

Public Comments

Item 1 – LCLUP Community Roundtable Discussion

Written Comments Received After 12pm on 12/05/2023



December 5, 2023

Open Study Session

From: Richard Harris [REDACTED]
Sent: Tuesday, December 5, 2023 6:21 PM
To: _City Council; coffeys@pacifica.gov; Public Comment
Cc: Vaterlaus, Sue; Bigstyk, Tygarjas; Beckmeyer, Sue; Bier, Mary; Boles, Christine; Boles, Christine; woodhousek@pacifica.gov; murdockc@pacifica.gov; 'Phil Ginsburg'; 'Potter, Spencer (REC)'
Subject: Pacifica City Council Special Mtg., Dec. 5, 2023, Agenda Item 1, Oct. 2023 Revised Certification Draft LCLUP / SF Public Golf Alliance Objects to "Special Resiliency District" boundary at Sharp as violations of the Policies of the Certification Draft LCP
Attachments: Ltr.SFPGA.Pac.CCil.Mtg.12.5.23.Pacifica.LCP.pdf

[CAUTION: External Email]

Pacifica City Council Special Mtg., Dec. 5, 2023, Agenda Item 1, Oct. 2023 Revised Certification Draft LCLUP / SF Public Golf Alliance Objects to "Special Resiliency District" boundary at Sharp as violations of the Coastal Vulnerability Zone Policies of the Certification Draft LCP

Pacifica City Council and City Clerk Sarah Coffey

Please find attached above the Dec. 5, 2023 objection letter of San Francisco Public Golf Alliance. Please include copies of this letter with documents at the public meeting. Please confirm receipt and that this above-attached letter will be included in the Meeting's documents.

Thank you, and Best Regards

Richard Harris

San Francisco Public Golf Alliance

826 Stanyan Street

San Francisco, CA 94117-2726

Phone: (415) 290-5718

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December 5, 2023

Pacifica City Council
Mayor Tygarjas Bigstyk
540 Crespi Dr.
Pacifica, CA. 94044

Re: Pacifica City Council Meeting, Dec. 5, 2023 – Study Session, LCP Plan

Executive Summary

San Francisco Public Golf Alliance Objects to proposed boundaries of the “West Sharp Park Special Resiliency District,” which are inconsistent with the policies in Section 6, Sub-Section 6, “Sub-Area Policies and Programs” of Pacifica’s most recently-updated Certification Draft Local Coastal Plan, and Appendixes B-2 and B-3.

We further object to the expedited schedule recommended by Planning Staff for public consideration and input on the “Special Resiliency District” proposal generally. Staff’s proposed December-January public input time schedule disregards the Holidays and is a version of the old “Hurry-up-and-Wait”. After Pacifica Planning and Coastal Commission staffs have themselves taken well over two years to cogitate and discuss the draft Consolidation Draft approved by Pacifica City Council in February 2020, it is inappropriate for those Staffs collectively to demand public response and action by the citizenry – the people most affected. We urge City Council at this point to proceed not so fast.

Dear Mayor Bigstych and Council Members,

The nonprofit San Francisco Public Golf Alliance represents 7,000-plus mostly public course golfers of all ages, genders, backgrounds, cultures, and persuasions, most of whom reside in San Francisco and the Northern Peninsula. Several hundred of our members are Pacifica residents. We have since the City of Pacifica's Local Coastal Plan update process began in or about 2009, closely followed and have actively engaged in the public discussion of the Pacifica LCP updating process.

The proposed "West Sharp Park SRA" (Special Resiliency Area, mapped at Attachment B and captioned "Sharp Park" (at Packet page 16)¹ to the Agenda Packet for City Council's Dec. 5, 2023 Meeting, is inconsistent with Pacifica's Certification Draft LCP.² which, at Section 6 Subsection 6, "Subarea Policies and Programs" (at Certification Draft page 6-18 ff, and the supporting maps B-2 and B-3, designates two "Coastal Vulnerability Zones": "West Edgemar and Pacific Manor; Northwest Sharp" (Appendix B-2), and separately, "Sharp Park, West Fairway Park, and Mori Point".

The boundary line between these two "Coastal Vulnerability Zones" (as they are named in the Certification Draft LCP) is Clarendon Ave. The Certification Draft explains the policy rationale for a single "Coastal Vulnerability Zone" containing the Sharp Park Golf Course, the West Fairway Park neighborhood and Mori Point as follows:

The Sharp Park, West Fairway Park and Mori Point sub-area (Figure 14 and Figure 15, Appendix B-4) includes land west of Highway 1 and contains the Palmetto Ave business district, Beach Boulevard Promenade, Fishing Pier, multiple City-owned parcels and landmarks, the Sharp Park Golf Course (SPGC), West Sharp Park and West Fairway Park neighborhoods and Mori Point. In order to represent the flooding connectivity of the lower Sharp Park neighborhood with the SPGC, the "West Sharp Park" subarea was split in two (as described for Northwest Sharp Park above).

The "Sharp Park, West Fairway Park and Mori Point" Coastal Vulnerability Zone is accordingly a "Policy" of Pacifica's Certification Draft LCP. The assertion at page 2 of the December 5, 2023 Staff Report to City Council that "This [Special Resiliency Area] process is not a reconsideration of the structure and policy emphasis" of Council's approved Local Coastal Plan, is inaccurate.

We will comment further at a later time on this matter and on the CCC Staff's proposed "modifications".

Respectfully submitted,

Richard Harris

President, San Francisco Public Golf Alliance

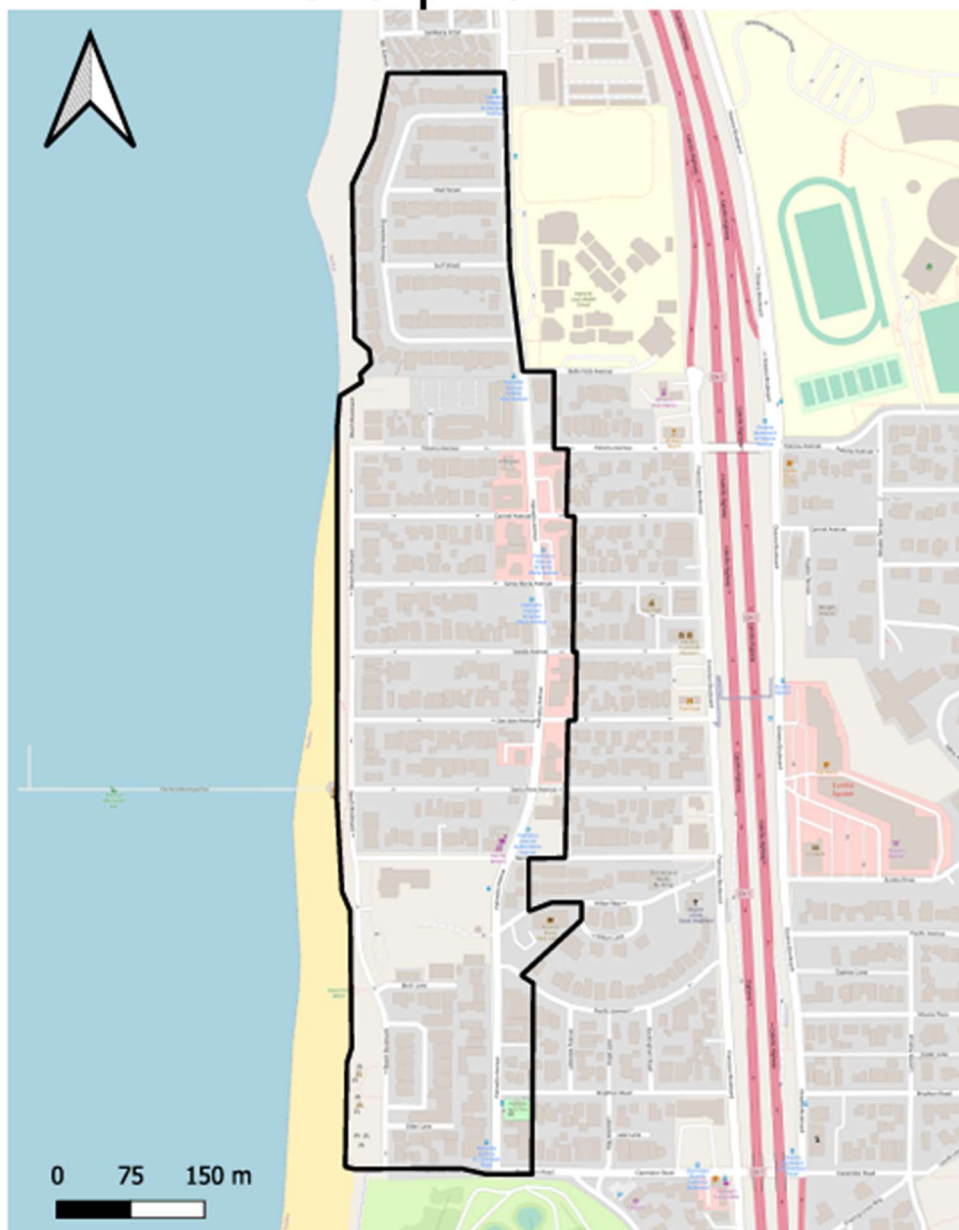
¹ Copy of Attachment B is attached below as Exhibit 1.

² Pacifica Local Coastal Plan Certification Draft: <https://cityofpacifica.egnyte.com/dl/EPskSdDwa4>

cc: City Manager Kevin Woodhouse
Planning Director Christian Murdock
City Clerk Sarah Coffey
Spencer Potter, San Francisco Recreation and Parks Dept.

Exhibit 1

Sharp Park



Attachment: Attachment B - West Sharp Park SRA (5538 : LCLUP Community Roundtable Discussions (Meeting #2))

From: Coffey, Sarah
Sent: Wednesday, December 6, 2023 1:46 PM
To: Public Comment
Subject: FW: Coastal Commission's overreach

From: Jeff Guillet [REDACTED]
Sent: Wednesday, December 6, 2023 1:09 PM
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: Coastal Commission's overreach

[CAUTION: External Email]

Dear Mayor Bigstych and Councilmembers,

Thank you and staff for last night's dinner and community meeting. It is very important for the community to be informed and help them understand what is going on with the important process of updating the city's LCLUP.

It is understandable that the California Coastal Commission opposes new development in the coastal zones to protect the coast, but CCC staff is overreaching to include virtually ALL development in the coastal areas.

Pacifica's February 2020 LCLUP certified draft already includes strict but reasonable provisions for new development, including requiring a deed restriction for permit approvals along the shoreline:

CR-I-45 – Assumption of Risk by Private Landowners. Permit approvals of development **on the shoreline** shall require the applicant to record a deed restriction requiring the owner to assume liability and indemnify and hold the City harmless and make other acknowledgments relating to the risks on the property.

But that's not enough for the Coastal Commission. Their edits require an even stricter deed restriction with further conditions to apply to virtually all properties in the coastal zones:

CR-I-45 – Assumption of Risk by Private Landowners. Permit approvals of development **in Coastal Vulnerability Zones and Tsunami Evacuation Zones** shall require the applicant to: record a deed restriction requiring the owner to assume liability and indemnify and hold the City, its officers, agents, and employees harmless, including any injury and/or damage from coastal hazards in connection with the permitted development; **unconditionally waive any claim of damage from coastal hazards against the City; waive rights to future shoreline armoring; acknowledge the development may need to be removed and the site restored in response to future hazard conditions; and to assume all responsibility for any adverse effects to property caused by the permitted project and/or need for removal or relocation of development.**

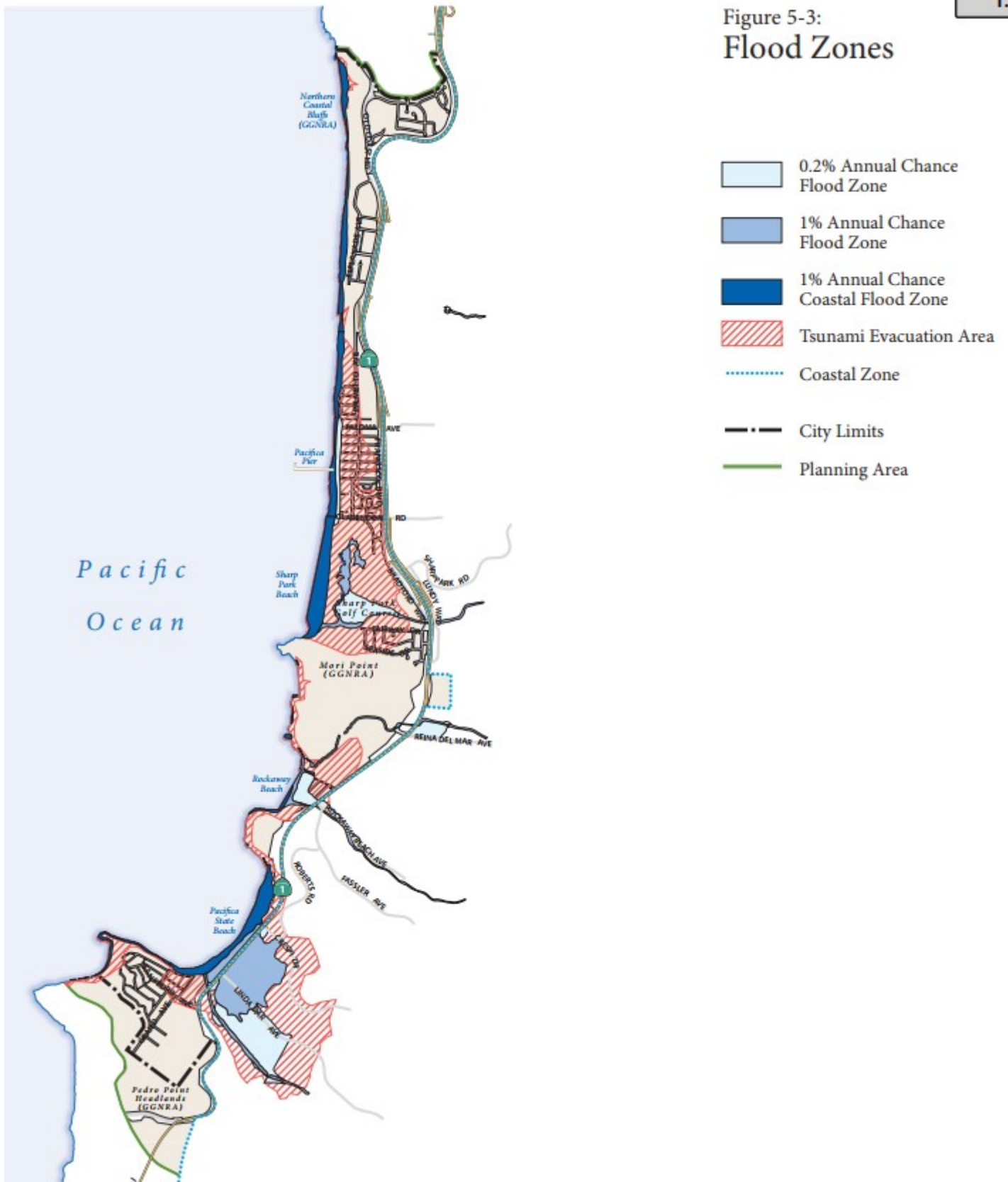
Expanding "shoreline" areas to include "Coastal Vulnerability Zones and Tsunami Evacuation Zones" is simply a land grab and means that almost all property owners in the coastal zones would be required to record a deed restriction for ANY permit issued by the city. Imagine a homeowner getting a permit to install solar and finding out

they need to record a deed restriction. Requiring deed restrictions for simple permits will destroy property values and make properties virtually uninsurable. Clearly, the intention here is drive all development from the coast.

Tsunami Evacuation Zones have nothing to do with climate change. And it is ridiculous that planning and permitting in the coastal areas must be based as if shoreline protections do not exist. They do. I can see them.

The map below shows the Tsunami Evacuation Areas in Pacifica in red. These areas include most of West Sharp Park, the Sharp Park Golf Course, West Fairway Park, Rockaway Beach, Linda Mar, and San Pedro neighborhoods. (LCLUP, Exhibit 3, LCP-2-PAC-20-0036-1, Page 20)

Figure 5-3:
Flood Zones



Respectfully,

Jeff Guillet

West Fairway Park

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From: Coffey, Sarah
Sent: Wednesday, December 6, 2023 2:13 PM
To: Public Comment
Subject: FW: Re-roofing and Substantial Structural Modifications

From: Jeff Guillet [REDACTED]
Sent: Wednesday, December 6, 2023 2:10 PM
To: Bigstyk, Tygarjas <tbigstyk@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: Re-roofing and Substantial Structural Modifications

[CAUTION: External Email]

Dear Mayor Bigstyk and Councilmembers,

I think I discovered why Planning Director Christian Murdock and I disagree on whether replacing a roof constitutes reclassification of a property as a Substantial Structural Modification (SSM). The confusion comes because city staff mistakenly did not remove the words "~~roofing materials~~", as CCC staff edits show.

Staff's presentation last night said that the SSM definition does not apply to re-roofs:

Substantial Structural Modification (SSM) Definition

- Based in CCC's SLR Guidance document.
- CCC's major concern is structural modifications, not weatherproofing functions
 - The "bones" not the "skin"
 - Does not apply to standard re-roofs or window/siding replacements
- City can propose alternative modifications to further clarify:
 - Not applicable to floor or subfloor replacements
 - Not applicable to plywood sheathing under roof or siding replaced for maintenance purposes



Here is city staff's analysis (Packet Pages 232-233):

Chapter	Page #	Modification Number	Policy Number and/or Subject Addressed	City's Certification Draft	CCC Suggested Modification	B
				<p>percent or more of the linear length of the exterior walls, whether or not the floor area or building footprint is expanded; or</p> <p>iii) an addition that includes new floor area at or below the first story equal to 50 percent or more of the structure's total existing floor area; or</p> <p>ivii) an increase of the existing building footprint equal to 50 percent or more;</p> <p>but excluding any of the following:</p> <p>i) removal, replacement, or maintenance of nonstructural exterior components of exterior walls such as decorative siding, shingles, and roofing materials and windows;</p>	<p>(including but not limited to floor, roof, and foundation structures), whether or not the floor area or building footprint is expanded; or</p> <p>ii) an addition that includes new floor area at or below the first story equal to 50 percent or more of the structure's total existing floor area; or</p> <p>iii) an increase of the existing building footprint equal to 50 percent or more;</p> <p>but excluding removal, replacement, or maintenance of nonstructural exterior components of exterior walls such as decorative siding, shingles, and roofing materials and windows;</p>	

Here are the original CCC edits for this section (Packet Page 233):

<p>but excluding any of the following:</p> <p>i) removal, replacement, or maintenance of nonstructural exterior components of exterior walls as decorative siding, shingles, and roofing materials and windows;</p> <p>ii) development on any site which is protected from coastal erosion by an existing, permitted shoreline protection structure;</p>

According to CCC's edits, re-roofing a property in the coastal zone would reclassify the property as SSM and would therefore have to be made conformant to all the provisions that a new development would require, including deed restrictions. I think this important enough to send a corrected statement to the public.

This illustrates how changing one or two words can have a drastic impact for homeowners in the coastal areas.

Respectfully,

Jeff Guillet
West Fairway Park

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From: jim wagner [REDACTED]
Sent: Thursday, December 7, 2023 9:48 AM
To: Public Comment
Subject: Re: Public Townhall Meeting 12/05/2013

[CAUTION: External Email]

-A deed restriction executed on a property agreeing to abandon the home due to damage will preclude the homeowner from financing, insurance, and the ability to sell their property, in my opinion.

I believe any deed restriction dooms a properties viable marketability and insurability. How will the city address this?

-The state encourages ADU additions to mitigate the housing shortage in California. How does a property owner go about adding an ADU without hitting the 25% or 50% thresholds and then being subjected to deed restrictions and other detrimental conditions? How would a homeowner finance the building of an ADU when the end product could make the property un-lendable?

-Property owners should be allowed to repair their properties regardless of the percentage of damage or the number of incidents as long as they wish.

I understand the attractiveness of the SRA concept, however, any verbiage that prevents homeowners from the full enjoyment of their property is basically a "take". If the CCC or the City of Pacifica passes ordinances that encumber the property negatively I would suggest that the entities buy the property. Property rights are protected. The adaptation as presented will have an adverse impact on all of Pacifica.

Jim Wagner
12/07/2023

Jim Wagner/OMNI FUND

Mortgage Broker NMLS# 313878 CABRE# 00818721
650.738.4900 Office
[REDACTED] Cell
[REDACTED]

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From: mark stechbart [REDACTED]
Sent: Monday, December 11, 2023 1:05 PM
To: Public Comment; _City Council
Subject: Dec 5 LCLUP testimony

Importance: High

[CAUTION: External Email]

=====

Mark Stechbart
[REDACTED]
[REDACTED]

enclosed below is my Dec 5 LCLUP testimony.

The mtg was clearly a bust.
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**testimony to council via email: Pacifica Dec 5 sea level rise mtg, CCC activity
Summary:**

Solution: reject all CCC demands from March 8, 2023 to current date and stick to the Feb 2020 Draft LCLUP plan. Council has to seek assistance from state legislators for relief.

Ca Coastal Commission (CCC) coastal plan demands are a severe over-reach, mission creep and an unfunded state mandate. After six years of debate and several thousand pages with many revisions, the public is either totally confused or in the dark.

The financial damage of CCC activity on homeowners and the local economy is still not clear to most Pacifica residents. Pacifica city council has never delivered a city-wide mailer describing cause and effect of this CCC process. The majority of coastal west-side of Hwy 1 taxpayers remain in the dark and east side residents think they are not affected (when sewer, water and Hwy 1 access they all use will all suffer millions in damage)

Pacifica city council is not speaking against CCC demands. In the absence of council statements, the public is developing very negative, but appropriate, attitudes. None of the public hearings have clarified anything other than reinforce deep and growing public suspicion.

Pacifica staff and CCC staff “discussions” have been conducted behind closed doors, out of public view. Tentative agreements have been reached, see SRAs. These discussions have generated emails and notes of conversations, none of which are available to the public.

Dec 5 matters:

New development is never defined during the Dec 5 meeting. Public thinks it means large projects; the quarry. It really means remodel of all existing buildings in the coastal zone.

SRAs (special resiliency areas) are an artificial carve out. Gives modest regulatory relief for West Sharp Park and West Rockaway. Leaves crippling regulations for the rest of the coastal zone. Creates second class citizens of the hundreds of homeowners in non-SRA areas.

If CCC recognizes over-reach and suggests SRAs as a cure for a selected area, over-reach should be rejected through-out Pacifica as a matter of equity and equal application of the CCC regulations. (and the rest of the state for that matter). Pacifica city council thinks they are curing CCC over-reach in part of town by acquiescing to SRAs. It's a fool's errand.

Get the CCC out of the remodel control business. CCC proposes new regulations labeled Substantial Structural Modifications (SSM) (remodel, roofs, second story impossible) and requires correction of Non-Conforming Features (neither defined in Dec 5 mtg with real world examples) as a ploy to restrict remodeling. SSMs would require new geotech surveys costing six figures per house.

Pacifica has its own planning commission and building dept. We don't need nor can tolerate CCC remodel regs biased to degradation of the building and eventual demolition.

Deed restrictions and waive right for shoreline protections. 35% of Pacifica shore has protections: rock revetments, sea walls or a berm. These features protect critical infrastructure and homes. CCC demands remodel of existing buildings be forced to abandon all claim to shoreline protections and build as if protections are not in place (when they are). This artful suicide squeeze will increase costs, deny remodeling homeowners mortgages and insurance, and suppress re-sale value.

Going to be impossible to explain to the State Legislature and Congress why an earmark is needed for a shoreline protection everyone can see but offers no protection.

Tsunami regulation and evacuation zones. This is a new CCC demand. Homeowners in the evacuation routes have not been notified. A tsunami event occurs at almost zero

probability. Pacific has its own planning commission and emergency preparedness committee capable of this task.

Manage infrequent tsunamis like frequent earthquakes—implement appropriate standards without regs biased to require tear-down. Buyer disclosures.

CCC rules on coastal hazard damage (wave hits) restricts repair and leads to tear downs. Unacceptable. Let City of Pacifica habitability regs and red tag ordinances handle this as well.

mark stechbart

[REDACTED]
[REDACTED]

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