

# **Public Comments**

## **Study Session – Remote Public Comment**

Written Comments Received After 12pm on 10/09/2023



*October 9, 2023*

*Study Session*

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**From:** Irene [REDACTED]  
**Sent:** Monday, October 9, 2023 5:19 PM  
**To:** Christine Boles; Murdock, Christian  
**Subject:** Suggestion for City Council call in comments

**[CAUTION: External Email]**

Hi Christine and Christian,

Just a suggestion: Before anyone can speak from their zoom or phone, they would need to register their home address to the City council prior. This is one way to track people who want to provide comments. Of course, this means you would need to have a list of homes or apartments of folks who live in Pacifica.

Take care.

Irene

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# Public Comments

## Item 10 – Local Coastal Land Use Plan (LCLUP)

Written Comments Received After 12pm on 10/09/2023



*October 9, 2023*

*City Council Meeting*

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**From:** Cherie Chan [REDACTED]  
**Sent:** Monday, October 9, 2023 5:15 PM  
**To:** Public Comment; \_City Council  
**Cc:** Allison West; KoppmanNorton, Julia@Coastal; Ringuette, Oceane@Coastal; Rexing, Stephanie@Coastal; Breck Hitz; Britt; Bryan Reiner [REDACTED]; Camille Keating; Debi Hirshlag; Gary Emich; Joanne Gold; Leo Leon; Samuel Casillas; Marcia Settel  
**Subject:** Agenda Item #10: LCLUP Certification  
**Attachments:** 2023-10-09\_PPCA\_Letter - Allison West.pdf

**[CAUTION: External Email]**

Attached are the comments of the Pedro Point Community Association with regards to tonight's Agenda Item #10: Update regarding Local Coastal Land Use Plan (LCLUP) certification process and incorporating 2040 General Plan consistency revisions into the existing Certification Draft LCLUP and approving a Revised Certification Draft LCLUP to transmit to the California Coastal Commission

Thank you for your service to Pacifica, its citizens, and its environment.

--  
Cherie Chan  
Secretary  
Pedro Point Community Association.

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# Pedro Point Community Association

October 9, 2023

Board of Directors 2023

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Allison West  
President

Joanne Gold  
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Cherie Chan  
Secretary

Gary Emich  
Secretary

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Sam Casillas

Debi Hirshlag

Camille Keating

Britt Kopping

Leo Leon

Bryan Reinero

Marcia Settel

To: [publiccomment@pacificacounty.gov](mailto:publiccomment@pacificacounty.gov), [citycouncil@pacificacounty.gov](mailto:citycouncil@pacificacounty.gov)

Cc: "KoppmanNorton, Julia@Coastal"

<[julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)>, "Ringuette, Oceane@Coastal" <[oceane.ringuette@coastal.ca.gov](mailto:oceane.ringuette@coastal.ca.gov)>, "Rexing, Stephanie@Coastal" <[Stephanie.Rexing@coastal.ca.gov](mailto:Stephanie.Rexing@coastal.ca.gov)>

Subject: Agenda Item #10: Update regarding Local Coastal Land Use Plan (LCLUP) certification process and incorporating 2040 General Plan consistency revisions into the existing Certification Draft LCLUP and approving a Revised Certification Draft LCLUP to transmit to the California Coastal Commission

Dear Council,

We ask you to **reject** tonight's proposed action to adopt the attached resolution certifying that the Revised Certification Draft LCLUP is intended to be carried out in a manner fully in conformity with the California Coastal Act. It is not.

Specifically, LD-I-20 the establishment of a Coastal Residential Mixed Use designation at the San Pedro Avenue Site as excerpted below, is inappropriate and conflicts with the Coastal Commission's prior assessment of the parcel in question.

**LD-I-20**

**Undeveloped San Pedro Avenue Site.** Establish a Coastal Residential Mixed Use zoning district to allow small-scale visitor-oriented commercial uses as a stand-alone project without any residential development, or small-scale visitor-oriented commercial uses with residential development at a density range of three to five units per gross acre. Housing may be clustered, and uses may be mixed vertically or horizontally. Residential uses may be constructed attached to or detached from commercial uses, provided the overall site contains both commercial and residential uses. Development must include public coastal access and must provide public open space.

In numerous prior letters and comments and testimony from expert witnesses, the Pedro Point Community Association (PPCA) has stated the legal and environmental reasons why the Proposed Land Use Designation change in the coastal wetlands adjacent to San Pedro Avenue from viable Visitor-Serving Commercial Recreational uses to a novel Residential Mixed Use designation conflict with the Coastal Act. In this draft, we include additional testimony from the California Coastal Commission, which was not included in the draft LCLUP.

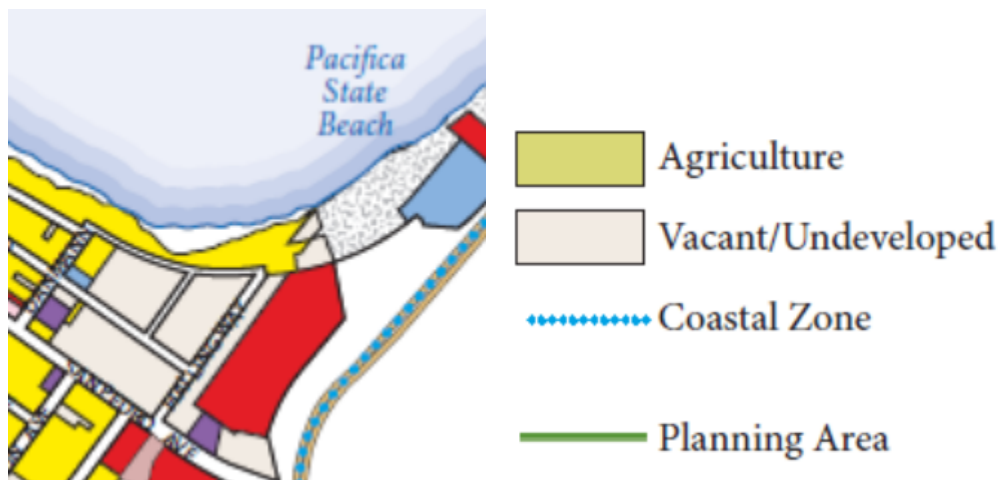


# Pedro Point Community Association

We ask that you correct these deficiencies prior to any further review by the California Coastal Commission

## The Proposed Land Use Designation Change Fails CEQA

The California Environmental Quality Act (CEQA) Section 15125 indicates that a valid Environmental Impact Report must include a description of the physical environmental conditions in the vicinity of the project. The City's attempt to change this land use designation is considered a project under CEQA: the City's required baseline characterization of this parcel as "Vacant"<sup>1</sup> as shown below is incorrect.



The current baseline has already been determined by the Coastal Commission as an open field, grassland, and likely wetlands, as determined by the Coastal Commission, as shown below, and not merely as vacant.<sup>2</sup>

<sup>1</sup> Figure 2-2: "Existing Land Use in the Coastal Zone" at page 237 of 257.

<sup>2</sup> Testimony of Coastal Commission staff ecologist Dr. Lauren Garske-Garcia Item 16: Application No. 2-19-0026 (Rhodes Mixed-Use Development, Pacifica), Exhibit 11, Page 13 of 24. Application was ultimately denied by the Coastal Commission.



## Pedro Point Community Association



### The Draft LCLUP Fails to Recognize the Coastal Commission's ESHA Designation

Critically, the Draft LCLUP also fails to include areas already established as Environmentally Sensitive Habitat Areas (ESHA) by the Coastal Commission, which had already established the wetlands to be a Red-Legged Frog habitat. The City's report at page 251 omits that information, as shown below in Figure 4-3: Potential Environmentally Sensitive Habitat Areas, and inexplicably ignores multiple rounds of prior testimony submitted by the PPCA documenting the



# Pedro Point Community Association

active red-legged frog breeding habitat along San Pedro Avenue.

Figure 4-3:

## Potential Environmentally Sensitive Habitat Areas



In contrast, reports from the rejected building application from a proposed development in an adjacent parcel determined that the Wetlands is a Red-Legged Frog habitat and ESHA.

In a recent report analyzing an adjacent parcel (yellow rectangle below), Coastal Commission staff ecologist Dr. Lauren Garske-Garcia<sup>3</sup> concluded the following: “I find that the subject parcel includes wetlands, Arroyo Willow Thicket ESHA, California red-legged frog ESHA, and habitat corridor ESHA. These sensitive habitat resources are continuous with the immediately adjacent drainage, which additionally includes Small-fruited bulrush marsh ESHA. The boundaries of at least some of these sensitive resources extend beyond the drainage and subject parcel, resulting in the entire subject parcel necessarily being recognized as ESHA in addition to the wetlands that have also been delineated here.”

<sup>3</sup> Available at: <https://www.coastal.ca.gov/meetings/agenda/#/2021/3> Item 16: Application No. 2-19-0026 (Rhodes Mixed-Use Development, Pacifica), Denied by Coastal Commission. Note that even this report does not include subsequent red-legged frog sightings from Pedro Point residents and visitors, available at iNaturalist.org. This memorandum cites prior testimony submitted by Pedro Point residents Michael Vasey, Sheila Harman, and Jon Harman, and prior testimony submitted by the PPCA’s retained biologist, Dr. Peter Baye.





# Pedro Point Community Association



These omissions, in addition to prior submissions by the PPCA, render the City of Pacifica's October 2023 Local Coastal Land Use Plan invalid and in conflict with the Coastal Act. Please reject these changes, and direct your staff to work with the Coastal Commission to submit a Local Coastal Land Use Plan draft which is consistent with the State Law.

Sincerely,

*Allison West*  
President, Pedro Point Community Association

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**From:** Samuel Casillas [REDACTED]  
**Sent:** Monday, October 9, 2023 6:16 PM  
**To:** Public Comment  
**Subject:** October 9, 2023 Regular Meeting Item 10: Update regarding Local Coastal Land Use Plan (LCLUP) certification process  
**Attachments:** LCP city council comments res to negotiate w CCC 10 9 23.docx

**[CAUTION: External Email]**

Hello,  
Please see attached comments for tonight's City Council Regular Meeting item 10.

Thank you,  
Sam Casillas

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Pacifica City Council  
1800 Francisco Boulevard  
Pacifica, CA 94044  
publiccomment@pacifica.gov

Date: October 9, 2023

Subject: October 9, 2023 Regular Meeting Item 10: Update regarding Local Coastal Land Use Plan (LCLUP) certification process

Dear City Council:

I agree with City Staff to finally be allowed to actually negotiate with the California Coastal Commission (CCC) Staff to find a resolution for Pacifica's LCLUP. On multiple occasions CCC Staff has requested additional data due to the extensive changes to the LCP, including the Undeveloped San Pedro Avenue Site and the Quarry from the City of Pacifica. Instead of actually working with the CCC Staff, the City spent the last three years repeatedly ignoring overtures from the CCC. Additionally, due to frustration with the city's unwillingness to come to a resolution and to counter the city's misinformation on the CCC's Staff willingness to negotiate and blaming the CCC for the delay in the approval of the LCLUP, CCC Staff made modifications to Pacifica's LCLUP for a hearing before the CCC on March 8, 2023. The city then quickly reversed course to ask for an extension until the end of the year and signaled to the CCC Commissioners that they would work with CCC Staff for resolution. Instead of cooperation, the city chose to start a negative PR campaign with the collaboration of outside real estate and developer lobbyists to vilify the Coastal Commission for doing what they are mandated to do from the people of California: enforcing the Coastal Act's Constitutional Law mandate. And now, in October, eight (8!) months after requesting time to negotiate with the CCC Staff city staff is requesting permission for what you all told us you were already doing since the delayed hearing in March?

Many concerned citizens and community organizations have also presented multiple hazard and environmental restraints data for these undeveloped sites which include flooding (also annual formation of a lake; see exhibit B), SLR issues, liquefaction, tsunami danger, federally designated wetlands, as well as ESHA and protected species habitat only for the data to be disregarded by the city in violation of multiple CEQA and state guidance which include SB379 and instead continue to attempt to change these properties designation's to residential and planned development where all scientific data dictates they should be designated Conservation. The City's October 2023 Local Coastal Land Use Plan's "Environmental and Scenic Resources" and "Natural Hazards" chapters ignore all this data for these sites and also ignores the erosion data for the area known as Aramai Point which invalidates the Land Use Designations for these areas. Even more egregious the city is now down-playing the dangers of global warming and has downgraded Sea Level Rise risk to 1-2 feet by 2050 where all scientific data is acknowledging we should be planning for the 'extreme risk' scenario which the city is not considering. How are 25-year design life models with minimal SLR justifiable?

On at least one of these sites the CCC has already determined *"this undeveloped site is known to contain wetlands and ESHA supporting California Red Legged Frog habitat, and the presence of such coastal ecological resources could significantly constrain the development potential of this site."* (see exhibit A).

Since CEQA Guidelines, Section 15125(a)(3) explicitly prohibits use of future plans and permits as the baseline and the two preceding sections (a) (2) and (a) 1 clarify the correct baseline conditions should describe physical environmental conditions as they exist at the time the notice of preparation is published.

This makes the current DRAFT Land Use Designation (LUD) moot and the city should be using existing conditions to determine what the new LUD should be which would heavily favor Conservation. Section 15125 backs this view and "ensuring all biological constraints are considered" is not adequately addressing CEQA as existing conditions in the Quarry and the Pedro Point site would dictate otherwise.

Please also see comments previously submitted by the Pedro Point Community Association (PPCA) which include input from CEQA and environmental legal experts.

Regards,

Samuel Casillas  
Board member, PPCA  
Past Vice-Chair, Pacifica Economic Development Committee  
Past Member, Pacifica Sea Level Rise Adaptation Planning Committee  
Past Co-Chair GGNRA Board Liaison Committee  
Past Member, Pacifica GPU Community Outreach Committee

### **Exhibit A**

CCC Biologist Findings from its denial of an adjacent property at 505 San Pedro Ave (CDP application 2-19-0026 hearing on 3/12/21)



Dr. Lauren Garske-Garcia, Senior Ecologist at the California Coastal Commission (F16a 2-19-0026; RHODES MIXED-USE DEVELOPMENT; MARCH 12, 2021; EXHIBITS)

### **Exhibit B**



Pedro Point Field flooding Oct 24<sup>th</sup>, 2021

10/9/2023 Pacifica City Council meeting, Item #10

Thank you to our Pacifica city staff members who wrote this revised draft of the October 2023 Pacifica Local Coastal Land Use Plan. It was a long and mysterious wait for this revision. A response to the California Coastal Commission's staff, but well worth the wait in my opinion. I'm grateful and relieved this document represents what the majority of Pacifican's have asked for. A rejection of managed retreat and a future with greater protection from flooding and storm surge in our beachside neighborhoods. Flooding this last winter was a problem all over town, and thankfully managed by Pacifica's Department of Public works. They are the heroes in Sharp Park that pumped out my flooded neighborhood. Thank you!

This revised draft is hope for the city's economic future. For homes and lively hoods in Sharp Park, Rockaway Beach, and West Manor. It's a document that reflects Pacifica's desire to continue a vision of our unique community's potential, and shows we care and respect our beaches. I hope to see an improved promenade seawall and reinforced fishing Pier on Beach Boulevard. Providing safe public access to a wonderful area for all to enjoy. Allowing protection from storm surge and the care needed for this outdoor environment we all love.

Our neighborhoods and beaches should both deserve a future in Pacifica. It doesn't have to be one or the other. Let's keep working toward that goal and thank you for giving us hope for a future. Please approve this draft revision and send it to the Coastal Commission. Then let's work for their approval also.

Thank you, Robine Runneals