San Francisco Estuary Institute supported by a grant from the Coastal Conservancy, this closure fails to conform with the San Francisco Local Coastal Program. The Institute's report unequivocally links the erosion of dunes to the closure, attributing erosion to increased trampling by pedestrians. This erosion worsens existing coastal challenges and impacts the habitat of the Western Snowy Plover, a federally listed threatened species.

Furthermore, this closure directly violates key policies outlined in the Local Coastal Program's land use plan (Western Shoreline Area Plan), specifically Objective 12 and Policy 12.4, certified by the Coastal Commission as part of an amendment in 2018. Objective 12 stresses preserving, protecting, and restoring our shoreline. Policy 12.4 requires limiting potential impacts on coastal resources.

Also, Policy 2 calls for a "four-lane straight highway with trails for bicycle, pedestrian, landscaping, and parking," which underscores the importance of equitable public access, a principle that the current closure does not uphold, especially for elderly and disabled individuals who depend on vehicular access to enjoy our coast.

I urge you to find a SUBSTANTIAL ISSUE and allow a hearing on the merits of the appeals. I recognize the urgency of this matter and the need for a comprehensive review. By doing so, we can explore alternative, balanced solutions to preserve coastal resources and ensure equitable access.

A hearing on the merits of the appeals will provide an opportunity for thorough deliberation and community input. Together, we can work towards a solution that honors our commitment to safeguarding our coastline while respecting the needs of all those who cherish it.

Sincerely,

Nancy Zerner

Patricia Kimball

Andrew Lipsett

Kim Russo

Pamela Kimball

Doris Li

Judith Tornese

Lawrence Wong

ryan tveidt

Michelle Lee

Gregory Mar

Lee Heidhues

Nancy Wolf	Barbara Duncan	Ron Karpowicz
John Girlando	Daniel Vago	Jan Xu
Irene Gregson	Mark DeVost	Lauris Jensen
Alice Lee	Helen Gekakis	Kevin McLoone
Karen Hensley	Matt Springer	Kevin Lynch
Ying T	Paul Smith	Joe Schoepp
Victor Iu	Yanny Xu	Chit Kwong
John Lee	Nikki Yoshikawa	David Pendergast
Amy Lee	Anna Jee	Matthew Denny
Gloria Leung	Paul Dohrmann	Leslie Ferguson
David von Winckler	Monica Dell'Osso	Durinda Coursey
Trina Misthos	Teresa Durling	James Hanratty
Wally Woo	David Heran	Antonia Sousa
Katrina Misthos	Larry Becker	John Foley
Trudy May	Ginger Ashworth	Catherine Madison
Kenneth Chan	Louis Green	Vincent Wong
Rachel Goldstein	Bill Zook	Toby Kanzawa
Tasia Vlahos	Mel Click	Traci Kanzawa
Sharon Lee	Gwen Kaplan	Nancy Keane
Maria Misthos	Patricia DeVost	William McDonnell
Dick Chang	Patricia DeVost	Jeannette Kanzawa
Tim Lefkowicz	Elaine Trang	Dennis Kanzawa
James Hudkins	Muoi Trang	Chloe Jager
Judith Levinson	Maura Mana	Leslie Zamarripa
Jocelyn Luk	Maura Lewis	William Yenne
Stephanie Holbrook	Sharon Ng	Brian Chinn
Mary Ellen McCarthy	Jasmine Madatian	Wesley Dere
Wayne Duncan	Linda Yew	Matt Egen

Fran Feldstein
Judith Parks
Andrew Churchill
Carol Chichester
tammy b
B Pedersen
Mark Cohen
KURT
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John Qian
Carol Yenne
Harry Hunt
Monika Himt
alison wahl
Brian Hill
Madeleine Bass
Antonia Cohen
Antonia Clark
Jeffrey Fell
Robert Lim
Jane Dunlap
Marc Rabideau
Stephen Slevin
Linda Ravano
Cornelia B Sapiro
Anastasia McDill
Anastasia McDill
Maggie Panikacherry
Angela Quach

Marcus John
Gabriel McDill-
Zamarripa
Donna Clarke
Carolyn Lucas
Olivia John
Rachel John
Blessy Antony
Mariamma John
So Kwong-Chan
Lucilla Ho
I-Chow Hsu
Josef Dvorak
Vinod John John
Nadezda Dvorak
Sherman D'Silva
Nina Kohn
Irene Deutsch
Teresa Shaw
Mario Mendoza
Tony Contreras
Harold Hoogasian
Charlie Wambeke
Joanna Ng
Stephen Slevin
Jennifer Fong
Debra Lunardini
Jennifer Chin
Robert ODonnell

LaVive Kiely
Mimi Kochuba
Cheryl Lee
William Guertin
Leung Henry
Georgette Petropoulos
Catherine Masterson
Emily Chiu
Ron Blatman
Mark Ortega
Nora Murphy
Margaret Choy
linda lee
Alexandra Vuksich
Richard Peloquinh
Sharon Yasukawa
Michael Dart
Thomas Feldstein
Dianne Dienstein
Daniela Shanahan
Benjamin Ramos
jiren mosqueda
karolina Michniewicz
Damian Inglin
Hjelle Martha
Jenny Vance
Serena Lee
Dennis Dybeck

Margaret Lew	Mac McAndrews	Nancy Hui
Lauren Downs	Maryanne Razzo	Ruth Dummel
Susie Lee	Karen Growney	Bruce Giannini
Victoria Avalos	Jeffrey Schneider	Jamie LaChapelle
Ryan Murphy	Helen kum	Karl Baderschneider
Michael Gehlken	Marcin Szychowski	Joshua Levy
Brendan Cadam	Elizabeth Jasper	Jonathan Lacanlalay
Susan Buckley	Brian Holt	Lara Witter
Anne Sajdera	Jennifer Kloetzel	Frank Tatko
Patricia LaCava	Maria Spustek Rodgers	Marc Tuttle
Davide Verotta	Robert Belli	Barbara Super
Margot Beall	Keelin Reddy	Jan Peloquin
Michael Collins	Davin McAndrews	Gerald Choy
Dorothy Reinhardt	Paul Robinson	Suzanna Allen
Rosemary Almada	Michael Cohen	Vera Genkin
Katherine Ling	Sharon Wu	Heather Rowbury
Kevin Clark	Lisa Byrne	Arthur Hubbard
Robert Pritchard	franco roman	Ed Zappia
Jerome Sapiro, Jr.	Alan Chow	Nina Schwartz
william diefenbach	Harry Wong	Rose Lau
William Goodson	Brenda Austin	Michele M Hunnewell
Peter Batanides	B Richard	Kathleen Gee
D F Owen	Mable Kum	Paul Wythes
Michael Popoff	Brenda Austin	Hanna Dowell
William Wreden	David McLain	DEBRA HOWARD
Po Yuen Wong	Hue Khuu	Denise Selleck
Laura Horihan	Heather Luongo	Helen Katzenmeyer
Renee RICHARDS	Pat Gray	Kat Regan

Jill Silverman	Susan Ritchie	Donna Rand
Steve Camahort	Jack D'Angelo	Mark Rand
Reid Tjaden	Lily Lee	Ivy Tong
barbara sokol	John Ricci	Mady Jones
S Garrett	Mallory Anderson	Terrence Sullivan
Nancy Zerner	Joanne Fox	Amy Ng
Boris Levine	James Nicholson	May Wu
Hung Lam	Kam Chau Mok	Vanessa Pacheco
Nancy Federico	Martin Murphy	Charles Lok
Wally Rosales	Susie Lim	Julie Zhou
Beverly Shulman	Bill Liang	Michelle Lommen
Sherry Bijan	RODNEY SEGAL	John Lum
Roger Kuo	JeNeal Granieri	Kristi Hu
Ken Mendonca	Valerie Pinkert	Mei ching Li
Yamiao Yu	Diane Janakes-Zasada	Kimberly Wong
Nap ki Tse	Lynn Austin	Lisa Liang
Grant Ingram	Linda Sekino	Allan Li
Charles Oewel	Julia Lavroushin	xue fen Chou
Anastasia Fink	Jeannie Fung	Enrico Dell'Osso
Gabriel Donohoe	Kimberley Spears	Esfir Shrayber
matt lopez	Josie McGann	Kris Fong
Rebecca Lo	Grace Denf	Sergio Duarte
Emily Lo	Robi Roorda	Matt Kelly
Eugene Klein	Patrice Thompson	Candyce Martin
John Bateman	Inna Belyaev	Tom Snow
John Bateman	Christine Chan	Janet Hung
Leslie Koelsch	Ling Guo	Raymond Li
Mary Godfrey	Steve Woo	Brian Adler

Patricia Arack	Art Weiss	Paul Mohun
Donna Dare	Bonnie Fimbres	Robert Wong
Mark Varney	Joseph Warne	William Isham
Maria Vengerova	Varghese Palathuruthil	Phan Giang-Tran
Raymond Stuart	Igor Vlasoff	Elinor Liberman
Wesley Valaris	Davis Leong	Perry Chen
Jennifer Dougherty	Mari Eliza	Susanne Maruoka
Beth Keeney	James Hudkins	Joy Hou
Henry Yep	Peter Fortune	Hui Nian Lu
Selina Yep	Leslie Wong	Corinne Kan
Mary Gwynn	,Henry Liu	EBERT KAN
Marà Math	Erwin Fong	Dominic Nanni
Anita Ho	Anne Urrutia	Cole Ryan
Rose Sullivan	mina choo	Xiaotao Situ
Robert Brodmsn	WAYNE Valaris	Ron Karpowicz
Alan Gregory	Wayne Duncan	Sophia Mua
Wenge Liu	Jimmy Cheung	Lawremce Yuen
Stan Erhart	Lisa Harpenau	Katie Paige
Judi Hurabiell	Jamie Kendall	James Okeefe
Brad McMillan	Kerry Blacker	Andrew Lynch
Raymond Chan	Rebecca Ward	Jiasheng Zhang
Rachel Goldstein	Stella Y Chan	Julianne Okeefe
Richard Peloquin	Lynne Myers	Tris Thomson
Carol Carruba	Jill Chase	Marie Hurabiell
Harold Hoogasian	Gerald Schall	Alan Yuan
cristina gutterman	Cynthia Cawthon	David Lo
Marvin Rose	Elia Pochron	Suzanne Reno
Brian Carr	Barbara Sokol	Shannon Boyle

Shannon Hughes	Betty Gee	Thomas Henderson
Vincent Wong	Lai fong Lam	John Yohanan
Rosalie Gift	Christina Sullivan	Joanne Chan
David Alonso	Robert Davis	Adam Eisendrath
Susan Cronin Parano	Ching Lam	Tony Yu
Wing Lam	Cherry To	Gary Forsyth
Laurel Winzler	Annie L	Barbara Wampner
Alex Ku	Bonnie Honniball	Christopher Mei
Marc Strohleln	Sylvia Lee	Esther Au
Li Yan	Ira Schneiderman	Ed Tavasieff
K Howard	Antoinette Wythes	Yu Bing Chan
Lenore Yu	francis prete	Natalya Belkin
Deborah Thompson	Jerri Wang	Barbara Duncan
Cheryl Karpowicz	SON-SF Save Our Neighborhoods SF	Marc Joseph Rabideau
Kathleen Gee	Brunero Cecchettiini	Sara Anderson
Christy Lam	Arthur Ritchie	Dick Robinson
Jason Lam	Margot Beall	Erin Murphy
Kat Regan	Marie Calendar	John Tostanoski
Kit Louie	Dave Roorda	Robin Gray
Joan Satriani	Insel Mainau	Harry Hunt
Zhipeng Wu	James fu	Barbara Styles
KM Fain	ELIAS DEGU	Ryan Au
Peter Chin	Jack Knuth	Craig Hyde
Tommy Lam	Josephine Murphy	Andrew Churchill
Douglas-Boone Ashlock	Karen Puechnet	Anthony Winogrocki
Andrew B Gottlieb	Jun Wei	Mark Lerdal
Linda Kobayashi	Melba O'Keefe	Jeffrey Laffranchini
Irene Wong	Laurel Rose	Michael Romero

Logan clarke	Madison Clell	Linda Bork
Vira Kravtsova	Michael Cohen	Arie Knoops
Michael Cohen	Tina Liu	Alyse Ceirante
Jefrey Laffranchini	Edward Mason	Loretta Wasacz
Robin McMillan	Meredyth Masterson	kenneth sarocky
Chloe Dalzell	Stephen Wilkerson	Shu Ping Kuang
kaelin Dalzell	JOHN CERVANTES	Reba Maestas
Elena Madsen	Sue Kubly	John Ng
Joyce Chang s	Cindy Au	Arlene Barry
William McDonnell	Peggy Clarke	Ty Campbell
Karen Breslin	Nancy Hinze	Eugene Loch
John Qian	Irina Le	Joe Rogers
John Ou	Jeannie Cheng	Liyao Zhu
Antonia Cohen	Lijia Hou	Michael G
Sammy Au	Carol Chichester	Paul Seifert
Antonia Clark	Matthew C Sheridan	Elizabeth Burns
Benny Chan	David Lew	Rebecca Fong
Monika Hunt	Johanna Cotter Dillane	Tripti Sharma
Carol Chichester	LaVive Kiely	Mary Beth Paul
Mark Callan	Paul Lee	Daniel Lau
Sammy Au	Mark Hunter	Amy Nachman
sophia lo	Joseph Mangiameli	Andrew Dodson
Michael Chirchill	Michelle Pineda	Jeffrey Klein
Yuan Liu	Carmen Woo	Rob Kutner
margaret clarke	John Nulty	Beverly Brown
mimi clarke	Elyse Aylward	Patricia Evans
Murphy Cohen	Jessica Cen	Clyde Nichols
Sammy Au	Kwok Wai Ngai	Paul Dalzell

Harper Lindstrom
Carol Satriani
Ashley Dalzell
Steven Larson
Casey Larson
richard brandi
richard brandi
Xiao Kuang
Ann Kutner
Craig Crisman
Susan Buckley
KURT
OESTERREICHER
Marlen Bekirov
Frank Cassinelli
flo kimmerling
Terri DeSalvo
Janet Goodson
Wilson Lem
Sam Tang
Helen Galvin
Kelly Faulkner
Rita Hock
Sherman King
david bancroft
Michael Dorf
Joe Faulkner
Arthur Hubbard
David Ferguson

Angela Ho
Mary Harris
Carol Faulkner
Irene Deutsch
Lorri Ungaretti
Cameron Gutterman
William diefenbach
Judy Wade
Shawna McGrew
JILL MORI
JJ Hagan
Susan Gubernat
Fion Ho
Andy Danforth
roy edgar
Timothy Boyle
James Hi
Jeff Johnson
Brenda Johnson
Elizabeth Clark
Jennifer Yu
Jimmy Yu
evelyn graham
Janice Leung
Xing Ping Lin
Betty Matsuoka
Wesley Dere
Stephen Lim

Philomena de Andrade
Diana Kaytun
Albert Veksler
Ashley Wessinger
Alex Hartigan
Joshua Seare
Anita Ho
Nancy Stoeckel
Jan Diamond
Patrick Cadam
Steven Schroeder
Kathy McCovey
Monterey Morrissey
Stephanie Lehman
Grant Ingram
Sheena Craig
Tommy Au
Mark Parcella
cynthia brown
Bence Body
Angela Tickler
Devorah Joseph
Gabriella Iannaccone
francis keane
Bruce Bourne
Michael Innes
Nathanael Tico
Debbie Freitas

Barry Levy	Maryanne Razzo	Robert Chan
Allison Wong	Julie Feldstein	Anna Bockris
Michele M Hunnewell	Joyce Garabedian	Susan Fohs
Nickolas Mironov	August	Lori Olivero
Janice Fukuda	Khin Nyunt	Kendra McLaughlin
Christopher Sabre	Darcy Mironov	Richard Rothman
Susan Flynn-Lopez	Nancy Hui	Patrick Ryan
Irina Karpovich	Alex Lim	betty winholtz
Aine McGovern	David Lewin	Elizabeth Fox
Alex Karpovich	Harry Wong	Scott Brown
karen mendelsohn	Denise Atchley	Kathy Crabe
Hue Khuu	Nicole Gordon	Robert Vanderlaan
Patricia Henshaw	Nancy Hui	rebecca tico
Lisa Klinck-Shea	Mike Regan	Jeffrey Benningfield
Annie Ellicott	Philip Bowles	Diana Dea
karen gould	Brian Holt	Lily Yip
Carmel Passanisi	Kira Gaber	Doug McKirahan
Mimi Kochuba	Stacy Hawkins	Renee Lazear
Celia Barbaccia	Ryan Chan	Timothy Runde
Eugene Abezgauz	Maria Sousa	Cherie Fehrman
Ric Lee	Amy Chan	William Dea
Charlotte Pope	Ken Lowe	Minsik Pak
Melissa Aurand	Claudia Hawkins	Mark Staton
Kim Russo	Grace Lai	So Kwong-Chan
Greg Syler	Dorothy Chan	Kelly Kitagawa
Chris Conner	Stanley Lim	Sergey Dubenko
Tanya Lin	Emilia Jankowski	Tad Moore
Kevin Martin	Rosemary Newton	Jenna Kaiser
	Georgina Costales	

Robert Fliegler	Yu Qun Chen	victoire reynal
Mark S. Weinberger	Molly Elliott	Jia Suey Wu
Gary Kendall	Ja Elliott	Bessie Pretzer
Kenneth Camp	Jerry Hu	Kathy Wu
Ivan B	Hatun Noguera	Je yan
Beth Kellenberger	Jeannie Quan	Tessa Sapiro
Phyllis Nabhan	Jan Xu	Cole Sapiro
Joan Broner	Sophia Shan	Eddy Sapiro
Dan Ake	Sherry Lau	Christina Pappas
Karel Kretzschmar	Marilyn Flynn	RICHERT ROBINS
Melanie Sworyda	Kit Chong	Josephine Zhao
Stacey Ng	Gregory Lozeau	Madelon Podell
Marc Rabideau	Ada Ling	Roz Smith
dan choi	June Liu	Natalie Podell
Marc Joseph Rabideau	Amy Chen	Nick Podell
tracy silva	Phoebe Kuong	Leslie Podell
Roy Edgar	Better Housing Policies	Greg Syler
Susan Fohs	Jenny Chiu	Louise Whitlock
AnnaMaria Cantwell	Lisa Tsang	Judith Parkd
Charlene Karma	Sandy Tom	Stephen Gorski
Boris Levine	John Park	Michael Hope
Ilene Fohs	Winnie Fung	Keith Kandarian
Dave ODonnell	Marina Roche	Teresa Shaw
Jose Sanchez	Angela Tickler	EDWARD KINNEY
Alison Fong	Kenneth Ma	Maria Aldaz
Rosemary Newton	S Garrett	Linda Mathews
Doris Wong	Jingyun Zhang	
Annie Chu	Sherman King	

From: Travis.Galen@Coastal
To: Henningsen.Luke@Coastal
Subject: FW: Public Comment on May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Tuesday, April 30, 2024 2:28:00 PM

From: Green Carrot <sunrose7818@gmail.com>
Sent: Tuesday, April 30, 2024 9:46 AM
To: NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>
Subject: Public Comment on May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).

I live on 44th Avenue near the Great Highway. Closing The Great Highway to cars definitely brings more erosion to the dunes. I go to the beach almost every day. I more often than not see people (definitely adults allowing children included) throwing sand, sliding or walking in undesignated paths. During the Easter egg hunt they were digging in the sand dunes burying plastic eggs and sliding down the dunes hundreds of times. I have dozens of pictures. The closure of the Great Highway is against the local Coastal Program. mandate that there be a 4 lane road with a pedestrian and bike path adjacent. Closing the Great Highway creates pollution caused by traffic being jammed into other high use roads. Bikes and unicycles with motors are definitely going 25 miles an hour or more. Discriminating against people with disabilities who can only be a passenger in a car is not ok. Slowing emergency vehicles is a public safety issue. The rude and pushy bike riders come inches away from my dog and I. I have never had this problem with cars. The chaos of fast bikes, scooters and unicycle makes the road not safe for young children and those with disabilities. There are extremely few bathrooms. The much used bathrooms at Taraval were inoperable for weeks. Trash containers are absolutely not sufficient. The batteries in the bikes are made with pollutants. Fires have started from charging them. Many of the battery vehicles will be in landfill because of the inability of getting parts as they break down. This closure makes the trip to the Vetern's Hospital much longer. The speed bumps installed only make the drive more painful for many with disabilities. They do not calm traffic. They infuriate drivers making their daily errands more difficult, so their driving becomes more aggressive. Have experienced this and so has many I know. I am 70 years old and crossing the Great Highway with bike riders is absolutely more dangerous than with cars. I have met many people pushed over by bike riders. The bike riders have all taken off and left the accident. I am not exaggerating. The closure of The Great Highway has damaged the habitate of the Snowy Plover as stated in the San Francisco Estuary Institute Report. The careless acts of installing huge logs as benches without a permit in an extremely dangerous place is not ok. This endangers all, cars, people, bike riders. The

local Coastal program has been ignored by the Park And Rec department and the Supervisor of this district, Joel Engardio. He has not signed the protest against ab 951, against the Coastal Commission. He was also at The Easter Egg event and could clearly see the dunes being damaged. There are pictures of him there. There are many substantial issues that need investigation by The Coastal Commission.

Thank you ,Susan Wolff.

From: Travis.Galen@Coastal
To: Henningsen.Luke@Coastal
Subject: FW: SF Appeal Number A-2-SNF-24-0009 (Great Highway Partial Closure)
Date: Tuesday, April 30, 2024 2:28:00 PM

From: Erich K. Wieland <erichwieland2011@gmail.com>
Sent: Monday, April 29, 2024 8:32 PM
To: NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>
Subject: SF Appeal Number A-2-SNF-24-0009 (Great Highway Partial Closure)

Dear California Coastal Commission,

This email is regarding a letter I received in the mail about closure of the Great Highway.

We are a family of 4 with 2 young children. We live on the corner of Wawona and 47th st. Our children attend local schools and daycare. Lastly, we use the Great Highway Monday-Friday to drop off and pick up our children.

We wish it to be noted that we, as a family and homeowners, fully support the weekend and holiday closures of the Great Highway. The reasons are many.

This is one of the only ways our young children can safely access the beach, when there are no cars or vehicles. Emissions from vehicles are also noticeably absent during weekends and holidays during highway closure. I have personally picked up bags of trash and debris that cars and vehicles drop during the week. There are also multiple instances of seagulls getting hit by cars that speed along the highway. The great highway becomes a promenade on weekends and is obviously bringing more Californians to the coast to enjoy the beach and the natural beauty while jogging, riding bikes or just sitting on beach chair watching the waves.

Don't let resentful people who can't abide change dictate the way others have to live. Oftentimes during the weekend motorcades will wheel through the neighborhood and I have often wondered if they wouldn't just operate vehicles in a dangerous manner on the ocean highway. The simple way to handle this is to simply rename the road as ocean promenade. Hopefully the California Coastal Commission will stand for coastal protection, recreation, and support families who endeavor to keep our beaches clean, free from emissions, safe for all to use, and enjoy for future generations.

Thank you,

Erich K. Wieland

From: [geoffrey moore](#)
To: [NorthCentralCoast@Coastal](#); [ExecutiveStaff@Coastal](#)
Subject: Public Comment FROM LCP APPELLANT to Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Friday, May 3, 2024 3:26:49 PM
Attachments: [Appeal No 23-064 Appellant Brief.pdf](#)
[Appeal No 23-064 Appellant Rehearing Brief.pdf](#)
[Public Comment on Appeal No. A-2-SNF-24-0009.pdf](#)

Dear Commissioners - I am submitting the attached public comment in relation to Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).

I was an original appellant at the LCP administrative appeal for the referenced matter (see attached briefs as part of my comment), and while I chose not to file a further appeal directly with the Commission, I do ask respectfully that you please consider giving my public comment some additional weight. There are some substantial and material compliance deficiencies that I have observed during the LCP administration which I believe should be referred directly to your enforcement staff. This referral becomes even more critical when multiple regulators filed claims against the City and County of San Francisco yesterday regarding related environmental deficiencies and compliance violations.

I hope that after careful consideration you will compel the developer to complete its administrative file in furtherance of your subsequent de novo review in due course.

I am also requesting that you please reserve for me three minutes of public speaking time on Thursday May 9, 2024 during the hearing.

Thank you sincerely for your efforts carefully reviewing the numerous substantial issues discussed within my comments, and working to protect our coast.

Sincerely,
Geoffrey Moore

From: [Christopher Pederson](#)
To: NorthCentralCoast@Coastal
Subject: Public Comment on May 2024 Agenda Item Thursday 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).
Date: Thursday, May 2, 2024 3:46:23 PM

Dear Chair Hart and Commissioners,

I strongly support the staff recommendation regarding the Great Highway pilot project and urge the Commission to find that the appeals fail to raise a substantial issue.

The pilot project has significantly expanded public access and recreation opportunities along Ocean Beach on weekends and holidays. That is true both for people who get there by walking, biking, or transit and for those who drive there. It does mean that people accustomed to using the Great Highway as a high-speed, limited-access thoroughway between the Richmond District of San Francisco and (mostly non-coastal) destinations to the south now need to take a slightly different route on weekends. That will also be true when the Great Highway south of Sloat Blvd. is closed to cars entirely, something that the Commission has already approved conceptually as part of the Coastal Hazards chapter of San Francisco's LCP.

Please side with the people of San Francisco who have already voted in favor of using the Great Highway as a promenade for pedestrians and bicyclists. Thank you.

Sincerely,

Christopher Pederson

From: [Henningsen, Luke@Coastal](mailto:Henningsen_Luke@Coastal)
To: [Travis, Galen@Coastal](mailto:Travis_Galen@Coastal)
Subject: Fw: Letter Re: Appeal A-2-SNF-24-0009
Date: Tuesday, May 7, 2024 11:41:53 AM
Attachments: [Re Appeal A-2-SNF-24-0009.pdf](#)

From: Lucas Lux <lucas@greathighwaypark.com>
Sent: Friday, May 3, 2024 4:27 PM
To: Henningsen, Luke@Coastal <luke.henningsen@coastal.ca.gov>
Cc: NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>; Zach Lipton <zach@greathighwaypark.com>; Robin Pam <robin@kidsafesf.com>; Jodie Medeiros <jodie@walksf.org>; Christopher White <christopher@sfbike.org>
Subject: Letter Re: Appeal A-2-SNF-24-0009

Hi Luke,

Attached please find a letter in support of the staff recommendation to find no substantial issue with respect to the appeal of the development permit authorizing the weekend promenade pilot on the middle section of the Upper Great Highway.

Thank you for your assistance in this matter.

Best,
Lucas Lux

President, Friends of Great Highway Park



Re: Appeal A-2-SNF-24-0009

Dear Commissioners:

Friends of Great Highway Park is an all-volunteer non-profit dedicated to creating an accessible and joyous oceanfront for all. We, along with our partners below, write on behalf of more than 30,000 San Franciscans to urge you to find in accordance with the staff report recommending no substantial issue be found with the temporary weekend pilot of Great Highway Park.

The appeals before you are not only without merit; they seek an abrupt reduction in coastal access and recreation. If granted, these appeals would remove a popular coastal park visited by 10,000 people every weekend to walk, bike, and otherwise enjoy the coast in ways that are not possible when the Upper Great Highway is used exclusively for fast-moving automobile traffic.

The staff report does an excellent job explaining why the pilot furthers the objectives of the Coastal Act and Local Coastal Program, and we fully support the staff's conclusions. We write as community members who care deeply about expanding coastal access and recreation in San Francisco.

The pilot project makes the coast accessible to more types of people and recreational activities

The purpose of the pilot is to increase coastal access by making the coast accessible to more types of activities and people. **In the pre-pilot condition, this valuable coastal resource was accessible only by car. This excluded other uses like strollers, mobility devices, community events, etc. Further, it meant that the coast was only accessible to people who have a car in the first place, something 30% of San Francisco households lack.** Households without a vehicle are disproportionately lower income and more likely to live in the city's Equity Priority Communities.¹ Furthermore, the vast majority of vehicle traffic on the pilot stretch of Upper Great Highway was cut-through traffic unrelated to coastal uses, as the pilot area lacks any places to park a vehicle, or even to pull over, to enjoy the coast. Indeed, appellants cite alleged impacts on "commuters" and "residents" instead of concrete evidence of any reduction in coastal access or recreational opportunities. The presence on the street of a grocery delivery truck or airport shuttle (Exhibit 5, pages 31-32)—normal occurrences of city life—does not demonstrate a reduction in coastal access, as these vehicles were non-coastal

¹ Stephen Braitsch, "San Francisco, CA Car Ownership," Transpomaps, <https://transpomaps.org/car-ownership/ca/san-francisco>

uses to begin with. Nor are appellants' contentions about vehicle volumes supported by the record; as the staff report notes, "a study by the San Francisco Municipal Transportation Agency suggests that traffic in the area is actually below pre-pandemic traffic levels during the part-time closure on Fridays."

More people are accessing the coast thanks to the pilot program

The pilot has successfully increased coastal access. **An average of more than 10,000 thousand visitors stroll, jog, bike, and enjoy the oceanfront every weekend.** To ensure that this increased access includes all communities, we host weekly free community events including chair yoga, live music, tai chi, and mat yoga, providing new coastal recreational opportunities, especially to seniors and people with mobility issues who may not be able to navigate across a sandy beach. Special annual events such as the "Great Hauntway" halloween festivities, Easter Egg hunt, and Autumn Moon Festival celebrations have also turned this urban piece of the coastline into a valued community space.

The pilot has increased the ways San Franciscans can connect with the coast. At the same time, it has caught national attention. The New York Times listed the pilot park as one of its "52 Places for Travelers to Visit in a Changed World" in 2021, describing it as a "must-go destination" for visitors to "to take in San Francisco's wild Pacific Ocean coastline."²

The pilot program fulfills the Coastal Act's calls for maximum access and recreational opportunities and for lower cost visitor and recreational facilities

The pilot represents an effort to fulfill the Coastal Act's Section 30210 call for "maximum access [...] and recreational opportunities," carried out in a responsible way as a short-term pilot with exhaustive data collection and public outreach before making any long-term decisions. The project further fulfills Coastal Act Section 30213's requirement for "lower cost visitor and recreational facilities" by providing free access to this coastal resource, where previously access was limited only to those who could afford to own, insure, park, and maintain a vehicle in a notoriously expensive city. While appellants may wish to drive on this one portion of Upper Great Highway on weekends, thousands of other visitors wish to recreate in the area on foot or bicycle or use the space to picnic, socialize, or stop and enjoy the sunset. Since automobile use makes it too dangerous for other uses, the city has merely chosen to direct those driving on weekends and holidays to use a different portion of the Great Highway system within the coastal zone in an effort to maximize access for all coastal uses.

The pilot does not preclude coastal access by car

Even as the pilot has created new coastal access and recreational opportunities for those outside of cars, those who wish to visit the coastal zone without leaving their vehicles still have a multitude of access options. They have the ability to drive through the pilot area on weekdays when the pilot park is not in effect, to drive at any time on the Lower Great Highway immediately parallel to the pilot area which is part of the "Great Highway system" within the coastal zone as

² Lauren Sloss, "52 Places for Travelers to Visit in a Changed World: The Great Highway," *The New York Times*, January 9 2022, <https://www.nytimes.com/interactive/2022/travel/52-places-travel-2022.html#great-highway>.

described in the staff report, to drive on miles of other coastal roadways within San Francisco (including other portions of the Great Highway not impacted by the pilot), or to park and enjoy the coast from one of the city's coastal overlooks, vista points, and parking lots, including the large free parking lots immediately north and south of the pilot area. The portion of the Great Highway subject to the pilot program has no parking spaces.

The Coastal Act and Local Coastal Program must be considered holistically

The pilot represents an overall increase in coastal access and recreation for all visitors as called for by LUP Objective 2, "redesign the Great Highway to enhance its scenic qualities and recreational use," and Objective 6, "maintain and enhance the recreational use of San Francisco's Ocean Beach shoreline." Appellants claim to have identified other policies they believe the pilot does not further, but it is impossible for every aspect of every coastal development to simultaneously further every objective and policy of the Local Coastal Program. This kind of argument could be deployed against any possible coastal development, no matter how beneficial. Moreover, as explained in detail in the staff report, the appellants have failed to substantiate that the pilot would violate any requirement of the Coastal Act or the LCP. Considering the Coastal Act and LCP in totality, the pilot furthers the city's efforts to accomplish these important objectives.

Dune impacts are not a result of this project and are not a reason to eliminate public access

Appellants argue that the pilot has caused increased impacts on the dunes by beach visitors. As the staff report notes, these arguments are made without evidence. The report explains that the dune erosion the appellants point to precedes the introduction of this pilot by decades. We agree with staff that "while it is true that the dunes have been under some duress for decades and could be better cared for in this regard, these impacts are not a result of this project." Furthermore, even if one were to attribute some of the dune impacts to increased visitation from this project, appellants provide no evidence that their proposed solution, abruptly ending the pilot and replacing coastal visitors with non-coastal through traffic, is an appropriate remedy. The Coastal Act's strong emphasis on public access means that we should not eliminate access and recreational opportunities when far less intrusive means are available to fulfill environmental objectives. Coastal access is not incompatible with resource protection, and mere unsubstantiated claims that a coastal access program has environmental impacts should not be used as a pretext to reduce public access.

Stewardship of our coast is important to our members. We are pleased to lead monthly trash cleanups on the beach and dunes, and look forward to continuing to collaborate with the National Park Service and City agencies on strategies to maintain and strengthen this key resource with native plants, rope and pole barriers, and other protection and restoration measures. These measures have already been studied by the SF Estuary Institute, courtesy of a Coastal Conservancy grant, and include well-known best practices to manage coastal preservation without removing coastal access as requested by the appellants.

Conclusion

The pilot represents the Coastal Act process working at its best, with local government identifying a need for improved access, testing a solution with a limited time and scope pilot, collecting data and conducting public outreach as the pilot progresses, and using the lessons learned to make informed longer-term decisions about how best to enhance coastal recreation on our shoreline. As staff writes, this pilot represents a “public recreational access improvement,” rather than a reduction. With the pilot’s demonstrated benefits to coastal access and recreation, we believe these appeals must be rejected. We respectfully urge you to find no substantial issue in accordance with the staff recommendation.

Lucas Lux, Friends of Great Highway Park



Robin Pam, Kid Safe SF



Jodie Medeiros, Walk San Francisco



Christopher White, San Francisco Bicycle Coalition



PUBLIC COMMENT TO

Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco).

Dear Commissioners:

I am issuing comment to the Commissioners to agree strongly with only two discrete points noted by Commission staff in the April 26, 2024 Substantial Issue Determination recommendation (“Report”) discussing the Upper Great Highway development (“Project”) – first, that there is a lack of evidence within the administrative file for this matter, and second, that there is not *a* substantial issue. To be clear, I only agree that there is not one substantial issue simply because “one” is a wildly inaccurate number to describe the large quantity of substantial issues associated with this troubling and conflicted effort by a developer to self-approve their own statutory violations after ecological damage has already occurred. I have lost count of the number of regulatory violations, misrepresentations, and erroneous conclusions during the ongoing unauthorized development in the coastal zone near an endangered species. By my rough and generous calculations noted below, I believe that there are at least *TWENTY-TWO* different substantial issues amidst the serious regulatory violations committed by the City and County of San Francisco in furtherance of its conflicted real estate development efforts and willful disregard of both its environmental stewardship obligations and also its public infrastructure management duties. As such, I respectfully disagree with the staff’s analysis and recommendation in the Report, and I ask the Commission (including its focused and adept enforcement staff) to please carefully and fully consider the current administrative file alongside each of the following points discussed below - any *one* of which is a substantial issue requiring further de novo review by Commission staff who are independent of the developer.

Additionally, as a matter of procedure I note that the administrative record referenced at the end of the Report may be incomplete (or is at least unclear, as listed) because it does not seem to directly reference the thousands of pages of records and public comment embedded within the developer’s records at <https://sfgov.legistar.com/LegislationDetail.aspx?ID=5742687&GUID=F6EBB70B-EA89-4C4E-9111-358D05407A83>. I also ask you to respectfully take note of the administrative appeal documents that I filed with the city’s Board of Appeals (attached as reference - but without exhibits to save space, as the exhibit file exists within Board of Appeals records). Finally, I strongly urge you after reading this comment letter to review the entirety of the Board of Appeals video records, which include troubling testimony and statements of various city employees, including Board of Appeals staff itself. The video material reflects further material evidence and is available via the “February 7, 2024” and “March 13, 2024” sub-hyperlinks within https://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6.

I ask respectfully that you consider all of these materials to be incorporated fully by reference into your administrative file if they are not present already – particularly as many of the notable issues discussed below revolve around a deficient file from the Project developer - and I appreciate your careful consideration of the following substantial issues:

- 1) **It is a substantial issue when a developer willfully ignores obvious noise effects from their proposed development and then self-approves their own development with no independent scientific data in the administrative file.**

The administrative file appears utterly devoid of any analysis whatsoever regarding the expected or actual effects the Project may have upon sound and noise within the coastal zone. There is no analysis of noise impacts to coastal zone habitat from having thousands of people visit the dunes, or having thousands of highway vehicles rerouted in front of people’s homes. There is no review of the effects of noise pollution on the reproductive or nesting habits of an endangered species. There is no analysis of noise impacts to either community residents or visitors who are seeking to recreate peacefully and quietly in the beach area, let alone living or visiting in coastal zone residences. There is no discussion of the sound impacts from periodic and unpermitted construction of temporary facilities for music events or food trucks (each with noisy generators) next to an endangered species habitat. There is no discussion of the periodic and illegal fireworks being discharged regularly in the coastal zone and directly in the endangered species habitat with no enforcement

mechanism to regulate excessive sound. There is no scientific analysis or data that has been collected and placed into the administrative file to measure any decibels, sound levels, or acceptable or threshold noise alarms or warnings on an expected, intended, or actual basis. In fact, in contrast to the new noise created by the Project, the record is completely silent. As a result, there is no mitigation whatsoever that has been planned or discussed as part of the administrative application, because noise pollution was never even considered by the developer.

There appears to be no discussion whatsoever of this material environmental issue within the Report.

- 2) **It is a substantial issue when a developer willfully ignores obvious garbage, refuse, graffiti, and pollution effects from their proposed development and then self-approves their own development with no independent scientific data in the administrative file.**

Only during the Board of Appeals process, after the public was misled by a deficient and incomplete administrative file, did the city actually acknowledge that it had made an effort to increase the collection of garbage from within the Project area. However, to date there has been no scientific analysis conducted which considers the effects upon the coastal zone environment of human-created refuse in the coastal zone from thousands of visitors to the Project location. Surely a developer would and should anticipate and plan for the obvious effects of a gigantic park by detailing in its permit application its specific plan to mitigate the impacts of thousands of visitors. This would seem especially important after the matter was highlighted to the developer by the Commission itself.

As a result of the Project, the coastal zone has been littered with pollution. The developer appears to be undertaking insufficient mitigation efforts despite full knowledge of the issue. It is a material and substantial issue for the Commission to compel a full evidentiary file on this matter and then undertake a careful de novo analysis of a fundamental issue – can this sensitive ecological area handle the pollution impacts of thousands of visitors? The developer seems incapable of objectively evaluating this question and providing mitigation plans.

- 3) **It is a substantial issue when a developer willfully ignores obvious air quality effects from their proposed development and then self-approves their own development with no independent scientific data in the administrative file.**

The developer rerouted thousands of vehicles emitting carcinogens directly into a coastal zone residential neighborhood. They did so with little to no community warning or input, no advance or subsequent scientific data or analysis, and only an unsubstantiated assertion that emissions in the coastal zone would be improved (because, after all, “cars are gone from this one road over here, and so there is nothing else to see over there now”). It is staggering to imagine a private developer appearing before the Commission empty-handed WITH NO EMISSIONS DATA and asserting that it has improved air quality by diverting highway traffic into a congested neighborhood area. Where is the data?

Even more troubling is the misplaced and circular logic embedded within the Report that this is not a substantial issue because there isn’t enough data. The Report notes correctly that “there does not appear to be any evidence” of emissions impacts, which is exactly the contention of the Appellants. The only “data” noted is a manually conducted traffic study post-pandemic, with NO EMISSIONS measurements or particulate matter evaluation included, and no consistent data collection standards designed into the ad hoc study. It is an utter fallacy to assert that there is no substantial issue when a developer has failed to accurately measure its own impacts, and then foisted its own self-serving and irrelevant “study” onto the public.

Still more troubling is the implied conclusion that emissions are not a big deal because the city’s LCP does not even consider emissions at all. This reasoning actually sounds like an indictment of the LCP itself, and a fundamentally substantial issue. The Commission needs simply to ask the developer “where is your emissions data?” because the public records requests that were made of the developer yielded no analysis whatsoever. No measurements. No calculations. It’s as if cars have just disappeared, when in fact they have not. Who is to say what the emissions profile of the Project really is when no particulate measurements have even been taken

at any time? Surely if the emissions profile of the Project was positive then it should be an easy matter for the developer to simply and accurately reflect the scientific data within the administrative file.

4) **It is a substantial issue when a developer willfully ignores obvious dune erosion effects from their proposed development and then self-approves their own development with no independent scientific data in the administrative file.**

Prior to the permit application the developer was well-aware of the significant dune and sand erosion risks in the area, and threats to its sewage infrastructure from ongoing erosion, but decided it was a good idea to encourage more dune impacts anyway. By its own accounts the developer has now caused thousands of visitors to tread into sensitive habitat, and it did so with no pre-existing dune data, measurements, or pilot goals. It's basically been a free-for-all. There is no evidence whatsoever in the administrative file which demonstrates that the Project is improving the dunes, and every reason to believe just the opposite through the application of common sense.

It is obvious, fundamental, and disgusting to observe the carelessness – and especially troubling is the conclusion in the Report that essentially says “well, the dunes have already been eroding for a while anyway, and so let's just pile on some more, it's not a big deal.” This fundamentally faulty analysis isn't just directly at odds with the city's own LCP, including the mandate within Policy 12.4 that “[n]ew development and substantial improvements to existing development shall ensure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.” It is also at odds with the core tenants and plain language of Sections 30006.5 and 30253(b) of the Public Resources Code. The only thing that the Report got right on this issue is that it is “not clear.” Fine - then just take a closer look please, using *real data*, including a timely and detailed scientific analysis of erosion patterns. It is utterly stupefying to envision that a cogent analysis could ever conclude that thousands of park visitors are helping the dunes by stepping all over them repeatedly, creating more garbage, erecting indefinite encampments and new structures, and decimating the foliage. As further evidence of obvious erosion, the Report itself curiously invokes the idea of engaging in *more* new development of protective devices for the dunes that the Report asserts are not somehow under threat – a curious and paradoxical suggestion that is fundamentally at odds with the plain language of Section 30253(b) of the Public Resources Code.

The nature of Ocean Beach dune erosion seems sadly to also be fundamentally misunderstood or ignored by the developer, whose employees insisted during testimony that Mother Nature has taken pains to carve out a magic line at Sloat Boulevard such that the only erosion along Ocean Beach is taking place south of this mysterious boundary. Had the developer actually undertaken a real scientific analysis of dune erosion risks at the site of the Project they would have reached the obvious and material conclusion that their Project is in fact located at an area which includes increasing erosion risks, and shifting erosion intensity.

In fact, it is a substantial issue that the Project might be contributing to erosion intensity in an area north of Sloat Boulevard, and the beach is experiencing a pattern of ongoing erosion in some areas, with accretion of sand to the far north. As highlighted in my appeal brief, one of the possible causes for this scenario might be the loss of sand due to sand mining inside the San Francisco Bay, which could be causing the southern boundary of the offshore Four Fathom and “southern bank” of sand to break down. This critical multi-mile semicircular sand bank – which has its southern boundary terminate roughly just north of Sloat Boulevard - typically protects middle Ocean Beach from some of the north swell intensity that enhances natural erosion. Has the developer stopped to consider that their Project might need to be limited to the accretion rather than erosion zone of the beach? Of course not - that reasoning would take too much effort for them, and it doesn't fit their unsubstantiated narrative that there should be thousands of visitors clamoring along the dunes that are also currently protecting the city's sewage infrastructure.

In fact, the mismanagement and failure to protect the developer's sewage infrastructure directly under the Project is a *CRITICAL COMPONENT* to this discussion, and a substantial issue requiring de novo review. The Commission should take notice of the lawsuit filed yesterday against the developer by the EPA, the

California Attorney General, and the SF Bay Regional Water Quality Control Board alleging that millions of gallons of raw sewage have been improperly discharged because the developer's sewage outflow system is defective and mismanaged. Is there perhaps something needing closer attention from the Commission when Clean Water Act compliance is also in scope for discussion alongside the Coastal Act, and when the developer is attempting to build a seawall near the Project location instead of engaging in managed retreat to repair and relocate its sewage system . . .? The developer has a legacy history of significant compliance mismanagement issues, and according to multiple regulators it can't handle its own shit. Literally.

5) **It is a substantial issue when a developer willfully withholds material information from the public which might demonstrate significant coastal zone impairment, and then self-approves their own development without correcting the administrative file and engaging in transparent public review.**

Beyond the obvious substantial issue of dune erosion itself, it is also a substantial issue that the developer purposefully withheld a critical dune report from the public when it was aware of the report conclusions that "increased trampling of dune vegetation has been observed." This material finding was known to the developer in mid-to-late 2023 at the time that it was preparing its permit application to be rubber-stamped by its own Planning Commission but omitted this information. The developer has resisted public records requests making inquiry of the specific date that it first became aware of this material finding of dune erosion - but it is clear that it had full awareness of the pending report at the time of the permit hearing on November 9, 2023 because it notes the existence of the report within the permit application with a loose and unclear reference indicating that the report would be forthcoming at an undetermined time in the future. In essence, the developer sought to hide the report conclusions from the public, while still trying to shoehorn in a deceptive assertion that it had been transparent.

It is also clear and noteworthy that once the developer became aware of multiple appeals in late November, it then rushed to surreptitiously "publish" the report shortly thereafter – but still refused to actually enter the report into the administrative file anywhere for public review and evaluation, even within its own appeal briefs (again, the report is referenced, but never provided). In fact, the developer NEVER has formally entered the report into the permit application file, relying instead on the specious assertion that it "published" the report via an independent consultant's unknown (and still unreferenced) website. Curiously, the metadata date of the "published" report did not even match the date stated in the report.

I respectfully encourage enforcement staff of the Commission to take a very close look at the tortured chronology of the "publication" of this report as part of the administrative record. Why has the city been so shy? When was the public made aware that a report had concluded that the dunes are being trampled? As discussed further below, and noted during testimony under oath during the rehearing appeal on March 13, 2024, the management of this information was so sneaky that even *the city's own planning department staff responsible for evaluating LCP compliance DID NOT EVEN READ the report prior to issuing their findings*. Please review that testimony and ask yourselves if it is a substantial issue when a key employee directly responsible for LCP administration issues its LCP findings when materially negative coastal zone impacts have been ignored and hidden.

6) **It is a substantial issue when a developer willfully ignores any obvious endangered species effects from their proposed development and then self-approves their own development with no independent scientific data in the administrative file.**

It is fitting and telling when a developer fails to consider any effects whatsoever of their proposed project upon an endangered species. Incredibly, amidst thousands and thousands of pages of the administrative record, and after months of debate, discussion, purported community outreach, interactions with the Commission itself, and the appeal process, the phrase "snowy plover" is used exactly ZERO times anywhere in any of the administrative records or "analysis" created by the developer. It's sort of like the bird does not even exist. Perhaps that is the objective here for the developer . . .? In fact, the only time that the phrase "snowy plover" ever appears anywhere in thousands of pages of administrative records is solely within comments from members

of the public highlighting the need for closer consideration. Even more troubling is that the phrase appears in the Report only twice, and in both instances merely to rehash the allegations of material impacts to an endangered species. It is mysterious that the Report undertakes no analysis whatsoever of this fundamentally substantial issue.

Notably, the developer attempted during the Board of Appeals proceedings to suddenly assert that it actually cares about an endangered species. Please watch the video, and ask yourself whether further de novo analysis might be needed to determine if this assertion is substantiated. I can't imagine a more obvious defect in a coastal zone permit application than a complete failure to even acknowledge in any records whatsoever that an experimental program was taking place where an endangered species was threatened.

7) **It is a substantial issue when a developer willfully ignores any obvious VMT effects from their proposed development and then self-approves their own development with no independent scientific data in the administrative file.**

Similar to the emission "analysis" described above, there is no data in the administrative file which measures and calculates VMT before and after the Project. Notably however, and unlike the single unfounded assertion in the permit findings regarding emissions improvements, the city does not even attempt to mention this issue anywhere by invoking any mileage measurements or other data whatsoever. If the city is in compliance with the plain language of Section 30253(d) of the Public Resources Code then it simply should prove it. The logic in the Report suggesting that a manually conducted traffic study (with no mileage data) is dispositive of VMT decreases is confounding. Section 30253 is mandatory under state law, not optional, and irrespective of the legislative history noted in footnote 9 in the Report, or the city's LCP. If the city actually believes that rerouting thousands of vehicles into congested local stop and go traffic is reducing VMT then it simply needs to substantiate that belief with real data and mileage measurements.

8) **It is a substantial issue when a developer willfully and purposefully restricts coastal zone access rights for some members of the public and then self-approves their own development with no independent review of access impairments in the administrative file.**

One of the most troubling and misguided lines of analysis in the Project application is the idea of increasing coastal access, particularly when considering the plain language of Section 30001.5 of the Public Resources Code.

Ocean Beach has little to no history whatsoever of any able-bodied member of the public ever complaining about an inability to reach the mean high tide line, and the project does nothing to change this type of access. This is because every public citizen can already get right to the beach. In addition to ready access to the beach, members of the public also already have access to areas for walking, biking, and exercising *right at the Project sight*, and that access would actually be improved if the developer chose to maintain and enhance those access points, instead of ignoring them (as an example, no one can remember the last time the city ever paved or fixed the existing bicycle path). In addition, the only point for visual access to the beach from along the Project roadway, between Santiago and Noriega streets, already has a designated pedestrian path with the same views, and it is paved to accommodate the wheelchairs and strollers noted in the Report. In summary, the Project does nothing to enhance access opportunities that ALREADY EXIST.

On the other hand, as clearly acknowledged in the Report "it is true that the view of the coast is better from the Upper Great Highway, and these vehicular users would not have this view during weekend and holidays from this two-mile stretch of the road." No justification is offered by the city for the elimination of this access point.

The developer seems to be confusing access (which it seeks to restrict for those it deems less of a priority) with recreation (which already exists anyway). If recreation is the goal then the plain language of

Section 30221 of the Public Resources Code needs to be considered – yet the developer has offered no analysis to consider future foreseeable demand and whether or not existing recreation facilities are already adequately provided in the area. If the city believes that existing recreation facilities are inadequate, then just how many more thousands of people does it expect will come trampling on the dunes?

- 9) **It is a substantial issue when a developer willfully ignores local and state regulatory requirements applicable to their proposed development and then self-approves their own development with no direct enforcement of applicable requirements nor any independent review of compliance with such requirements.**

The city's LCP administration and appeal processes appear to be so insufferably and obviously defective that it suggests there are fundamental substantive and procedural flaws with its entire LCP. As an appellant seeking a fair and thorough review of *FACTS* and statutory requirements, I was absolutely mortified at the lack of due process, the inability by LCP administrators to readily and accurately apply LCP provisions to existing and plain state statutory requirements, the utter confusion by multiple city employees (including the city's legal counsel) regarding basic state environmental laws, and the apparent willingness to dispense with any semblance of regulatory compliance procedures whatsoever in order to arrive at the tortured conclusion that it was acceptable to threaten an endangered species in furtherance of ongoing experimentation.

Even prior to the appeal it was clear that something was preordained, with little to no hard and thorough analysis of environmental risks and coastal zone impairments created by the Project. It's as if entire sections of the Coastal Act are simply missing from the LCP, and nobody knowledgeable is home. The city's Planning Commission on November 9, 2023 routinely and consistently ignored public comment on any noted issues, failed to ask any questions about environmental issues and impairments to sensitive coastal zone resources (let alone any mitigation of coastal zone impacts) and engaged in no debate or discussion whatsoever about any material issues.

Further, during the appeal I witnessed repeated inaccuracies and testimony from city employees, and I had no ability whatsoever to cross-examine any of the inaccurate statements, nor to request the introduction of further administrative evidence to factually support the developer's baseless assertions. My time to speak was severely limited by design of the developer itself, even though the developer and its own Board of Appeals engaged in discussion literally for multiple hours while I was prohibited from saying anything further. I also had no ability during the appeal hearing to correct the material misstatements made by the city's employee in the guise of legal advice that can be summarized by the troubling assertion that "the city's LCP does not have broad environmental objectives."

The most troubling moment in the appeal process occurred when the city attorney and Board of Appeal President conspired to arrive at a preordained conclusion that the developer's findings – with no scientific data in the file reflecting any environmental analysis or impacts to coastal zone resources, and despite the overwhelming number of open questions raised during the appeal – were sufficient as is to end the appeal. This took place after multiple Board members had acknowledged that it was getting late in the evening, and they should just end things because the matter will go up on appeal to the Commission anyway. Please review the video from February 7, 2024 carefully for several minutes leading up to the 5:31:39 moment. "Exactly." Subsequent public records requests have also revealed that the planning department at the city pursued legal guidance via emails with the clerk of the Board of Appeals to confirm whether this route to surreptitiously ending the appeal with no additional factual findings would be acceptable for the tribunal. Contrast that exercise with the Board of Appeals requirements which prohibit appellants from engaging in ex parte communications with Board members, and the due process violation are stark and obvious. I can't envision a more defective due process failure than one which allows a developer to make inquiry of an adjudicator's legal counsel to gain insight into the viewpoints of the decision-makers while their opponent is afforded no such opportunity. There is a material conflict of interest when only one of two parties to a dispute is given the opportunity to craft their

argument with support from the adjudicator's counsel. I encourage the Commissioners to carefully review the video and ask whether it is a substantial issue when a developer unilaterally manages its own review, appeal, and decisioning process directly for its very own project without sufficient due process, evidentiary files, or factual findings. I also encourage the review of other specific video time stamps noted in my rehearing brief for various references to inaccurate testimony and incorrect legal advice that was provided to the Board of Appeals in furtherance of the one-sided "kangaroo court" posing as the city's ultimate LCP compliance manager, where a *supermajority* of (sometimes missing?) panelists is required for simply asking a developer to supplement their evidentiary file and compliance processes accurately.

Even more confounding is that when I requested a rehearing, I was never provided with any type of rehearing brief from one of the appellees, which made it impossible for me to understand their appellee arguments and effectively prepare any type of verbal presentation. Additionally, another appellee – and in fact the main applicant for the permit – *refused to even show up for the rehearing proceedings at all*, thus depriving myself, the other appellants, and the entire Board of Appeals from any opportunity to engage in further questions or factual review. I can't think of a more fundamentally defective and purposeful sabotaging of due process than a proceeding where the main permit applicant has purposefully refused to even appear, the appellant has had no advance notice of that absence (nor the ability to reschedule to a time when the necessary party will actually be present), and the presiding body has just chosen to proceed anyway with "fact finding" despite the material impairment to the process and the inability to secure accurate and truthful testimony. It is particularly troubling that the absent party was previously found to have *willfully violated city ethics rules regarding the transparency and disclosure of information related directly to this permit* – please refer to my appeal brief for further information on this very troubling scenario, which is undoubtedly a substantial issue that requires direct de novo review by the Commission, including its enforcement staff, with sworn testimony and accurate records actually secured from the missing party.

10) It is a substantial issue when a developer self-approves its compliance with the statutory requirements of the state's Public Resources Code because multiple employees throughout its organization mistakenly believe that CEQA compliance is the same thing as Coastal Act compliance.

I can't think of a more substantial issue than LCP administrators who misunderstand the basic and foundational regulatory requirements that they are duty-bound to manage for regulatory compliance purposes. There appears to be a gaping hole in the city's planning department processes and documentation, and public records requests have located no applicable procedures or documents to explain why exactly the city's planning department documents completely omit any reference to Coastal Act compliance requirements, and appear in fact to be designed to subvert state laws.

To be clear, I personally believe that the city's planning department typically does a fine job when it sticks to its core function of reviewing compliance with the city's own municipal building code. However, LCP administration and state regulatory compliance is a different beast, and I must respectfully question the qualifications of multiple city employees who insist repeatedly that a technical statutory exemption under CEQA - a completely different portion of the Public Resources Code – is dispositive of environmental review requirements in this matter. I ask the Commission to carefully review my rehearing brief, and the hearing from February 7, 2024 to consider the multiple instances when numerous city employees repeatedly asserted that because there was a CEQA exemption, no environmental reviews were necessary.

The ongoing assertion, repeated multiple times by multiple city employees, that environmental review was handled properly because of a CEQA exemption underscores a peculiar and material problem with the procedures and documents in the city's planning department. I encourage Commission enforcement staff to request copies of all planning department project review forms, policies, and procedures that have been used to review any development in the coastal zone in the past few years, and to review those materials very carefully. They will discover, as I have observed, that the forms used by the city for permit reviews are designed to call

out various CEQA exemptions via check boxes, and thus end any environmental review of a project once a CEQA exemption box has been invoked. Essentially, once the CEQA box is checked the city stops any other environmental review of a project, irrespective of independent LCP or Coastal Act statutory requirements to analyze impacts to coastal zone resources. There is a fundamental compliance flaw when entire sections of the Coastal Act, which require the consideration of possible impacts to coastal zone resources, is eviscerated by defectively designed processes and review materials. This is a substantial issue in this matter, because multiple city employees mistakenly believed that an exemption under CEQA absolved them from complying with LCP and Coastal Act requirements. Please review the developer's testimony and briefs, which highlight this critical compliance failure.

11) It is a substantial issue when a developer manipulates its own administrative process to remove its direct burden of proof in furtherance of its own project, and instead requires administrative appellants to prove non-compliance with regulations based upon a purposefully deficient administrative record.

For some odd and misplaced reason there seems to be a structural defect which is requiring permit appellants to prove non-compliance by a developer with statutory requirements, instead of simply requiring the developer itself to meet its own burden of proof that it has actually complied. There is a stark difference in application of this principal when the developer has refused to enter any information into the administrative file reflecting the consideration of impacts to the coastal zone environment from its Project, thus obfuscating the review of material facts and making it practically impossible for an appellant to meet the misplaced burden with an empty file.

This framework of shifting proof burdens away from the subject of statutory compliance obligations was erroneously underscored by legal counsel for the developer, as well as the Board of Appeals itself during the rehearing process. There is no LCP or statutory requirement that a private appellant must prove non-compliance by a developer based upon an empty administrative file. It is squarely the obligation of a developer itself to demonstrate its own statutory compliance, period. When counsel and Board members erroneously assert that an appellant is required to inventory and prove its own findings in order to grant an appeal, it fundamentally shifts the exercise away from the direct review of a developer's statutory compliance REQUIREMENTS. A developer either complies with local and state regulatory obligations, or it does not. A developer either has their statutory compliance *independently* reviewed by a qualified regulator or administrative body, or it does not (and must therefore account for the massive conflict of interest created by such a fundamental flaw).

Further, the fiction during the appeal process that I was required to propose alternative findings in order for my appeal to be successfully granted was never shared with me prior to the hearing. Even assuming the erroneous theory that an appellant must be required to present its own findings of non-compliance, I was never provided with an opportunity to do so, and despite mountains of information presented in my appeal briefs demonstrating the possibility of some very significant structural and compliance issues related to the permit application. The permit application is promulgated by the developer, not by me. Has the developer proven it has met statutory compliance REQUIREMENTS by demonstrating a full review of impacts to coastal zone resources, with a complete administrative file? Yes, or no? End of story. You can't realistically expect a balancing of conflicts pursuant to the clear "shall" REQUIREMENTS of Section 30200(b) of the Public Resources Code to be applied properly when a developer won't even put information into the administrative file demonstrating a review of coastal zone impacts and mitigation, and then the developer turns around and forces a private appellant to disprove its compliance with no file content. That's simply not how the law works here, and it is a substantial issue. There is no balancing of conflicts even possible when a developer purposefully keeps one side of the scales of justice empty. The Report conclusions that evidence is lacking need to be considered from this perspective please.

12) It is a substantial issue when a developer purposefully misrepresents traffic conditions to its own self-approving Board of Appeals with no independent evidentiary inquiry or subsequent review of the written facts.

I observed perjury during the appeal process when a transportation official for the developer lied to the tribunal about traffic conditions and complaints. I had no advance notice of this witness, from a different agency of the city who never filed any appeal brief and then proceeded to provide sworn testimony in response to queries from the tribunal about traffic effects. I also had no opportunity to cross-examine this witness. Significantly, the transportation official claimed that there had been no complaints received from community members about the traffic changes and congestion caused by the unauthorized and unpermitted realignment of roadways within the coastal zone. This material misstatement was proffered in an attempt to assuage concerns from the tribunal about possible negative VMT and emissions effects from the Project.

Public records requests made in response to this unexpected misrepresentation reveal a troubling factual disparity, which is a substantial issue requiring de novo review. One public records request made directly to the transportation agency revealed that the number of complaints was actually not zero, but was in fact suddenly admitted to be one - a single complaint was mysteriously discovered, and produced. The transportation agency refused however to reply to public records requests for applicable policies and procedures which describe and define how traffic, VMT and emissions complaints are defined, measured, and logged. Separately, an IDENTICAL public records request was also provided to the city agency responsible for the intake and maintenance of city complaints. While this request also yielded NO POLICIES AND PROCEDURES for measuring VMT, emissions, or traffic complaints, the agency did produce hundreds of complaints related to the subject property. *Several hundred complaints*, versus zero in sworn testimony and one after further records searches. *WHAT IS GOING ON HERE?*

It is a substantial issue when a Commission report relies on no independent traffic analysis under these conditions, and an employee for the developer has misrepresented traffic conditions. Please take a closer look and direct your enforcement inquiries into the specific policies and procedures currently maintained by the developer for scientifically measuring traffic impacts, including VMT calculations, emissions and particulate measurements, and complaints related to impacts to coastal zone resources.

13) It is a substantial issue when a developer misrepresents to the public and a state regulator that it will engage in environmental reviews of a development, then self-approves their own development with no such review ever taking place.

As detailed in my appellant brief, the developer actively misrepresented its environmental review intentions to the public and this Commission in furtherance of a project which it alleges is unrelated to this Project. Specifically, the city has previously undertaken a review of a proposed seawall development south of Sloat Boulevard, and as part of its application materials it has stated explicitly that it would in fact undertake an environmental review of this Project. Setting aside the material issue of whether the two projects are related (they most certainly are intertwined), the statement made by the city in the draft EIR for that project was:

There are also several other separate projects that may occur in the vicinity of South Ocean Beach. The city and the California Department of Transportation (Caltrans) have proposed separate projects to improve the operations and safety of Skyline Boulevard (State Route 35) at its Great Highway and at Sloat Boulevard intersections. NPS is planning a trail to link the proposed multi-use trail to Fort Funston's existing trail network. The city and the U.S. Army Corps of Engineers (Army Corps) are currently planning and designing a project to place sand dredged from San Francisco's main shipping channel along South Ocean Beach in 2021. The San Francisco County Transportation Authority is leading the District 4 Mobility Study and will be exploring the feasibility of modifying the Great Highway between Lincoln Way and Sloat Boulevard, which is currently temporarily closed due to COVID-19. In addition, Rec and Park, with support from SFMTA and Public Works, is considering temporary closure of the southbound lanes of the Great Highway between Sloat and Skyline boulevards. **Each of these separate projects would be subject to separate environmental review.**" Notice of Preparation of an

Setting aside the merits of this Project, and only considering whether or not de novo review is warranted, it is curious to consider why an environmental review was initially promised by the developer but then actually never took place. Could it be that someone subsequently mistook a CEQA exemption check-box for a free hall-pass from the prior public representations? How is the public, or a regulator, able to evaluate possible coastal zone impacts when no review of possible impacts has even taken place? And, what reliance was caused by this statement? It is troubling to envision a more conflicted and disjunctive scenario than one in which a developer is propagating multiple developments in the same general area, and foisting upon the public piecemeal and inconsistent conclusions and experimental development at different times while misrepresenting its compliance intentions. Please take a closer look.

14) It is a substantial issue when a developer willfully omits the use of best science available, then self-approves their own development with no such scientific data in the administrative file.

As mentioned above, numerous *possible* coastal zone impacts have been willfully ignored by the developer. Why is best science not being deployed here to actually analyze from a data-driven and scientific perspective whether any impacts are in scope which require further balancing pursuant to LCP and Section 30200 requirements? If the Project would not impair coastal zone resources, then just provide the data. Alternatively, if data reflects impacts, then provide a mitigation plan to address the impacts based upon a review of the applicable data and the designed mitigation plan. This is not a complicated process, and so why is it so difficult for the developer to undertake it?

There is no data related to snowy plover counts, impacts, or habitat effects, and in fact not even a mention of the endangered species anywhere in the application materials. There is no emissions data despite the developer's claim of emission benefits. There are no VMT mileage measurements. There is no dune erosion analysis in the administrative file, and a surreptitious attempt to hide a material report. There is no data showing any analysis of noise effects whatsoever. There is no data reflecting expected or actual usage of garbage or waste facilities.

In fact, the only impact data provided by the developer is the claim that the Project has or will create "thousands" of visitors. Ok. Have you actually counted them? Where is the data? And most profoundly, if you believe that recreation usage justifies thousands of visitors, how can you rationally claim that thousands of visitors will have no impact upon the coastal zone environment? It is an obvious paradox. Will thousands of visitors impact the coastal zone, or not? Where is your data showing an analysis, and planned mitigation, of any identified impacts?

15) It is a substantial issue when a developer self-approves a "pilot" program in which no data collection standards, objectives, or pilot proof metrics have ever been shared with the public and the developer intends later to change the project anyway but has failed to clearly disclose the final objectives.

Even more troubling than the lack of any actionable data analysis to support the permit application initially is the complete absence of any written plan which describes the data collection objectives of the pilot itself. There is no scientifically-based plan which says, for example "here are the numbers that we will collect which we expect will demonstrate that the pilot is, or is not, a good idea . . . Here is the objective thesis that we expect to prove or disprove with the collected information while we threaten an endangered species, and these are the data points that will prove or disprove that thesis." Etc.

Instead of framing a research objective to validate that a pilot should eventually be made permanent, the developer is subjecting an endangered species and coastal zone resources to pure conjecture with an undefined

plan – and in actuality, they are doing so with a desire to later engage in a **NEW DESIGN**. Testimony and public records requests reveal that the developer has no intention whatsoever to actually maintain the subject property in its current condition after the expiration of the “temporary pilot.” Instead, the entire project zone, and all of the Ocean Beach community and its coastal resources, will be subjected again to a NEW experiment after December 2025, with new project objectives which are still undefined for the public. On information and belief, it also appears that one or more staff members of the Commission have been collaborating with the developer on a **NEW DESIGN** with no detailed public transparency or input which define those future mysterious objectives.

Constantly changing projects which materially impact coastal zone resources out of the public’s view is NOT an objective of the Coastal Act, nor the developer’s LCP. Yet testimony from city employees during the appeal revealed that the city wants to “drive slow first at around 15 miles per hour” and then ramp up the speed of coastal zone impacts to more like sixty miles per hour or so. What exactly is happening here, and what future plans are in play?

It might come as a surprise to the Commission to learn that I partially *support* the current roadway design, despite my appeal, and based only upon the *available information* at this time. As stated during my appeal testimony, I was very careful in my appeal briefs to focus on the process for achieving compliant roadway design rather than advocating for my personal preferences or qualitative design ideas - beyond my strong viewpoint that the roadway must be MANAGED better. The reason that I have that viewpoint is that I observe some pros and cons to the current design. For example, one of the pros is that the current design is, to some degree a “compromise” of binary and problematic “open” or “close” designs, and so if the environmental impacts are actually analyzed from a science perspective, with real data in the administrative file, and with a real plan to actually mitigate environmental effects, then I might be supportive.

However, amidst that framework I have NO INFORMATION about future plans, pros, or cons of any other design ideas to consider versus the current design, or versus the legacy design. Nor do I have any trust whatsoever that the developer will transparently comply with statutory requirements in the future when all indications are that it will rubber-stamp any development it chooses. I might very well support the current design assiduously if I am presented with an alternative that I believe has even worse environmental impacts, or worse safety impacts, in my personal opinion. For example, if an alternative design were to mix cars and recreational users at the same time on the roadway, or involve future development of additional structures, it would be my opinion that material safety and impact issues could be created, with no material coastal zone benefits to offset the significant safety risk of mixing cars and recreational users. As such, I would prefer the current design to a dangerous or more impactful one.

I might also support an alternative design where the roadway is closed everyday just outside of commute hours – for example, from 10 am to 3 pm only – so that weekday recreational use could be enjoyed while commuter and infrastructure needs could still be reasonably met, at least during heavier traffic periods. But again, I have no insight into how exactly the city plans to proceed, other than the prior comments from city employees that a flex road design of this nature would just be “too confusing” for the public. And in any event, my personal preferences for usage do not matter as compared with the achievement of reasonable coastal zone resource management.

In short, it is a substantial issue that this ongoing experiment is only intended to bring more undefined change, with possible coastal zone impacts, and not once has an end-goal or clearly articulated plan been settled upon IN ADVANCE. The entire project is an experiment in conjecture which is threatening an endangered species.

16) It is a substantial issue when a developer with multiple properties in the vicinity of the proposed development seeks to further its conflicted economic interests by self-approving their own development with no independent review.

The developer has a significant conflict of interest from practical, financial and operational perspectives, and is clearly unable to objectively review the permitting for its own property interests. Significantly, the developer owns or manages nearby properties, and has stated its intention to transform the Ocean Beach area into the “next Embarcadero” instead of just wisely managing the area as its own unique jewel in a sensitive coastal ecosystem. On information and belief, there appear to be multiple future property developments either owned, managed, or overseen by the developer which may be taking place in the coastal zone. In addition, the developer is currently attempting to build a massive seawall nearby its own sewage infrastructure amidst material regulatory oversight, and now a lawsuit propagated by multiple regulators alleging regulatory violations. It is impossible to imagine a developer ever taking an objective viewpoint of its own permitting facts, and compliance requirements, under these conditions. This massive conflict of interest is a substantial issue requiring direct de novo review by the Commission, particularly where ethics violations and misrepresentations related to shifting facts and an incomplete administrative file have previously occurred.

17) It is a substantial issue when a developer ignores and fails to fund whatsoever any of the economic effects of the proposed development, and then self-approves the development.

Community experience, appeal testimony, and public records have not just revealed an obvious and abject failure to manage the financial obligations related to the Project. They have also revealed that the developer has undertaken no advance mitigation design or planning whatsoever, as demonstrated by the lack of any funding plan. But, what more could we expect when no data science was even applied to possible coastal zone impacts?

There is no mitigation or funding plan because everything about this “pilot” was bootstrapped and pushed through without necessary planning. In a normal process without dysfunction or compliance failures, you would first design a real plan, then you would make sure it is funded (in terms of one-time implementation costs, as well as ongoing maintenance costs), and then you would present it for public review and ensure regulatory compliance. But not in San Francisco. In San Francisco it seems that the developer is fundamentally incapable financially, let alone procedurally, from engaging in any planning to understand and manage mitigation to coastal zone impacts from its development. Community members have witnessed this financial impairment first-hand, as the developer has repeatedly claimed that it lacks funds to even engage in basic activities like cleaning sand from the Project site that is blocking the roadway. Prior to the pandemic this was a standard function. Where has the money suddenly gone? Are we to expect that opening a new park for thousands of visitors to recreate will be free?

If a developer cannot financially support its project and project responsibilities – let alone avail itself of the financial provisions of Chapter 4, Article 4 provisions of the Coastal Act - then its regulatory compliance ledger is as empty as its pocketbooks. This is a substantial issue that must be considered de novo before any further coastal zone development is undertaken anywhere whatsoever at Ocean Beach.

18) It is a substantial issue when a developer engages in experimental and unpermitted construction in the habitat of an endangered species and then retroactively self-approves its own compliance violation (or in some cases doesn't even request a permit, because why bother, after all).

Enforcement staff should review the November 9, 2023 permit application materials and public comment carefully. The developer is trying to pull a fast one after a material compliance failure, and with full knowledge of its transgressions. Specifically, the developer's Board of Supervisors approved the Project when there was NO COASTAL ZONE PERMIT in effect, and then the developer sought to remedy this issue

surreptitiously by massaging “retroactive” language into the untimely permit application in one spot, but outside the formal permit motion language itself. When public comment raised this issue to the Planning Commission the issue was willfully ignored.

Building something first, and then asking for and securing self-approval later, is not a concept that exists anywhere in the city’s LCP. Allowing such a process fundamentally undermines any environmental protections and coastal resource mandates – and results in an endangered species being threatened in real time during an experiment.

The Commission is well-aware of, and has processes for, handling truly temporary developments and also for approving, managing, and controlling “pilots” with full transparency, clear designs, and timely plans that do not threaten endangered species. Why is there an expectation from a developer that it can just self-approve its own experimentation retroactively under an LCP that has no such mechanism? LCPs are a creature of specific delegation, not an exercise in removing Commission authority so that folks can have a (“temporary”?) party and trample dunes in an experiment with no independent compliance oversight. What exactly is happening here?

19) It is a substantial issue when a developer represents to the public and the Commission that the development is “temporary” when in fact there are no plans to ever remove project construction.

The developer by its own admission has included roadway improvements in the “temporary” project which it has no intention of removing at the end of the “pilot.” Specifically, permanent speed bumps were placed in the coastal zone with no plans for removal at the end of the pilot in December 2025 (if this allegation is wrong, then surely enforcement staff can easily locate the written representations from the developer in the administrative file indicating that the developer has clear operational plans and funding to remove all of this development at or prior to the time the pilot expires).

I have no interest in debating the pros and cons of speed bumps. If they protect people’s lives then that is great. If they cause more stop and go puttering of exhaust fumes then not so great, but I suppose it is ok from a cost benefit perspective in my humble opinion as long as emergency vehicles can still navigate things, the bumps aren’t mountains, and they are not littered all over the place. Reasonable folks can disagree, and that is fine . . . However - the point is that the pilot is clearly NOT temporary, nor a pilot in spirit at all, and the speed bumps are emblematic of a larger problem. In fact, the entire roadway design itself is not intended to be temporary at all, but as discussed above is a surreptitious plan to incentivize and condition the community for future (unannounced) changes and experimentation, while the developer tinkers along unfettered with no compliance directives for managing coastal zone impacts.

Instead, the developer should just be clear, diligent, and final with its objectives. Put together a real plan please. No more experimentation. And if a truly temporary development is needed, go secure a temporary permit instead of calling this a “pilot.” It insults people’s intelligence and undermines the developer’s credibility when “pilot” and “temporary” are used as excuses for ongoing deception. Don’t try to feed me bullshit and tell me it’s chocolate pudding.

20) It is a substantial issue when a developer undertakes no review of sea level vulnerability but self-approves its own new coastal zone development in a known erosion area while willfully disregarding managed retreat principles.

As noted above, Ocean Beach is subject to significant and evolving erosion risks both south and also north of Sloat Boulevard. However, at no time during this Project has the developer engaged in a new sea level vulnerability assessment to understand, and share information with the public about, the risks of engaging in new development in an erosion zone. The administrative file for this Project is completely empty of any sea level vulnerability assessment. It is a substantial issue to query how a developer can engage in new development activity in a known erosion zone with no timely and up-to-date erosion data. How can the developer, let alone

an independent reviewer, take any comfort that the development will not be impacted by rising sea levels when there is no analysis in the administrative file?

My personal view, for what it might be worth, is that until erosion is analyzed more carefully with timely vulnerability assessments, there should be no new development whatsoever at Ocean Beach, and every effort should be made instead to engage in true managed retreat based upon established regulatory principles. And, if an exception will be made because of significant recreational needs, then it should only be made for development in known high-accretion areas. But don't take my word for it. Mother Nature does not care what is built, how much money is wasted, or what possible defective logic or conflicted efforts might be deployed to justify new construction. Take your chances if you wish. But I think it is a substantial issue, and the developer has failed miserably to do any analysis whatsoever to understand and target accretion zones and safe development priorities.

21) It is a substantial issue when an LCP administrator entrusted with the statutory *requirements* embedded within Section 30200(b) of the Public Resources Code fails to identify any conflicts whatsoever between Coastal Act policies because of a willfully incomplete administrative record.

The city purports to have engaged in a “balancing” of conflicts despite no administrative records demonstrating any consideration whatsoever of multiple possible coastal zone impacts. It is not the role of the Commission at this stage to evaluate whether the Project is or is not in balance with various Coastal Act policies. Rather, it is only a question at this time whether the complete and willful omission of environmental review is a substantial issue requiring further consideration.

The developer asserted in finding number 6 of its November 9, 2023 motion that the Project is, on balance, consistent with thirty-five different LCP policies and objectives, listing each one verbatim. But amidst this “cut and paste” job with respect to thirty four of the thirty-five objectives the developer provided NO explanation, NO discussion, NO rationale, NO discussion, and NO supporting description or documentation whatsoever for the administrative file as to how any particular objectives are actually being met. Every objective is stated but unsubstantiated. Please review finding number 6 carefully versus the objectives noted and contrasted within my appellant brief. Only a single objective within finding number 6 contains any discussion at all – and it is a single paragraph with more assertions BUT NO DATA OR FILE INFORMATION, and no discussion of possible negative impacts to the coastal zone. It's essentially a sales pitch that is empty of substance. Pure conjecture, with no data. Are we to just take a developer's self-interested assertion at face value and presume that there are indeed no conflicts? Such a conclusion defies common sense when hundreds of pages of complaints and community opinions have been expressed about possible Project impacts.

22) It is a substantial issue if a state regulator condones a developer's willful disregard of statutory requirements and fundamental environmental protection considerations.

Let's be perfectly clear here – the jurisdiction and mandate of the Commission has been called directly into question by recent misguided legislative proposals which seek to undermine the fulsome and fair review of coastal zone development initiatives. While reasonable and balanced development pursuant to existing law should be encouraged, the Commission should not, in my humble opinion, be supporting ad hoc development conclusions based upon knee-jerk or deficient reviews or conclusions. This matter before the Commission suffers from the same core defects embedded within those legislative proposals – a lack of careful review based upon established and actively executed compliance with substantive and procedural *requirements*. It is the Commission's mandate to carefully review not only access and recreational initiatives, but also the possible negative impacts to coastal zone resources and endangered species. When a developer simply proceeds to engage in coastal zone construction which it is then empowered to approve on its own directly, and it abuses that power, it must be held accountable. This accountability is highlighted when multiple regulatory agencies other than the Commission are now suing the developer for compliance violations. It is a substantial issue, period.

CONCLUSION

The administrative file created by the Applicant is so utterly devoid of any scientific data or analysis, and so skewed with unsubstantiated conjecture and conflicted “review,” that it is difficult to know where to begin and which substantial issue among all of them can be easily cured through reasonable independent review and mitigation efforts. The developer has actively and willfully threatened an endangered species while purposefully misleading the public and the Commission. In doing so it has avoided engaging in necessary data collection and scientific analysis, providing a baseless excuse to environmental review obligations by claiming that it is in compliance with CEQA, and subverting all common sense by asserting that a new park with thousands of visitors would have no negative impacts on the coastal zone.

However, it is not the role of the Commission *at this time* to evaluate the merits, but rather to simply ask a basic question, amidst all of these highlighted issues – is it a concern that a developer has self-approved ITS OWN EMPTY FILE? Among the *TWENTY-TWO* different issues noted above, folks might reasonably disagree as to whether or not the qualitative impact is “substantial” in each individual instance. Fine. But all of them? I certainly hope that the Commission is carefully managing its analysis of each of these items, because the developer has not, and it simply cannot. The developer is obviously and materially conflicted with respect to the self-permitting of its own development. Because the developer is fundamentally incapable of rendering an unbiased and objective review and permit decision, or even engaging in the necessary data collection that it is seeking to avoid, and because the design and compliant administration of the developer’s LCP appears hopelessly compromised and defective, I ask respectfully and simply that you please take a closer look by granting a de novo review. Thank you sincerely for your service protecting our greatest asset.

Sincerely,

Geoffrey Moore

Ocean Beach resident

February 20, 2024

Appeal Title: Geoffrey Moore vs. PC; **Subject Property:** Upper Great Highway between Lincoln Way and Sloat Blvd. ; **Determination Type:** Coastal Zone Permit; **Record No.:** 2022-007356CTZ (Motion No. 21437), submitted to the San Francisco Board of Appeals, with copies to Brian Stokle, Agent for Permit Holder(s), and associated parties. (“Time stamp”) references are to the February 7, 2024 meeting video. Capitalized terms may correspond to terms in the Application. Certain documents noted below are in numbered exhibits that should be incorporated by reference.

We seem to be sailing in a directionless pilot of compliance issues, adrift in a sea of missing, contradictory, unclear, and evolving information - but with easy recourse to a compass of *requirements*. Given the materiality and unmitigated impacts of the unreconciled environmental issues for the western edge of the city, I am respectfully requesting that the Board please consider new facts that have come to light. My prayer for relief is that the Board take the matter under submission to investigate further, solidify legal guidance, establish a clear factual administrative record, and ensure compliance with LCP *requirements* (given that the LCP is a derivative of the Coastal Act, not a substitute, and a limited rather than full grant of jurisdiction). These actions would require a permit suspension until a comprehensive and documented plan exists to fully address the obvious but still unexamined, undocumented, and unmitigated coastal zone environmental impacts.

City records and testimony has revealed the following *new material facts*:

1. The Mayor of San Francisco suddenly believes that “we can’t let process get in the way.”

Last week a grossly negligent edict was issued about environmental management policies (Exhibit 1). This project is a first-hand example of the results of insufficient process – an experiment with unclear data objectives that is threatening an endangered species and the city’s own sewage infrastructure, with no plan to review coastal zone environmental impacts, nor mitigate those impacts, nor pay for that mitigation, and despite the fact that:

2. the city claims suddenly to really, truly care about the snowy plover – verbally, anyway.

After rebuttal we first heard the appellees introduce a new factual allegation during testimony - their newly discovered concern with snowy plover protection (3:51). The fact that the phrase “snowy plover” appears exactly zero times in appellee briefs and exhibits is a curious and unexplained juxtaposition to this new concern – a defect shared with the original 78 page Application, and also (with the exception of disregarded public comment) the *thousands* of pages in the ordinance’s legislative record (Exhibit 2). *ZERO*. It is unclear what *specific administrative records* reflect any consideration of plover safety – none have been revealed in new public records requests (Exhibit 3). During city testimony CEQA is invoked as an excuse, as well as wind, as well as GGNRA oversight because the plovers aren’t technically on city land - but

not once is any factual information or data offered to support or explain how this new love for the plovers will actually be expressed. The closest we get is non-specific generalization about other unrelated projects. The Board should compel the introduction of snowy plover habitat review and mitigation documents into the Application, including an agreement with GGNRA describing actual data collection, risk evaluation, mitigation plans, and funding conclusions, because:

3. city employees now believe it is immaterial the GGNRA refused to pay for environmental mitigation, and the Board should administer the LCP with a blank checkbook in a cost-free jubilee.

I was shocked to learn the new fact that funding is suddenly “not in the purview of the LCP” (3:15:30) and that legal guidance includes providing instruction to omit factual information because “budget, funding do not come in to play in the Board’s consideration” (4:08:45). The LCP includes multiple references to “funds” and is based upon financial considerations and risks. Chapter 4, Article 4 of the Coastal Act is devoted to state reimbursement of certain LCP costs (of which the city is a grantee - if it is even bothering with protecting the taxpayer’s wallet?). It seems questionable to assert that funding is irrelevant to development decisions with these LCP and Coastal Act structures; the imposition of impact costs and mitigation fees under state law (e.g., California Government Code 66000 et seq.) and our country’s Supreme Court oral argument a few weeks ago on a significant impact fee case suggest a closer review.

Is there a realistic expectation that this development will be free? Of course not – because beyond the general nature of the LCP, the Coastal Act, and common sense, the city itself took the exact opposite approach that “cost matters” with the ballot proposition that appellees rely upon to justify the ignorance of state laws (Exhibit 4). And the evidence is clear that funding is not just a consideration for the beach project nearby, but for *this actual project* too. The sand report required by the original ordinance is filled with dollar signs everywhere referencing a “funding shortfall,” and it indicates that funding for environmental management is *insufficient*, in part because the GGNRA was refusing to participate (Exhibit 5, page 4). The lack of coordination is particularly troubling given that under Federal Law the GGNRA is *required* to preserve the beach in its natural setting and protect it from development and uses that would destroy the scenic beauty and natural character (Exhibit 6). It is even more troubling that the city refused to locate funds after it knew of this issue (Exhibit 7). But most troubling is the fundamental problem of instruction which undermines an appellant’s claim that no funding demonstrates no mitigation and planning, which demonstrates the lack of consideration for obviously material impacts to coastal zone environmental resources, because:

4. **Multiple city employees suddenly claim that the CEQA statutory regime precludes mandated review of coastal zone environmental issues, despite the plain language of state law.**

The “CEQA” division of the state’s Public Resources Code (“PRC”) has a singular relevant provision: **PRC 21174** (Exhibit 8) is crystal-clear on its face regarding Coastal Act separation from and prioritization over CEQA. Multiple agencies and courts have confirmed repeatedly that “[t]o the extent of any inconsistency or conflict” the Coastal Act shall control (see e.g., Exhibit 9 discussing “parallel but independent environmental review *requirements*,” Exhibit 10 CEQA superseded by Coastal Act). So, it was troubling to hear the new claim that this relationship is confusing, with the conclusory and fundamentally incorrect CEQA characterization “that is **the** state law” that applies (4:03:40, emphasis added). The only thing confusing was hearing multiple references to CEQA from city employees when asked to discuss *substantive* review under the Coastal Act. In particular, Board President Lopez was rebuffed with “CEQA exemption” explanations instead of reference to a clear record demonstrating that *Coastal Act requirements* were met. And in a key moment of testimony - starting with the comment at 3:10:20 from Commissioner Swig directly underscoring this appeal - the answer we hear is that it “*did* go through environmental review” (3:14), supplemented by the indication that Planning is responsible “under CEQA” and “they conduct **the** environmental review under CEQA” (3:48:08, emphasis added). The responses imply that CEQA is all that matters, that the city has abandoned its Environmental Protection Element (Exhibit 11) under the General Plan requiring compliance, and that no one is home who understands the basic *requirements* of the Coastal Act. Particularly troubling is that multiple community members now cannot obtain a clear answer in public records requests asking the simple question whether various environmental issues were exempted from review (e.g., Exhibit 3; Exhibit 12). It should be an easy remedy for the Board to direct its inquiry into records demonstrating factual and scientific analysis of the adverse impacts to the coastal zone environment, and the mitigation plans. How else could an on-balance review even occur?

If there is any doubt as to how the “on balance” process should work under state law to compel review of coastal zone resources (and document the findings necessary to support such a review), one need simply review PRC Sections 30001, 30007.5, 30200(b), 30240, 30253, and 30270 while considering the core principle under the Coastal Act (Exhibit 13). These sections taken in unison provide clear compliance *requirements* and processes for reaching the balancing of objectives that may be in conflict. Would you follow a doctor’s advice to ingest experimental pills for months without first asking any questions to understand costs and side effects? Perhaps there is a fundamental misunderstanding of this compliance exercise given that:

5. state law was transmogrified with a mysterious and unidentified “chicken and egg” clause that empowers developers to subjugate endangered species to experimental data collection.

The “shall” language of PRC 30240 is self-evident – it is a requirement. Ditto with PRC 30253 (mandating that new development **shall** not contribute to erosion, and **shall** minimize vehicle miles traveled). Ditto with PRC 30270. Ditto with the analysis of the other policy objectives under Chapter 3 of the Coastal Act - all of which must be evaluated **FIRST** to then apply the PRC 30200 balancing act. Ditto with respect to Objective 12 of the LCP, which contains 28 “shall” references, including to the use of “best available science” and was added specifically to address adverse impacts (Exhibit 14). Policy 12.4 of the city’s Western Shoreline Plan - completely and mysteriously ignored by appellees in the list of objectives noted in the permit application - *requires*: “Public recreational access facilities (e.g., public parks, restroom facilities, parking, bicycle facilities, trails, and paths), public infrastructure (e.g., public roads, sidewalks, and public utilities), and coastal-dependent development **shall** be sited and designed in such a way as to limit potential impacts to coastal resources *over the structure's lifetime*,” ditto with respect to the *requirement* in that same policy which states “The development **shall only** be allowed when it will not cause, expand, or accelerate instability of a bluff” (emphasis added). These mandatory phrases are obvious prerequisite requirements – not for only part of the development’s lifetime, but for ALL OF IT. And based on a design. But perhaps when the appellees listed multiple LCP objectives *with no supporting explanation or scientific data whatsoever* in item 6 of their findings they might have missed something . . . ? Instead of seeking to read an exception into the LCP that doesn’t even exist, just please do the work here of scientific documentation.

In light of the various provisions noted above, and the absence of any enabling provision in the LCP which allows ex post facto experimentation with endangered species, it was inappropriate to receive “chicken and egg” guidance (4:10:15), and it seems to be a new fact illustrating a confusion between requirements and objectives. Regulatory compliance is not a chicken and egg game for the snowy plover, nor the sand dunes. It was equally troubling to hear the assertion from the Planning Department that it is “not at all uncommon with cases that we see all the time” to issue retroactive permits (4:02:50) – purportedly because someone is not aware of what they are doing? - right before the legal guidance that this was a “unique” circumstance. So, which is it please – unique or common? The Board should issue a finding with this determination, and compelling the production of the policies and procedures demonstrating how, when, and even *whether* retroactive permits are issued for *coastal zone development* (as opposed to a homeowner handling non-material corrections), and ask the applicant to confirm in writing the exact number of instances where experimentation has

been allowed with endangered species while incomplete designs have been approved for part of the lifetime of a project. The alternative approach sets a troubling precedent where we can suddenly learn on any random day that:

6. **new unapproved development in the coastal zone project area was just erected without public disclosure.**

In addition to inviting the children into the discussion, and engaging in fearmongering that all joy will be lost if the Board simply proceeds with its LCP administration duties and compels regulatory compliance, Supervisor Engardio also introduced two new items of evidence into the city's records – his misunderstanding of applicable state law, and his complicity in erecting unpermitted development in the coastal zone (1:53:40). Beyond the joy already experienced by residents who inhale carcinogens whenever the highway is closed, folks are now evaluating their new frivolity being unable to locate a simple copy of any permit related to the new coastal zone construction in a highway median. Community members have no idea what will be built next in this experiment, particularly given new findings in the “dune report” that:

7. **the project is directly causing trampling of dunes.**

A notable new fact is unanswered public record requests asking for details about the mysterious “dune report” (Exhibit 15). That report seems to state that “[t]he recent closures of the Great Highway to car traffic (started in 2020 during the COVID-19 pandemic) have led to less constrained use by pedestrians, and increased trampling of dune vegetation has been observed” - but I am unable to provide a direct citation because *there is no record of this report being included in the permit application*, public records, or appellee briefs. The public should see this report as part of the Application and comment period, in particular to consider the plain language in the LCP that “sand shall not be removed from stable dunes.” The critical question from Commissioner Lemberg at 3:27:10 still has not been answered. The new attempt by appellees to suddenly express the same love for the dunes that they have now magically found for the plover – and how specifically they plan to manage, mitigate, and pay for that expression of love – should be documented so that compliance with the requirements of Item 12 of the LCP can be ensured based on advance public disclosure. That documentation needs to be precise because the report finds that dune revegetation strategies “will require coordination between federal, state, and city partners. Coordination and identification of **funding** sources are key next steps.” Again – where is the money? How can you know the cost with no plan? Please follow the (absence of) money, because according to the appellee “we are working to **look** for funding” (3:25 emphasis added). In the meantime, a prerequisite step is to consider whether:

8. someone might be misleading the Board.

I said *might*. I don't know, and I have no concerns if a public servant makes an honest mistake, or seeks to fulfill employment duties pursuant to unclear policies, and in the course of that activity some errors are made which are subsequently just owned and corrected. I do however have grave concerns if I observe a public servant provide testimony under oath which might be materially misleading. So, I was surprised to suddenly learn SFMTA's viewpoint that no 311 complaints have been noted regarding parking or towing issues associated with the project (3:43:25). I respectfully ask the Board to revisit the important line of questioning undertaken by Commissioner Lemberg about traffic effects – this would provide an opportunity to simply clarify the previous statements and confirm SFMTA's data and understanding about community complaints. This seems an appropriate step given that new public record requests asking to confirm if the number of 311 complaints is indeed zero have been rebuffed due to the alleged complication in calculating and understanding this number (Exhibit 16). Could it be that SFMTA is concerned about compliance with the mandatory *requirement* of PRC 30253? Please examine that statute closely. Where *specifically* is the scientific emission and VMT data?

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We continue to observe new, unclear and missing facts due to fundamental defects in this process: that multiple city employees are under the misimpression that CEQA governs Coastal Act processes; that statutory requirements to protect the environment and endangered species do not exist, and that the city's own justification for roadway alignment - based upon extensive public process, outreach, preferences, and surveys (3:58:20) - will later just be discarded once "we see if we can get the speed limit raised" (4:05:45). These defects should please be addressed based on new facts (and missing facts).

It's time to clarify the facts and ensure a clear administrative record reflecting compliance with the mandatory *requirements* of Objective 12 of the LCP and Sections 30200, 30240 and 30253 of the Coastal Act, among other provisions. This is a straightforward exercise. Or at least it should be. However, where legal guidance is that the LCP "doesn't have broad environmental objectives" (4:10:05) in contravention of common sense and the obvious foundational principles of 30001 of the Coastal Act, it begs a practical question for the Board to decide – is the city's LCP fundamentally defective? Or, would it be prudent to consider things further before a state regulator is asked whether or not the city has considered impacts to the coastal environment using an incomplete file with no review of VMT, emissions, dunes, snowy plover, noise, sand loss, etc... .? Facts matter, and they keep changing. It is unclear why a "pilot" experiment would ever be justified to a state regulator with an Application where the written record continues to evolve unpredictably while missing key facts.

January 18, 2024

Appeal No.: 23-064

Appeal Title: Geoffrey Moore vs. PC

Subject Property: Upper Great Highway between Lincoln Way and Sloat Blvd.

Determination Type: Coastal Zone Permit

Record No.: 2022-007356CTZ (Motion No. 21437)

Appellant Brief from Geoffrey Moore, submitted to the San Francisco Board of Appeals, with copies to Brian Stokle, Agent for Permit Holder(s), and associated parties

Capitalized terms may correspond to those terms defined in the November 9, 2023 submission materials and exhibits (together, the “Application”). Certain documents discussed below have been listed in a Table of Exhibits at the end of this brief and each document should please be incorporated by reference into the review and administrative record.

Overview of Procedural and Substantive Issues

Thank you sincerely for the opportunity to respectfully express my concerns with the requested Coastal Zone Permit (“CZP”) related to the Project. My opinion, which I hope you will conclude is supported by the law, facts and discussion below, is that the Application for the Project has not fully addressed various compelling environmental issues, nor adhered to applicable statutory and procedural *requirements*. My primary request for relief is that all applicable law be fully evaluated, and then enforced - with additional input not only from the San Francisco City Attorney but also experts in state coastal and environmental laws - and that the CZP be denied in its entirety, or the Project modified with conditions that are responsive to my concerns and the critical environmental issues.

San Francisco’s Ocean Beach (“OB”) and nearby Outer Sunset and Outer Richmond communities include multi-jurisdictional property and “Coastal Zone” (“CZ”) land that is subject to the express provisions of the California Coastal Act (“CCA”), as administered with full and unequivocal jurisdiction by the California Coastal Commission (“CCC”). While the CCC has delegated certain conditional authority to the City of San Francisco (“SF”) to manage a CCC-approved Local Coastal Program (“LCP”), that delegation does *not* absolve SF from requirements to follow all applicable CCA law – not only with respect to fully compliant LCP administration, but all provisions of the CCA in its entirety (particularly if the LCP itself is outdated, ambiguous, defective in its design or administration, has been amended without express CCC approval, and/or appears contrary to a proposed development).

In addition to the mandatory enforcement of all lawful requirements, certain aspects of the Project appear substantively to contradict the spirit and terms of the LCP and other SF plans, as discussed further below. Therefore, the CZP must be denied on substantive grounds, or modified to address these issues.

The LCP does not allow permits to be issued retroactively for previously developed unpermitted property.

The Application indicates that “Pursuant to Planning Code Section 330, the [Planning] Commission must grant a Coastal Zone Permit.” However, no mandate exists anywhere in Section 330 which requires any city or state agency to grant a permit sight-unseen after a project has already been completed, nor is the authority of the Commission exclusive, nor is any specific statutory description or factual assertion offered for this erroneous conclusory statement. To the contrary, section 330.1 allows rather than requires the submission of a permit application, which is subject to public and administrative reviews *prior to* both the granting of a permit and the development of property pursuant to that approved permit. Specifically, Section 330.1(b) provides that “[a]ll public projects, except those specifically exempt, shall be **required to apply** to the San Francisco Planning Department for a Coastal Zone Permit” (emphasis added). Further, Section 330.5 highlights the temporal and conditional nature of the approval process by providing that “[a] Coastal Zone Permit shall be applied for at the Planning Department **concurrent** with other necessary project permit(s)” (emphasis added). These express terms, as well as other provisions throughout Section 330, make clear that permitting is a conditional and chronological process, with defined linear steps which include an application, followed by a review (which requires sufficient public notice, and comment), followed by the granting of a permit *if* deemed appropriate - all occurring BEFORE any project construction is allowed. To interpret the LCP as allowing the city to just engage in construction as it pleases before a permit has actually been secured is wholly contrary to both the purpose and the express provisions of state law, as well as the limited delegation of authority by the California Coastal Commission in the LCP at issue.

In approving the LCP, the CCC has reserved certain powers and jurisdiction. The nature of this limited delegation, and the ultimate authority of the CCC to directly administer state law, is underscored in Section

330.5(d)(2), which prohibits SF from engaging in actions that are inconsistent with existing LCP requirements absent direct CCC approval. As such, it is entirely unclear from a statutory perspective what authority is being relied upon by the Commission when it receives and then acts upon a permit request which indicates that “[t]his Coastal Zone Authorization is being sought retroactively for the current pilot closure.” Likewise, it is unclear how an ordinance which *changes* the terms of the LCP could have been approved by the SF Board of Supervisors. The Commission and its Commissioners appear to have knowingly violated applicable law – despite this issue being clearly raised by the public during the November 9, 2023 hearing, when public commentary about the legal *requirement* was completely ignored by the Commissioners. The CCC has been explicit in its statement that “[d]evelopment within the coastal zone generally may not commence until a coastal development permit has been issued by either the Commission or a local government” (see Exhibit 1 at <https://www.coastal.ca.gov/cdp/cdp-forms.html>, and as detailed further in Exhibit 2). As such, the CZP must be denied as a matter of law, and irrespective of any substantive analysis.

The LCP does not contemplate temporary and expiring permits for projects which have no removal plan or remain intact after the questionable expiration.

The Project by its very terms indicates that certain of its portions are a “pilot” while other portions either are not a pilot, or do not have an accurate temporal description about their permanence (for example, speed bumps, speed tables, and signage). Reference is made to the planned December 2025 expiration of an ordinance which appears to have been approved by the SF Board of Supervisors at a time when *no Coastal Zone Permit was even in effect*, and no notice of Coastal Zone permitting had been timely provided to the public (see section (h) of exhibit C of the Application). Yet despite the acknowledged temporary nature of the ordinance, and portions of the Application itself - which rely on a local ordinance being passed as justification only for achieving CEQA compliance but with no mention of CCA compliance or CCC approval of an LCP amendment - no clear description has been provided to the public of the LCP authority which allows for the future expiration of permits associated with permanent development. In fact, it seems common-sense that the CCA by its plain terms is not designed for development of the coast which will be partially

removed and partially retained in the future at the sole discretion of the developer and with no clear plan expressed to the public about which portions are temporary, which are permanent, and how each portion will either be managed indefinitely or dismantled properly upon expiration of the “temporary” permit.

The permitting process, including the provision of clear and actionable plans and notice to the public, is predicated upon clarity and certainty, rather than temporary or pilot permits with no written plan for demolition or removal of some (or all?) of the permitted project. Given that the Permit terms appear to expire on December 31, 2025 while some, but not all, of the proposed development appears designed for permanence, the Permit must be denied.

The Application is written ambiguously to cure an illegal unpermitted development, and the public has been misled about necessary environmental review.

As noted above, no permit was in effect at the time that coastal development was illegally approved by the SF Board of Supervisors. In fact, the Application was filed on January 18, 2023, *after* the ordinance was passed approving unpermitted portions of the Project (other portions, such as speed bumps and signage had selectively occurred prior to this Application as well). The negligent ignorance of CCA requirements is apparent when considering the various 2022 and 2023 materials produced by SF in the Application, as there are erroneous assertions that the Recreation and Parks Commission (“RPC”) maintains jurisdiction over land subject to state coastal laws and CCC jurisdiction.

However, the jurisdiction of the RPC in the Coastal Zone is limited by operation of state law – period. Though it may choose which city agency or agencies can operate pursuant to city rules, the city of San Francisco does not have carte blanche to manage or develop coastal zone property contrary to state law. The CCC maintains this jurisdiction pursuant to terms of the CCA, and further subject to its limited delegation of authority pursuant to an approved LCP.

The RPC’s ignorance of state law requirements is troubling, and appears at best to be misguided, inexperienced, and negligent. But what should citizens of San Francisco expect when RPC’s most senior

leadership has previously been found unanimously by the Sunshine Ordinance Task Force to have *willfully* violated public records requests associated *directly with this same Project*? See Exhibit 3 Sunshine Ordinance Task Force Unanimous Finding. There appears to be an active attempt with the Application to continue misleading the public by surreptitiously seeking “retroactive” terms devoid of clarity and transparency, all while public notice is deficient and public records access has been impaired. The Permit simply cannot be approved under circumstances where public access to records has not been transparent, robust, and compliant in advance of the Application, and where the local agency that erroneously claims exclusive responsibility for management of the Project has demonstrated a willful inability to adhere to both local and state rules.

Further, SF has previously promised the public that environmental review of the road closure would in fact take place. Specifically, SF previously represented to the public that an environmental review would be conducted with respect to the Project (See page 5 and footnote 7 to “Exhibit 4 Public Comment Regarding Sloat Extension EIR” which references and discusses the September 9, 2020 “Exhibit 5 EIR Representation” associated with the proposed closure of the Sloat roadway extension; this notice from SF stated explicitly that “[e]ach of these separate projects would be subject to separate environmental review.”). SF has refused to provide the community with a comprehensive plan and EIR across these and other geographically and practically related projects, stating only that comments will be transmitted for consideration to unnamed “city decision-makers.” (see Exhibit 6 page 212 excerpt of Draft EIR Response to Comments). To date, no unnamed city decision-maker has been identified, and no response has been provided, on behalf of the public to the CCC to address these material comments regarding SF promises that were made directly in furtherance of a separate EIR that is related to significant coastal zone issues appurtenant to the subject property.

It is further troubling that SF would leave Coastal Zone management in the hands of a single ill-equipped city department. SF including its Board of Supervisors is already well-aware that the area has been the subject of prior litigation and regulatory enforcement, and that policy decisions require careful and lawful administration from a multi-jurisdictional perspective to preserve natural resources as well as city resources,

minimize litigation risk, and comply with multiple laws beyond local laws. In addition to legacy Environmental Protection Agency findings, and recent voter initiatives, SF has previously been subject to direct litigation related to coastal management at OB (see Exhibit 7 Settlement Terms and Exhibit 8 Settlement Approval). Curiously, the subject ordinance seems to have been approved while the Exhibit 7 Settlement Terms may still have been in effect.

Exemplifying SF's incomplete internal management of Project review due to faulty jurisdictional assumptions is the issue of emergency management. The Upper Great Highway ("UGH") is a critical part of the city's emergency response system for purposes of ocean safety as well as natural disaster mitigation and transportation. The UGH is the key access point for emergency vehicles to conduct safety operations in a beachfront area which experiences ocean safety events on a regular basis, including multiple fatalities from drownings. The Application engages in no review of the increased response times for emergency vehicles associated with the locked gates at the UGH entrances – not only with respect to the fundamentally time-critical access for beach rescues, but also the necessary emergency access for the public during tsunami and earthquake evacuation events. It appears from the available public record that RPC facilitated no coordination whatsoever with SF's Department of Emergency Management to address the current status of the UGH as a designated emergency route (see Exhibit 9 Emergency Response Plan and Exhibit 10 ERP Transportation Annex, indicating respectively a last amendment date of May 2017, and the status of UGH as an Emergency Priority Route per Appendix B). Such coordination would be necessary if SF determined that the UGH no longer was part of emergency infrastructure. Was that determination made in advance of the Application, and in full public view? If not, the Permit must be denied due to noncompliance with established SF policies.

While the Project goal obviously creates material environmental impacts, there has been insufficient review of and planning for such impacts.

SF has steadfastly maintained that rerouting thousands of vehicles into residential streets (thereby increasing neighborhood pollution and danger) is necessary and justified because of the large number of

actual or planned park visitors (see for example Exhibit C of the Application). The city has repeatedly but vaguely pointed to excessive park visitors that it alleges must number in the thousands, yet simultaneously it has asserted that a pilot program is necessary to count the actual numbers. However, in no instance has SF taken any steps to acknowledge that if a large number of park visitors is indeed occurring then it must necessarily mean just from a fundamental common-sense perspective that there is a corresponding environmental effect from that large number of park visitors. This paradox underscores exactly why comprehensive environmental review is needed before any type of coastal zone development is approved. Either there are lots of people – with a corresponding effect upon the environment which requires closer inspection – or there simply aren't material visitors nor associated environmental impacts in need of accommodation. It simply defies basic logic to create a large park due to assertions of significant public use while simultaneously claiming that a careful environmental review is unnecessary alongside that use. Yet SF has asserted that a “pilot” is needed to inform a public policy decision which seems to have been made already, with no comprehensive environmental review, and little data or even advance notice available for public inspection.

People create impacts – period. It is unreasonable to open a new oceanside park with the expectation that there will be no effect upon the dunes, the nearby endangered species, the beach, the nearby public restrooms, the garbage, the infrastructure, the parking and traffic, and the nearby community. Shouldn't a comprehensive review of environmental effects (and planned mitigation and management) take place before a new public resource is simply opened? It may very well be the case that a properly managed park, supported by full awareness, planning, and budgeting, will address the inevitable consequences of numerous park visitors – but we simply do not know in this instance. Will the public be provided with an opportunity *in advance* to evaluate with full transparency the Project's impacts upon the environment, and the city's plans for effective environmental management? This type of planning is core to applicable provisions of the CCA (see e.g., Exhibit 2, page 5). The CZP must be denied until sufficient review and planning has materialized and been evaluated to determine impacts to this sensitive ecological area.

The Project does not substantively conform to city planning and LCP environmental standards.

There are numerous substantive problems with closing a public highway that carries thousands of vehicles daily and rerouting that traffic into a local neighborhood. The Application does not sufficiently address these problems, and in turn cannot mitigate material environmental impacts upon the Coastal Zone.

A key environmental issue which requires further review is the transmission of significant highway emissions into a neighborhood community. It is common knowledge that traditional motorized vehicles create pollution, notwithstanding ongoing efforts to increase efficiency. And it is equally common knowledge that the further such a vehicle travels, and the more it stops and starts, the more emissions are created. Shifting vehicles from the UGH into stop and go traffic likely increases emissions in the Coastal Zone because the UGH is not subjected to cross-traffic or intersections but is managed by timed lights along a straight unbroken path. The roadway has a beneficial profile for emissions efficiency, while neighborhood streets such as the Lower Great Highway (“LGH”) are subjected to stop and go design due to multiple intersections. Ironically, pursuant to the Project the LGH has been further subjected to additional emissions inefficiency due to multiple speed tables and cushions in between each cross-traffic intersection, which further impede the mechanics of vehicle efficiency. Finally, there has been insufficient evaluation of the Vehicle Miles Traveled (“VMT”) due to rerouted traffic, and it appears that VMT has been *increased* by UGH road closure – particularly when considering the dynamic increase in traffic in the Chain of Lakes region of Golden Gate Park due to rerouted Richmond District commuters, as well as the dynamic increase in traffic at the intersection of Sloat and 39th Avenue due to the closure of the Sloat extension roadway. The Permit should be denied unless VMT emissions effects have first been fully evaluated, and in turn determined to be improved (see e.g., Exhibit 2, page 5, which provides that “[n]ew development shall . . . (d) minimize energy consumption and vehicle miles traveled”). Failing to take this step would be a direct violation of various portions of the General Plan and Transportation Plan, and in fact there are multiple questionable sections of various city plans noted in the Application which require further analysis, including:

General Plan, Policy 3.1 –“Cooperate with and otherwise support regulatory programs of existing regional, State, and Federal agencies dealing with the Bay, Ocean, and Shorelines.” The retroactive Permit demonstrates on its face that there was no necessary advance coordination with state agencies responsible for state coastal law compliance.

General Plan, Policy 9.2 - “Impose traffic restrictions to reduce transportation noise.” Any resident along the LGH recognizes that neighborhood noise has been *increased* rather than decreased by rerouting thousands of highway vehicles past their front doors.

General Plan, Objective 15 - “Increase the energy efficiency of transportation and encourage land use patterns and methods of transportation which use less energy.” Clogging local routes for Muni buses and personal drivers alike by closing roads and reducing parking is categorically *not* increasing energy efficiency. Further VMT analysis is needed, as discussed above, to fully evaluate the energy efficiency of the Project.

Recreation and Open Space Element, Policy 3.5 - “Ensure that, where feasible, recreational facilities and open spaces are physically accessible, especially for those with limited mobility.” As discussed below, when the UGH is closed there is no visual access for individuals who rely upon their vehicles for mobility.

Safety and Resiliency Element, Policy 2.1.2 - “Direct City actions to reduce local contributions towards the climate crisis by mitigating greenhouse gasses and by increasing carbon sequestration.” If the Project actually reduces VMT then the public should be provided with proof, in advance, prior to the Permit being approved.

Transportation Element, Policy 1.2 “Ensure the safety and comfort of pedestrians throughout the city.” No explanation or analysis has been provided which describes the newly created safety issues caused by rerouting thousands of commuter vehicles from a highway into a residential neighborhood.

Transportation Element, Policy 2.2 - “Reduce pollution, noise and energy consumption.” As discussed above, when functioning for commuter traffic the UGH is one of the most energy-efficient transit routes in the city.

Transportation Element - Policy 19.5 – “Mitigate and reduce the impacts of automobile traffic in and around parks and along shoreline_recreation areas.” The Project worsens rather than improves coastal zone traffic.

Transportation Element, Policy 27.4 - “Apply best practices in street design and transportation engineering to improve pedestrian safety across the City.” There has been no analysis to determine that pedestrian incidents in newly congested areas improved versus the UGH legacy history, and so safety effects are unclear.

Urban Design Element, Policy 4.1 - “Protect residential areas from the noise, pollution and physical danger of excessive traffic.” It seems impossible to rationally explain how this objective could be met by rerouting thousands of highway vehicles into a residential neighborhood. The Permit fails abjectly on this basis.

Western Shoreline Area Plan (“WSAP”), Policy 2.1 – “Develop the Great Highway right-of-way as a four lane straight highway with recreational trails for bicycle, pedestrian, landscaping, and parking. Emphasize slow pleasure traffic and safe pedestrian access to beach.” It is unclear how the Project would emphasize slow pleasure traffic by eliminating it. Additionally, the Project contradicts the Ocean Beach Master Plan, which presumes that roadway closure will only take effect south of Sloat (see Exhibit 11 at <https://www.spur.org/publications/spur-report/2012-05-21/ocean-beach-master-plan>).

WSAP, Policy 3.1 - “When possible eliminate the Richmond-Sunset sewer treatment facilities.” It is unclear how developing a new park over existing sewage infrastructure meets this objective, and the public needs more information before proceeding. Does RPC plan to decommission the infrastructure beneath the road?

WSAP, Policy 11.6 - “Protect the neighborhood environment of the Richmond and Sunset residential areas from the traffic and visitor impacts from the public using adjacent recreation and open space areas.” This element really sums up the problem and underscores why further analysis is needed before a Permit is approved. No budget, no visitation mitigation, and no usage planning has been detailed in the Application which addresses the impacts upon the local community or environment from visitors. Instead, local residents are subjected to an impermissible and illegal pilot experiment, while the dunes continue to be trampled.

The Project does not substantively conform to LCP access standards.

Many community members have expressed concern that a closed roadway could impair beach access for certain citizens. Rerouting members of the public away from the scenic portion of OB along the roadway and into neighborhood streets deprives individuals from visiting and enjoying the scenic beauty of the natural

resource. This result discriminates against local residents and tourists alike, but is particularly inappropriate when considering the needs of those individuals who suffer from physical limitations that generally impede their ability to navigate public spaces without mechanical assistance. There is insufficient information in the Application to evaluate the access impacts for these individuals who are hoping to visit OB, and no Permit may be issued unless access considerations have been addressed for all members of the public.

The Project is not consistent with “managed retreat” principles under the CCA.

Ocean Beach is tilting. Unbeknownst to the casual short-term observer (and also many public servants responsible for the proper stewardship of the public resource) the assumed erosion along the beach is *not* uniform, and in fact recent sand migration patterns seem to demonstrate that there is accretion rather than erosion towards the northern end of OB (see for example page 9 discussion of Exhibit 12 Baykeeper Sand Issues, discussing imminent “threat to adjacent sewer mains”). There are many possible causes for the slow counterclockwise rotation of the land, with a rough “fulcrum” in the vicinity of the seawall which frames a section of OB from Santiago to Noriega streets. These possible causes include excessive sand mining in the San Francisco Bay; the softer geology of the rock and sediment in southern OB; a purported “attempt” by Lake Merced to reconnect with the ocean north of Fort Funston in a wetlands orientation; and the natural sand movement caused by twice-daily exhalations of tremendous quantities of water, brine, and debris through the narrow Golden Gate which eventually settle on the ocean floor to form a multi-mile semi-circle of silt and sand (the western exterior of which must be periodically “pricked” via dredging to maintain the SF shipping channel, and the southern boundary of which lies roughly just offshore of the fulcrum, leaving the Sloat area more exposed to large ocean swells than the northern stretches of OB - see Exhibit 13 NOAA Four Fathom Bank). Whatever the cause, the Application does not examine them, nor account for the intense erosion patterns at the southern section of the subject property; accordingly, the Application provides for no direct or contingency planning to address erosion of the subject property. In fact, by some accounts SF simply

is fine with the roadway eventually being covered or melting away, which is a curious disposition in light of the significant city sewage infrastructure which lies directly beneath the UGH.

In any event, it is clear that the “managed retreat” principles embedded in state coastal laws have not been analyzed or fully addressed by the Application. The goal of managed retreat is to proactively move people, structures, and infrastructure out of harm's way, not to create more development. Those principles place a preference upon minimizing new projects and development in erosion areas, and managing them so they are moved inland and away from erosion risks. Managed retreat principles would seem to point towards the need for less rather than more development along the entire UGH roadway, or at least updated plans to shift property development efforts towards the accretion rather than erosion areas. The Permit must be denied until managed retreat principles have been properly evaluated and addressed, ideally with current analysis which updates the type of detailed and exemplary erosion review previously documented in Exhibit 14 Surfrider Erosion Analysis. Otherwise, more critical dune erosion will occur, as described further in the video at Exhibit 15 Dune Erosion at <https://www.youtube.com/watch?v=IXrA1iDRV0w&t=24s>).

Conclusion

SF must develop a comprehensive plan to address property erosion across the entirety of Ocean Beach, including a funded plan to relocate its wastewater infrastructure away from the ocean. It is curious and troubling that SF seems instead to be focused upon encouraging its own protective sand dunes to be trampled. This approach impairs the city’s credibility, and the community support for important compromise decisions aimed to foster the greatest use of and access to the public resource. Please kindly ensure that a comprehensive multi-jurisdictional review of these critical environmental issues has been managed properly to its conclusion pursuant to the law before proceeding with permitting. Thank you.

Sincerely,

Geoffrey Moore

Geoffrey Moore, Appellant

TABLE OF EXHIBITS

Exhibit 1 CCC Statement

Exhibit 2 Introduction to the CCA

Exhibit 3 Sunshine Ordinance Task Force Unanimous Finding

Exhibit 4 Public Comment Regarding Sloat Extension EIR

Exhibit 5 EIR Representation

Exhibit 6 Draft EIR Response to Comments

Exhibit 7 Settlement Terms

Exhibit 8 Settlement Approval

Exhibit 9 Emergency Response Plan

Exhibit 10 ERP Transportation Annex

Exhibit 11 OB Master Plan

Exhibit 12 Baykeeper Sand Issues

Exhibit 13 NOAA Four Fathom Bank

Exhibit 14 Surfrider Erosion Analysis

Exhibit 15 link only at <https://www.youtube.com/watch?v=IXrA1iDRV0w&t=24s>

Date: May 2, 2024

Re: California Coastal Commissioners - Public Comment to SUPPORT Appeal/Substantial Issue May 9, 2024
Agenda Item Thursday, 10a - Appeal No. A-2-SNF-24-0009 (Great Highway Partial Closure, San Francisco)

Dear Commissioners,

These appeals raise Substantial Issues of regional and state-wide significance. Please honor the integrity of the San Francisco Local Coastal Program and give Appellants the opportunity to be heard. They are appealing San Francisco Recreation and Parks Department's Coastal Zone Permit application for a "temporary pilot project" to close the Great Highway to vehicles from noon Fridays until 6 a.m. Mondays.

I disagree with California Coastal Commission staff's recommendation that this is not a substantial issue. The San Francisco Estuary Institute Report funded by the Coastal Conservancy directly links erosion due to trampling of dunes to closing the Upper Great Highway to vehicular traffic. **This is a substantial issue along with many others that requires further review.** This is a **situation that has caused thousands of people and a National Wildlife Sanctuary to be negatively impacted.**

I spoke during the public comment section at the hearing before the SF Board of Appeals because my family and I have owned my home since 1938 (built in 1928) near Ocean Beach/ Great Highway and I feel STRONGLY that this closure will negatively affect the Neighborhood, Environment, and the Community.

Closing the Upper Great Highway to vehicles from noon on Friday to 6 a.m. Monday fails to conform to the San Francisco Local Coastal Program. Whenever the highway is closed, the Neighborhoods witness the increased traffic and speed forced onto our streets as well as seeing the increased foot traffic at the dunes that no longer crosses in a straight path to and from the beach via the seven (7) paved crosswalks, but instead tramples everywhere back and forth over the dunes, through the native plants and the Wildlife Sanctuary. More than 100 new social paths have been forged over the landscaping and are escalating the erosion and destruction of the sand dunes since the April 2020 "temporary" closure of the Great Highway. **The native plants that once thrived and anchored the sand are nearly gone, and the endangered Snowy Plover habitat is no longer protected.**

Closing the Upper Great Highway to vehicles for most of each week also fails to conform with the public access policies of the Coastal Act. Closing Upper Great Highway makes it problematic to those such as the elderly, disabled and those who need to commute to work in, out and around the city, as 19th and Sunset are typically a logistical nightmare or under construction. In one form or another **Great Highway has been a successful means to get around the City and commute since 1890.**

There is no reason to close Upper Great Highway to create a new path when there is already a perfectly good multi-path and wide road shoulders all along the approximate 3.5 miles of this highway affording everyone the ability to share the space to bicycle, jog and walk, as they have been doing for decades alongside moving vehicles on the elevated path. There is no data or history of this being a high-injury network. It has been safe and accessible for all who have used it. We should ensure that all people using all modes can always access the coast.

Please authorize a hearing on the merits to allow for a full review and give the Appellants the opportunity to enlighten you on the project's significant impact on coastal resources, failure to conform to the Local Coastal Program, and dangers to the environment. These impacts will become worse if the San Francisco Recreation and Parks Department's Coastal Zone Permit application for a "temporary pilot project" to close the Great Highway to vehicles from noon Fridays until 6 a.m. Mondays is approved. Thank you for your consideration of my comments.

Regards,

Renee Lazear
San Francisco D4 Long Time Resident/Homeowner
5th Generation Californian
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