

Public Comments

Item 1 – Draft Local Coastal Land Use Plan (LCLUP)

Written Comments Received After 12pm on 11/13/2023



November 13, 2023

Study Session

From: Samuel Casillas [REDACTED]
Sent: Monday, November 13, 2023 2:36 PM
To: Public Comment
Cc: Ringuette, Oceane@Coastal; KoppmanNorton, Julia@Coastal
Subject: Study Session 11/13/2023 - LCLUP
Attachments: LCLUP city council comments casillas 11 13 23.docx

[CAUTION: External Email]

Hello,
Please see the attached comments for tonight's City Council meeting.

Regards,
Sam Casillas

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

Date: November 13, 2023

Subject: Study Session 11/13/2023 - LCLUP

Dear City Council:

On multiple occasions the California Coastal Commission (CCC) Staff has requested additional data due to the extensive changes to the 1980 LCP for specific sites, including the Undeveloped San Pedro Avenue Site and the Quarry from the City of Pacifica. Many concerned citizens and community organizations have actually provided the latest environmental hazards and biology reports including those from USGS and the CCC itself, but the city continues to disregard this data. By ignoring the presented hazard and environmental restraints data for these undeveloped sites, including flooding (which includes the annual formation of a lake on the San Pedro Ave site (see exhibit A), SLR issues, liquefaction, tsunami danger, federally designated wetlands, as well as ESHA and protected species habitat the city in violation of multiple CEQA and state laws. The city instead continues to attempt to change these properties designations to residential and planned development although all scientific data dictates they should be designated Conservation. The City's DRAFT 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 (LUD) for these areas and may jeopardize the whole 2040 GP with these willfully misinformed policies.

On the San Pedro site 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 B). By not acknowledging the ESHA it is a violation of Coastal Act (CA) Section 30240. The latest hydrology data from USGS also shows the groundwater hazard at both the Quarry and San Pedro sites with a very shallow water table (see exhibit C). The city is required to use the latest data available for the GPU and its EIR. The CA (Section 30121) and California Code of Regulations section 13577 would require these two sites to be designated wetlands as "lands within the coastal zone which may be covered periodically...with shallow water <and> Areas where the water table is at, near, or above the land surface at some time during each year may be identified as wetlands." This is also required in CA sections 30230, 30231 and 30233. Since the city has chosen not to utilize this data it is in violation of CEQA and other state laws and therefore may invalidate the whole 2040 GP.

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.

Due to the violation of this CEQA guideline the current DRAFT LUD/LCLUP is in violation of CEQA. The city is aware that it should be using existing conditions to determine the new LUD, which would heavily favor Conservation. Section 15125 backs this view and "ensuring all biological constraints are

considered" is not adequately addressed as existing conditions in the Quarry, Aramai Point and the Pedro Point site would dictate otherwise. Additionally, as policy the city's GP/LCP/EIR erroneously allows a deferred analysis as "site-specific as part of proposed development review" for hazards and biological studies to be done at the time a project is proposed. The city is advised that this policy is in violation of CEQA and may end up invalidating the whole 2040 GPU. By changing LUDs without proper CEQA/CA review the city is also purposely setting itself up for a "taking" of private land and would therefore violate its fiduciary duty to protect the city from potential liability.

The city is also required under SB379 to utilize/restore identified appropriate sites to employ as nature-based solutions for climate resiliency, yet the city is again deferring the selection of SB379 sites without explanation. The San Pedro and Quarry sites should be recorded as SB379 sites.

Also, the city's use of 1-2 feet Sea Level Rise by 2050 risk is inadequate due to the lack of acknowledging scientific data that we should be planning for the "extreme risk" scenario which the city is not considering. The city also needs to consider a 100 year time horizon as dictated by design life policies.

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

In a separate Coastal Act violation of Section 30252 (Maintenance and enhancement of public access) the city has changed Coastal Access Point 25 which is an established beach access point to a view point and should remain a beach access point.

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



Pedro Point Field flooding Oct 24th, 2021

Exhibit B

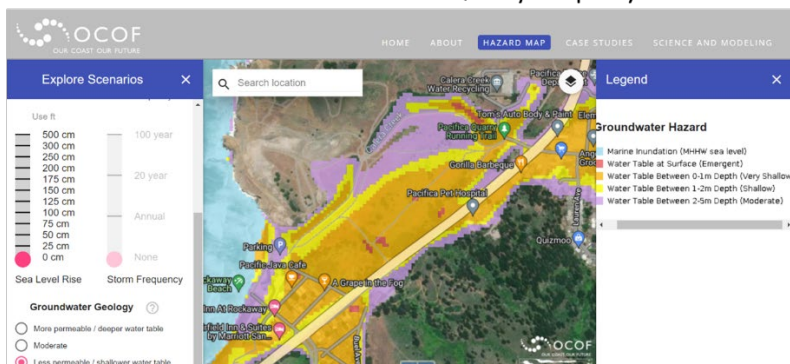
CCC Biologist Findings from its denial of an adjacent property at 505 San Pedro Ave (CDP application 2-19-0026 hearing on 3/12/21)



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

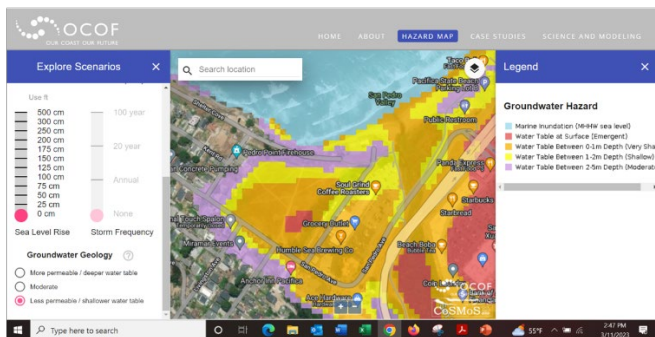
Exhibit C

Groundwater Hazard at Quarry Property



Our Coast our Future: USGS hydrology modeling on Coastal Storm Modeling System (coSmoS): Quarry Hydrology

Groundwater hazard at Pedro Point Field and 505 San Pedro Ave



Our Coast our Future: USGS hydrology modeling on Coastal Storm Modeling System (coSmoS): Pedro Point Hydrology

Thank you, city staff, for your analysis of CCC Staff's edits of the Pacifica LCLUP. You highlight some of the important ^{EDITS} ~~changes~~ ^{MADE} they have that completely change the priorities the city has put forth in the February 2020 LCLUP.

^{OTHER}
I would like to point out some important items that city staff may have missed in its analysis:

- There are significant changes to the theme of the LCLUP to focus on protecting beaches and the shoreline over existing property owner rights (6.2, Packet Page 286) ~~REMOVED ONLY BOLD LINE STATEMENT~~
- The Development in Hazardous Areas section disallows, rather than allows, flood damage prevention programs. (5.8, Packet Page 283) ~~NOT A CLARIFICATION.~~
- They expanded site-specific and assessment requirements for the entire coastal zone, not just coastal vulnerability zones. (6.5, Packet Page 288)
- They removed the need for LCP amendment, public notice, or public comment when policies like managed retreat are used. (6.6, Packet Page 288)
- The Shoreline Mitigation program must now be certified by the Coastal Commission (6.8, Packet Page 289)
- All triggers have been removed throughout the plan. All sea-level rise policies go into effect immediately, regardless of the impact, need, or expense.
- They added, "In this LCP, 'development' is synonymous with 'new development.'" (7.5, Packet Page 310) and deletion of the term "New development" (7.8, Packet Page 311). These changes are significant, not just clarifying statements.
- They include the Coastal Vulnerability Maps in the definition of "Shoreline" when the city explicitly rejected these maps for planning and future use. (7.9, Packet Page 311)

As we have seen through this process, the California Coastal Commission has no intention of working with the city on an LCLUP that we can both agree on. On the contrary, they have dug in their heels and insist on a passive-aggressive managed retreat strategy while not using that specific term.

They do this by changing definitions throughout the document, such as:

- They have removed all language stating that the city rejects managed retreat and changed the focus from protecting homeowners' property rights to "protecting beaches and the natural shoreline" (Packet page 167). ~~REMOVED THE ONLY BOLD LINE STATEMENT~~
- They removed the city's careful language describing previously allowable remodeling and improvements, as long as the external walls stayed the same. They now say that anything requiring a permit, such as replacing flooring or re-roofing a house, would require the homeowner to adhere to all the surveys, deed restrictions, and current restrictions that a new development would require. (CR-I-49)
- In all of California there are three criteria that must be met for an area to be called wetlands. CCC staff says it only needs to meet one of those three criteria. That means many more areas including existing homes and businesses will be in "ESHA". (Packet Page 272).

~~AREAS.~~

- ~~Inclusion of~~ ^{THEY INCLUDED} “tsunami evacuation zones” in CRI-I-45, requiring a deed restriction for any work requiring a building permit. Much of Manor and all of the West Sharp Park neighborhoods are affected by this. (Packet Page 303)
- We are required to “waive rights to future shoreline armoring and acknowledge the development may need to be removed and the site restored in response to future hazard conditions”. All of this at the homeowner’s expense. (CRI-I-45) (Packet Page 303)

These changes are intended to prevent any improvements to homes and businesses in the coastal areas to the point that they are blighted and worthless to property owners, buyers, and sellers. We need the city to help preserve our rights as homeowners.

Comments: Nov 13, 2023 study session Pacifica council LCP LUP

Mark stechbart



1. due to size of report, accept comments through cob 11-21-23.

Participants may develop additional questions or policy submissions based on tonight's discussion and these actions will take a few days to coalesce. These post 11-13 meeting observations must be included in staff and council deliberations.

2. outline how facilities shown on attached map will be protected (sewer stations, hwy 1, etc)

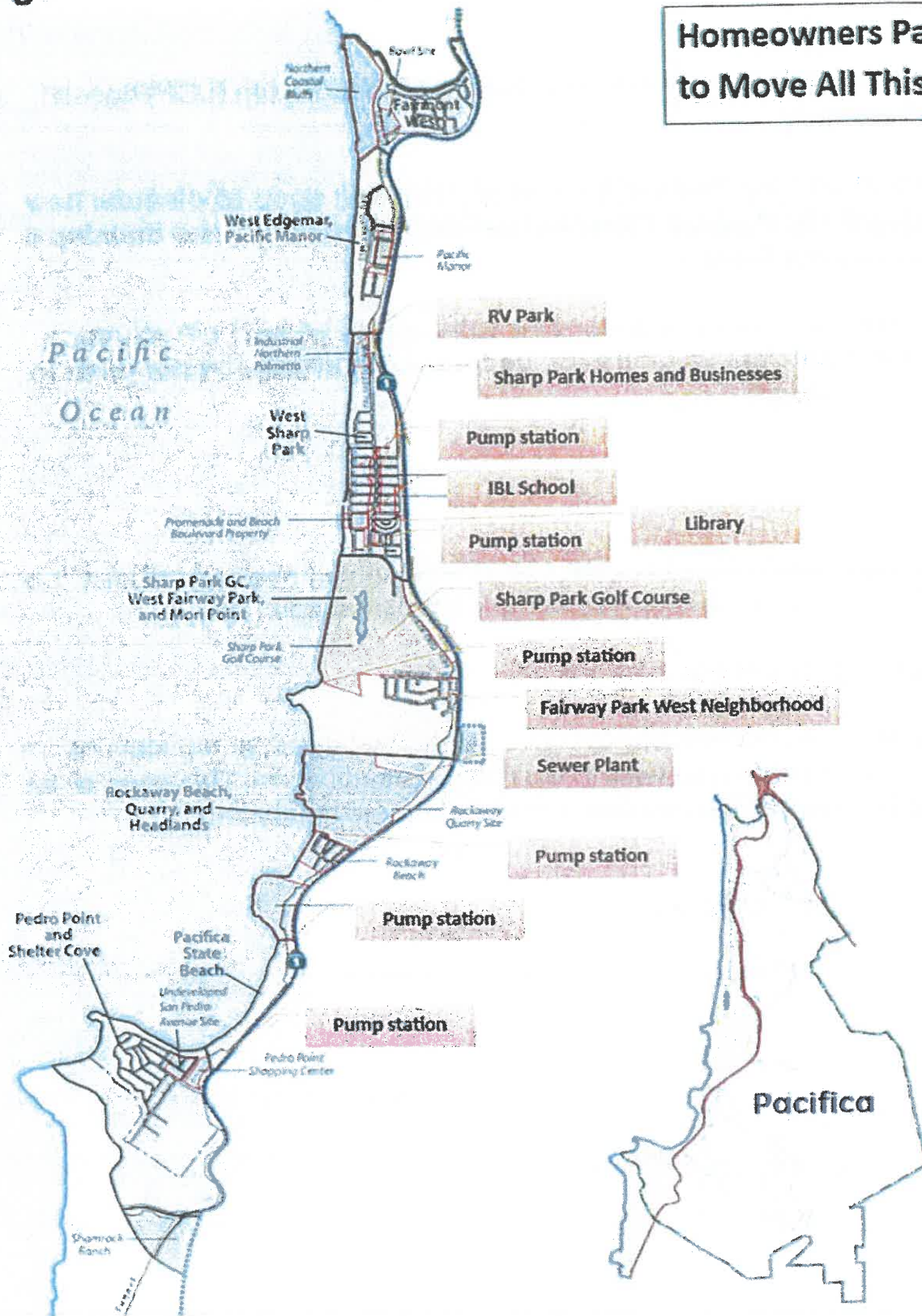
3. Please discuss (and reveal) details of coastal commission chair visit recently to Pacifica: date event took place, who attended, topics, conclusions, documents distributed, notes made, if any.

4. Pls provide a map and ownership of all properties on tsunami evacuation zones/streets and how their properties will be affected.

5. severe controls on remodels and use of existing homes and businesses will quickly suppress resale values and assessed property value. Pls discuss suppressed property tax collection on city revenue, Moody and S&P bond ratings for the city and school districts, effect on parcel tax bonds, effect on homeowner equity in their home.

Page 1 Pacifica sea level rise:

Homeowners Pay
to Move All This



From: Coffey, Sarah
Sent: Tuesday, November 14, 2023 8:46 AM
To: Public Comment
Cc: La, Emily
Subject: FW: LCLUP notes (Council Meeting 11/13/2023 - Study Session)
Attachments: LCLUP Meeting.docx

From: Jeff Guillet [REDACTED]
Sent: Monday, November 13, 2023 9:44 PM
To: Coffey, Sarah <scoffey@pacificapacifica.gov>
Subject: LCLUP notes

[CAUTION: External Email]

Thank you.

Jeff Guillet
Sent from my iPhone

CAUTION: This email originated from outside of the City of Pacifica. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

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- The Shoreline Mitigation program must now be certified by the Coastal Commission (6.8, Packet Page 289)
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- They have increased the buffer zones around ESHA to make these areas even bigger.

- Inclusion of “tsunami evacuation zones” in CRI-I-45, requiring a deed restriction for any work requiring a building permit. Much of Manor and all of the West Sharp Park neighborhoods are affected by this. (Packet Page 303)
- We are required to “waive rights to future shoreline armoring and acknowledge the development may need to be removed and the site restored in response to future hazard conditions”. All of this at the homeowner’s expense. (CRI-I-45) (Packet Page 303)

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From: Coffey, Sarah
Sent: Monday, November 20, 2023 9:14 AM
To: Public Comment
Subject: FW: LCLUP Meetings

From: Jeff Guillet [REDACTED]
Sent: Saturday, November 18, 2023 9:56 AM
To: Bigstych, Tygarjas <tbigstych@pacifica.gov>; Vaterlaus, Sue <svaterlaus@pacifica.gov>; Beckmeyer, Sue <sbeckmeyer@pacifica.gov>; Bier, Mary <mbier@pacifica.gov>; Boles, Christine <CBoles@pacifica.gov>
Cc: Coffey, Sarah <scoffey@pacifica.gov>
Subject: LCLUP Meetings

[CAUTION: External Email]

Mayor Bigstych, and Councilmembers,

City council's staff presentation was disappointing. By regrouping the LCLUP into "themes" it brought more confusion and aggravation than clarity. Thankfully, council extended the meeting (twice) to give enough time to review the "green" items, but as I mentioned at the meeting, there were several important "white" items that staff missed (see my earlier document that I sent to the city clerk).

I'm very concerned that Planning Director Christian Murdock doesn't understand the effect of how some individual policies affect each other as a whole. For example, he didn't know that the vulnerability maps can't be used for future planning or policies (he said he was unaware) [Exhibit 3, pages 24-28], or that CCC staff specifically removed "replacement of roofing materials" [Packet Page 233] as an exception to their definition of "development", which makes all the new restrictions and setbacks applicable to existing properties. He said it allows shingles, so we should be OK. We are not.

The open table format for the next meeting will not be effective. The community roundtable discussions we had at IBL for the Sharp Park Specific Plan were frustrating and ineffective. It was too high level, and no one felt heard. It seems it just satisfied a checkbox that there was a community meeting.

The LCLUP is a large, complicated document with huge ramifications for our entire city. Each of CCC staff's proposed changes need to be seen side by side with our original language to fully understand the ramifications. Something this important requires the detailed attention it needs, especially since it sets the policies for many years to come. It's hard enough for five council members to have a high-level overview in one night, let alone the entire community who hasn't even read it. As the Mayor mentioned at the council meeting, just because an item is not "green" does not mean that it should be accepted. There are a lot of "white" sections that were missed as important and have wide-reaching effects.

The devil is in the details and there's a lot of details that CCC staff has changed. Over 160 changes by CCC staff have been proposed. For example, their addition of the four words "**and tsunami evacuation zones**" to CR-I-45 [Packet Page 192] severely affects the entire West Sharp Park neighborhood and is designed to drive

property values to zero. The most glaring examples are that CCC staff redefines all development as new development [Packet Page 227] and completely removes the definition of Existing Structure [Packet Page 228], they redefine Substantial Structural Modifications to include routine interior remodeling that does not change exterior walls [Packet Pages 232-233], and they greatly expand ESHA and buffer zones throughout the coastal zones throughout the plan. All this demonstrates that their sole focus is to remove homes and businesses from the coast. There's no other way to view all their changes.

The Coastal Commission is supposed to represent ALL assets in the coastal zones, including all homes and businesses, not just the shoreline. They are the California Coastal Commission, not the California Beaches Commission.

It would be helpful to the public to understand these changes through comparison examples. How are these real-world examples affected by Pacifica's LCLUP vs CCC staff's proposed LCLUP? Answers should be clear and not open to interpretation.

- A homeowner in West Fairway Park wants to replace their roof.
- A homeowner in a potential ESHA zone wants to get a permit to remodel their kitchen and bathrooms.
- The city wants to replace and extend the aging sea wall to protect homes along Sharp Park.

The city came together over years of public meetings to produce a thoughtful LCLUP which city council approved. Are we asking the public if they've changed their minds and want to accept CCC staff's pass-aggressive rewrite to include managed retreat? No. There is no compromise to be made here.

Jeff Guillet

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