

Public Comments
Item 4 – Business Improvement District
(BID) Program

Written Comments Received By 12pm on 04/22/2024



April 22, 2024
City Council Meeting

From: Cindy Abbott [REDACTED]
Sent: Monday, April 22, 2024 9:01 AM
To: Vaterlaus, Sue; Beckmeyer, Sue; Bigstych, Tygarjas; Mary Bier; Boles, Christine; Public Comment
Subject: Request to discuss April 22, 2024, Consent Calendar Item(s) 4-5 with regard to Short Term Rentals

[CAUTION: External Email]

Hello Mayor Vaterlaus and members of the Pacifica City Council,
I'd like to request that the City Council engage in discussion about Agenda Item(s) 4- 5, that is on the Consent Calendar. Specifically,

- Do other municipalities with this type of program include hotels **AND Short Term Rentals (STRs)**?
- Who specifically has City staff been speaking with? The hoteliers only? or have representatives from STRs also been involved?
- How does this change the City's direction with regard to updating the STR Ordinance? The timing (June) of the additional hearing to implement this new strategy is at the same time (before the end of June 2024) the community was advised the topic of the STR Ordinance will be back to Council.

While understanding that the discussion re the Hotel Business Improvement District (BID) has been taking place over a number of years, and that these items are running in parallel and place public hearings on future agendas, it's not clear how this process and timing impacts the City Council's commitment to discuss and move forward with developing a robust updated Ordinance to regulate Short Term Rentals and their negative impact on the Pacifica community.

Thank you in advance for requesting more clarity from staff on the critical item of Short Term Rentals.
Cindy Abbott
West Sharp Park

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Public Comments

Item 5 – Tourism Marketing District

Written Comments Received By 12pm on 04/22/2024



April 22, 2024
City Council Meeting

From: mark stechbart [REDACTED]
Sent: Saturday, April 20, 2024 9:02 PM
To: _City Council; Public Comment
Subject: April 22, 2024 City Council Meeting, Agenda Item 5. – remove from consent. Postpone adoption

[CAUTION: External Email]

The public is unified against str. The mid-year new and improved str ordinance mark-up will clearly include a version of the HMB ordinance. The HMB ordinance sets the stage for severely reducing the numbers of str and in many cases abolishes them.

The Pacifica Tourism Marketing District turns str into a cash cow for council. That is not going to happen.

Fund the Pacifica Tourism Marketing District without any str involvement.

Then we move to a re-write of the current str ordinance as scheduled mid year, as the public expects.

Any involvement of str in the Marketing District will be a total waste of time. And the public will view str funding reliance as a de facto council acknowledgement council is hooked on str fees and is not serious about an improved str ordinance that defends our neighborhoods.

mark stechbart

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From: Ramon McLeod [REDACTED]
Sent: Sunday, April 21, 2024 10:39 AM
To: Public Comment
Subject: April 22, 2024 City Council Meeting, Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District
Attachments: Public Comment on Resolution of Intention to Establish the Pacifica Tourism Marketing District.docx

[CAUTION: External Email]

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Ramon (Bud) McLeod
Rockaway Beach

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.

SUBJECT: April 22, 2024 City Council Meeting, Agenda Item 5. – Resolution of Intention to Establish the Pacifica Tourism Marketing District

Dear Mayor Vaterlaus and City Councilmembers,

Regarding “Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District” (PTMD), I respectfully request that any consideration of the creation of such an entity—which involves levies from short-term rentals (STRs)—be postponed until after such date and time as the City holds its STR study session.

This resolution, absent an effective STR ordinance (such as that deployed in Half Moon Bay), serves to create a reliance on taxes from STRs and will incentivize the city to allow even MORE of these essentially unregulated mini-hotels into residential neighborhoods.

On the southern part of Rockaway Beach Ave. a serious traffic problem has developed as a result of STR visitors parking vehicles with the 6-foot centerline of the street. This has greatly narrowed passage, and is particularly dangerous at night. Making the situation worse is that this section of road, which hasn’t been repaved in decades, is very bumpy. As a result of the bouncing the slightest error could very well product an unpleasant result for the driver, the STR vehicle owner AND the city.

This dangerous situation is a direct result of lack of vehicle restrictions on STRs.

When will we learn, please, the date of the STR study session that City staff promised the Council would take place in June, 2024?

Thank you,

Ramon G. McLeod
Rockaway Beach

From: Caitlin Quinn [REDACTED]
Sent: Sunday, April 21, 2024 12:54 PM
To: _City Council; Public Comment
Subject: April 22, 2024 City Council Meeting, Agenda Item 5. – Resolution of Intention to Establish the Pacifica Tourism Marketing District

[CAUTION: External Email]

Dear Mayor Vaterlaus and City Councilmembers,

Regarding “Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District” (PTMD), **I respectfully request that any consideration of the creation of such an entity—which involves funding via levies from short-term rentals (STRs)—either be postponed until after such date and time as the City holds its STR study session, or, preferably, that STR levies be removed as a source of income for this entity.**

Promoting Pacifica tourism is a good thing, and dollars earned from tourism activities are a meaningful source of income for our City. However, **monies earned from businesses that hurt residents, destabilize neighborhoods, rob Pacifica of much-needed homes, and drive housing inequality—all of which unhosted STRs have been proven to do—is not funding that we want for our City. And, as our City leaders, you should not want it for Pacifica either.** Not all money is created equal. There are better, **more ethical means by which to balance the City’s budget** that do not involve reliance upon businesses that harm our community.

Additionally, it is disingenuous to brand Pacifica STRs as vehicles for tourism, when so many of the renters are using the overabundance of STRs in Pacifica merely as a means by which to avoid paying the higher prices of San Francisco hotels—all while they attend conferences, sight-see, eat meals, and shop in San Francisco or in other Bay Area cities.

As a reminder, at the March 9th Council Goal-Setting session, **the City staff committed to a June, 2024 date for the STR study session. When will we learn, please, the date of this promised STR study session?**

All over San Mateo County, California, and the world, cities and towns are grappling with the harmful effects of STRs on their communities and **voting overwhelmingly to put in place legislation that either bans STRs outright or places meaningful restrictions on them.** Please work to put Pacifica on the right side of history by allowing us to take our place alongside these cities.

Thank you for your service to Pacifica.

Sincerely,

Caitlin Quinn

West Sharp Park

From: Danny Estrella [REDACTED]
Sent: Sunday, April 21, 2024 3:09 PM
To: Public Comment
Subject: April 22, 2024, City Council Meeting, Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District

[CAUTION: External Email]

21 April 2024

Pacifica City Council

Subject: April 22, 2024, City Council Meeting, Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District.

Dear City Councilmembers,

Regarding the Pacifica Tourism Marketing District (PTMD), I am all in favor of assessing levies on Pacifica hotels to fund this. However, **I disagree with including the short term rentals (STRs) in this.** Especially since the City has not held, nor scheduled the STR study session, the date of said meeting was promised to be held in June of 2024. It is premature to discuss including STRs in the PTMD until this discussion has been held.

Last year at goal setting, Pacifica's City Council made a commitment to prioritizing revisions to the City's current ordinance on short-term rentals (STRs). I'm asking you to follow through on this commitment. Please note the following arguments for this action.

Compared to most all other cities in San Mateo County, as well as cities up and down the California coast, **Pacifica's STR ordinance is lax and has left our City vulnerable to corporate and individual investors who have purchased homes in Pacifica not to live in them, but to add them to their portfolio of STR investment properties. These homes are taken out of the hands of families who want to live in our City and are converted into businesses that are being allowed to operate in areas zoned as "residential."**

240 total AirBnBs are operating in Pacifica. 201 (84%) are full house listings operating as hotels. Bear in mind that only 113 homes are registered with the City of Pacifica as AirBnBs. These 201 homes collectively list as "accommodating" 1366 people in total.

- That's an average of 7 persons per home
- The max number of persons the largest listings "accommodate" is 16

- There are 15 homes that “accommodate” 16 people (averaging 5 people per bathroom)
- **Only 113 STRs (of any kind) are registered with Pacifica. That accounts for only a mere 47% of all the AirBnBs actually operating in Pacifica**

Unhosted STRs are consolidating home ownership to the few

- 28 AirBnB operators in Pacifica own more than one home in Pacifica
- 34 AirBnB operators in Pacifica own multiple homes in San Mateo County

These same 34 individual operators own:

- 128 homes in Pacifica
- 198 homes in San Mateo
- 1846 homes in total (state-wide or nationally)
- Just one of these operators owns 1018 homes in total

That means just **34 operators own 64% of all the unhosted AirBnBs** in Pacifica. That’s 11 more homes than the total number of AirBnBs actually registered with Pacifica. Consider that last bullet: **A single operator owns 1018 homes** (state-wide, perhaps nationally). While that single operator is the biggest, they are not the only one in Pacifica. **These super-operators have the purchasing power to drive Pacifica home prices at will.**

Data source: insideairbnb.com

Please note the effects of allowing STRs:

Defunds our schools

Our schools are funded on enrollment. Converting housing to hotels displaces families and reduces the funding of our schools. If we had just one child from half of the homes currently running as hotels that amounts to **a \$1,680,000 loss for our local schools. We wouldn’t need to add more bond measures to the ballot to fund our schools if we had these students.**

Depletes our teachers and first responders

Unhosted AirBnBs take long-term rentals off the market, and that drives up rents and home prices. This makes it hard for Pacifica to recruit and retain teachers, firefighters, and police who cannot afford to live here.

Unhosted AirBnBs take jobs

Local hotels employ reservation clerks, maintenance workers, housekeeping staff, and night clerks. These are predominantly middle and low-income jobs. Unhosted AirBnBs deplete worker hours and redirect revenue that would have gone to local hotels to property owners.

Please do the right thing by Pacifica and revise the current STR ordinance, adding the types of restrictions other cities—including our sister-city, Half Moon Bay—have seen fit to apply, such as:

- **A primary residence requirement for any host operating an STR property;**
- **Only permitting one (1) STR to be owned/operated by any host within the City;**
- **An operating limit of 60 nights per year for any unhosted STR; and**

- A limit of two (2) guests per bedroom and a limit of one (1) car permitted at the property per bedroom.

Also, please commit to the allocation of sufficient staff to implement timely action and effective enforcement of all provisions in the amended ordinance.

Please do not delay this critical work any longer. Each week that goes by without a revised STR ordinance is a week that—on average—another one (1) to two (2) unhosted STRs set up shop in Pacifica. If the City's staff is too busy to take this work on, please hire a consultant to do it for us, as many cities—including Half Moon Bay—have done.

Pacifica's residents, schools and its neighborhoods are counting on you.

Thank you,

Danny Estrella



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From: Bryan Reinero [REDACTED]
Sent: Sunday, April 21, 2024 6:02 PM
To: _City Council; Public Comment
Subject: April 22, 2024 City Council Meeting, Agenda Item 5. – Resolution of Intention to Establish the Pacifica Tourism Marketing District

[CAUTION: External Email]

Mayor Vaterlaus and City Councilmembers,

I emphatically request that you reject the establishment of the Pacifica Tourism Marketing District (PTMD), which would be funded by levies on short term rentals.

To establish a district assessment to the benefit of STRs operating in Pacifica is to legitimize their damaging effects on our community. A vote to establish the PTMD before the STRs Study Session, promised by city staff to occur in June 2024, shows an almost flippant disregard for the many Pacificans who made their concerns about STRs known to you in-person, during the March 9th Goal Setting meeting. I would remind the Mayor and Councilmembers that over 30 public comments were made against STRs, and some 35 additional comments had been made via email preceding the meeting. These comments came from Pacificans who had waited patiently to address their City Council, who made their comments in an orderly fashion, and who addressed the Council with the respect due to leaders they presume will take their comments seriously.

I ask the Mayor and Council to reciprocate with the same patience and respect shown by the community they serve by deferring any consideration of the establishment of the PTMD until after the promised Study Session has occurred.

thank you,
Bryan Reinero

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From: Lyla Reiner [REDACTED]
Sent: Sunday, April 21, 2024 6:30 PM
To: _City Council; Public Comment
Subject: April 22, 2024 City Council Meeting, Agenda Item 5. – Resolution of Intention to Establish the Pacifica Tourism Marketing District

[CAUTION: External Email]

Greetings Mayor Vaterlaus and City Councilmembers,

My family and I have concerns about pushing through the establishment of the Pacifica Tourism Marketing District (PTMD), which would include Short-Term Rentals. Including STRs along with Hotels offers the STRs potential for legitimacy.

The proliferation of STRs contributes to many of the issues we are dealing with including but not limited to:

- home affordability and availability for people who want to LIVE here
- fewer dollars for our schools due to families being priced out
- removal of the sense of community (I want to live next to NEIGHBORS)
- neighborhood safety

I'm all for promoting Pacifica tourism, but not at all in favor of promoting it through Airbnbs, VRBOs and the like.

Please consider postponing establishing the PTMD until after we have a chance to establish a more robust STR ordinance.

Thanks and take care,
Lyla
[REDACTED]

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From: Allison West [REDACTED]
Sent: Sunday, April 21, 2024 9:36 PM
To: Public Comment
Subject: April 22, 2024 City Council Meeting, Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District.

[CAUTION: External Email]

SUBJECT: April 22, 2024 City Council Meeting, Agenda Item 5. – Resolution of Intention to Establish the Pacifica Tourism Marketing District

Dear Mayor Vaterlaus and City Councilmembers,

Regarding “Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District” (PTMD), the public needs more information. The City staff promised at the March 9th Council Goal-Setting session that the STR study session would take place in June, 2024. These study sessions are critical for educating the public, and yourselves as to the many issues raised by considering a PTMD.

I am in favor of promoting tourism to Pacifica which helps fund our infrastructure. However, monies earned from businesses that hurt and destabilize neighborhoods, and rob Pacifica of much-needed homes—all of which unhosted STRs have been proven to do—is not the funding that we want for our City. I hope you have all read the statistics on how devastating these STRs are for many neighborhoods and impacts the lack of housing that can generate money to our schools. And, as our City leaders, we are hopeful you want to continue educating the public, and yourselves, so we can all make informed decisions by having a study session (or multiple sessions).

Additionally, branding Pacifica STRs as vehicles for “tourism” without accurately weighing the extreme downsides, is not beneficial for our City.

Please pause any consideration of the creation of such an entity—which involves levies from short-term rentals (STRs)—until a study session or sessions takes place before any decisions are made.

Thank you,

Allison West
Pedro Point

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.

From: Cindy Abbott [REDACTED]
Sent: Monday, April 22, 2024 9:01 AM
To: Vaterlaus, Sue; Beckmeyer, Sue; Bigstych, Tygarjas; Mary Bier; Boles, Christine; Public Comment
Subject: Request to discuss April 22, 2024, Consent Calendar Item(s) 4-5 with regard to Short Term Rentals

[CAUTION: External Email]

Hello Mayor Vaterlaus and members of the Pacifica City Council,
I'd like to request that the City Council engage in discussion about Agenda Item(s) 4- 5, that is on the Consent Calendar. Specifically,

- Do other municipalities with this type of program include hotels **AND Short Term Rentals (STRs)**?
- Who specifically has City staff been speaking with? The hoteliers only? or have representatives from STRs also been involved?
- How does this change the City's direction with regard to updating the STR Ordinance? The timing (June) of the additional hearing to implement this new strategy is at the same time (before the end of June 2024) the community was advised the topic of the STR Ordinance will be back to Council.

While understanding that the discussion re the Hotel Business Improvement District (BID) has been taking place over a number of years, and that these items are running in parallel and place public hearings on future agendas, it's not clear how this process and timing impacts the City Council's commitment to discuss and move forward with developing a robust updated Ordinance to regulate Short Term Rentals and their negative impact on the Pacifica community.

Thank you in advance for requesting more clarity from staff on the critical item of Short Term Rentals.
Cindy Abbott
West Sharp Park

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.

From: Kate Chinca [REDACTED]
Sent: Monday, April 22, 2024 9:15 AM
To: Public Comment
Subject: April 22, 2024 City Council Meeting, Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District

[CAUTION: External Email]

Dear Mayor and Council Members,

Although we were in attendance on March 9th and are awaiting the date that we will be discussing the ability to give parameters to the short term rentals, it has come to our attention that STRs will be considered in the proposed PTMD to promote Pacifica Tourism.

It feels as though the cart is definitely being placed before the horse. How can STRs be considered in anything remotely involved with our tourism when there are still no real rules for what we have and how they should be controlled. Instead it appears that we are willing to promote them "as is" and how do you pull back on the regulations for them after they have been given such a stamp of approval? Would it not be better to streamline the STRs BEFORE they are endorsed as a full form of acceptable places to stay here?

We are disappointed that this piece on the agenda includes these rentals when we have not had firm guidelines as to how they are being advertised and how the guidelines will be adjusted and enforced. It seems too soon to group them with already fully functional and well regulated hotels in our City.

Please consider taking the STRs out of this mix at this point until you have decided how to address them fully before giving them the same approvals as our hotels.

Thank you for your consideration and we hope that this will be taken care of sooner rather than an attempt ipso facto.

Sincerely,

Gary and Kate Chinca
Aspen Drive, Pacifica

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From: robert odonnell [REDACTED]
Sent: Monday, April 22, 2024 10:05 AM
To: Public Comment
Cc: [REDACTED] Caitlin Quinn; Gary and Kate Chinca
Subject: April 22, 2024 City Council Meeting Agenda Item 5: Resolution of Intention to Establish the Pacifica Tourism Marketing District

[CAUTION: External Email]

Dear Mayor and Council Members,

My wife and I ask that you remove Item 5 from the Consent Agenda for your April 22, 2024 Meeting. This item concerns the establishment of Pacifica Tourism Marking District. While that may be a good thing for the future you know from wide spread public comments at your March 9th Goal Setting Session that there is major concern in our neighborhoods about the EXISTING problems with Short Term Rentals. These concerns need to be addressed and should be completed before rubber stamping existing conditions into a future "Marketing District".

Your citizens are still awaiting your promise to address the issue of a strong new STR ordinance, when will you do that? This needs to happen before including the existing problems into a new ordinance and exacerbating the already significant problems that exist in our neighborhoods from the current outdated ordinance. Please remove this item from the Consent Agenda and schedule a study session to create an effective and strong new STR ordinance. Surrounding cities have already done this to protect their citizens and neighborhoods and Pacifica needs to step up and do the same.

Thank You,
Robert and Jacqueline O'Donnell
[REDACTED]
[REDACTED]

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.

From: Joanne Gold [REDACTED]
Sent: Monday, April 22, 2024 11:43 AM
To: Public Comment
Subject: April 22, 2024 City Council Meeting, Agenda Item 5. (PTMD resolution)

[CAUTION: External Email]

Dear Council members,

I read with grave concern your proposal to establish Pacifica Tourism Marketing District" (PTMD) and levy assessments on hotels and short-term vacation rentals STR) in order to help fund their marketing and sales promotion efforts

I'm all for promoting tourism in Pacifica but strongly object to forming any plans to promote STRs until the City holds a study session and develops ordinances that will govern and regulate their ability to operate in our residential neighborhoods.

Unhosted STRs are taking over neighborhoods, turning residentially zoned communities into commercial districts. Many (most?) are owned/operated by corporate entities or absentee owners, making neighborhoods less safe, creating nuisances, negatively impacting parking and traffic, and taking housing inventory away from the marketplace.

Please do not vote to establish PTMDs until after hosting the promised but yet unscheduled STR study session, and getting essential community input on this issue.

Thank you,

Joanne Gold
[REDACTED]

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Public Comments on Items Not on Posted Agenda

Written Comments Received By 12pm on 04/08/2024



April 8, 2024
City Council Meeting

From: Coffey, Sarah
Sent: Wednesday, April 17, 2024 1:39 PM
To: Public Comment
Subject: FW: City Council Term Limits

From: K Scribner [REDACTED]
Sent: Wednesday, April 17, 2024 12:57 PM
To: _City Council <citycouncil@ci.pacifica.ca.us>
Cc: Coffey, Sarah <scoffey@pacifica.gov>; City Manager <cmoffice@pacifica.gov>; Woodhouse, Kevin <kwoodhouse@pacifica.gov>
Subject: City Council Term Limits

[CAUTION: External Email]

Greetings Mayor Vaterlaus and Honorable Council Members,

I am writing to let you know that I oppose extending term limits for the City Council Members and I am also opposed to putting the matter on any upcoming ballot. This matter has previously been voted on and it would be fiscally irresponsible to spend hundreds of thousands of dollars that the city does not have to put this on the ballot.

Sincerely,

Kristine Scribner

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Public Comments

Item 6 – Revised LCLUP (Continued)

Written Comments Received By 12pm on 04/22/2024



April 22, 2024
City Council Meeting

From: Coffey, Sarah
Sent: Wednesday, April 17, 2024 8:16 PM
To: Public Comment
Subject: FW: Comments for LCLUP Review Meeting #5, April 22, 2024

From: Jeff Guillet [REDACTED]
Sent: Wednesday, April 17, 2024 8:15 PM
To: _City Council <citycouncil@ci.pacifica.ca.us>; City Manager <cmoffice@pacifica.gov>; CoastalPlan <Coastalplan@pacifica.gov>; Coffey, Sarah <scoffey@pacifica.gov>
Cc: Vaterlaus, Sue <svaterlaus@pacifica.gov>; Bigstyck, Tygarjas <tbigstyck@pacifica.gov>; Beckmeyer, Sue <sbeckmeyer@pacifica.gov>; Bier, Mary <mbier@pacifica.gov>; Boles, Christine <CBoles@pacifica.gov>; Murdock, Christian <cmurdock@pacifica.gov>; Cervantes, Stefanie <SCervantes@pacifica.gov>; Woodhouse, Kevin <kwoodhouse@pacifica.gov>
Subject: Comments for LCLUP Review Meeting #5, April 22, 2024

[CAUTION: External Email]

Re: Pacifica City Council Meeting / April 22, 2024 / LCLUP Study Session #5

Pacifica City Clerk Sarah Coffey:

Please acknowledge receipt and include in the public record and in Councilmembers' and Staff's meeting packets.

Dear Mayor Vaterlaus and Council Members,

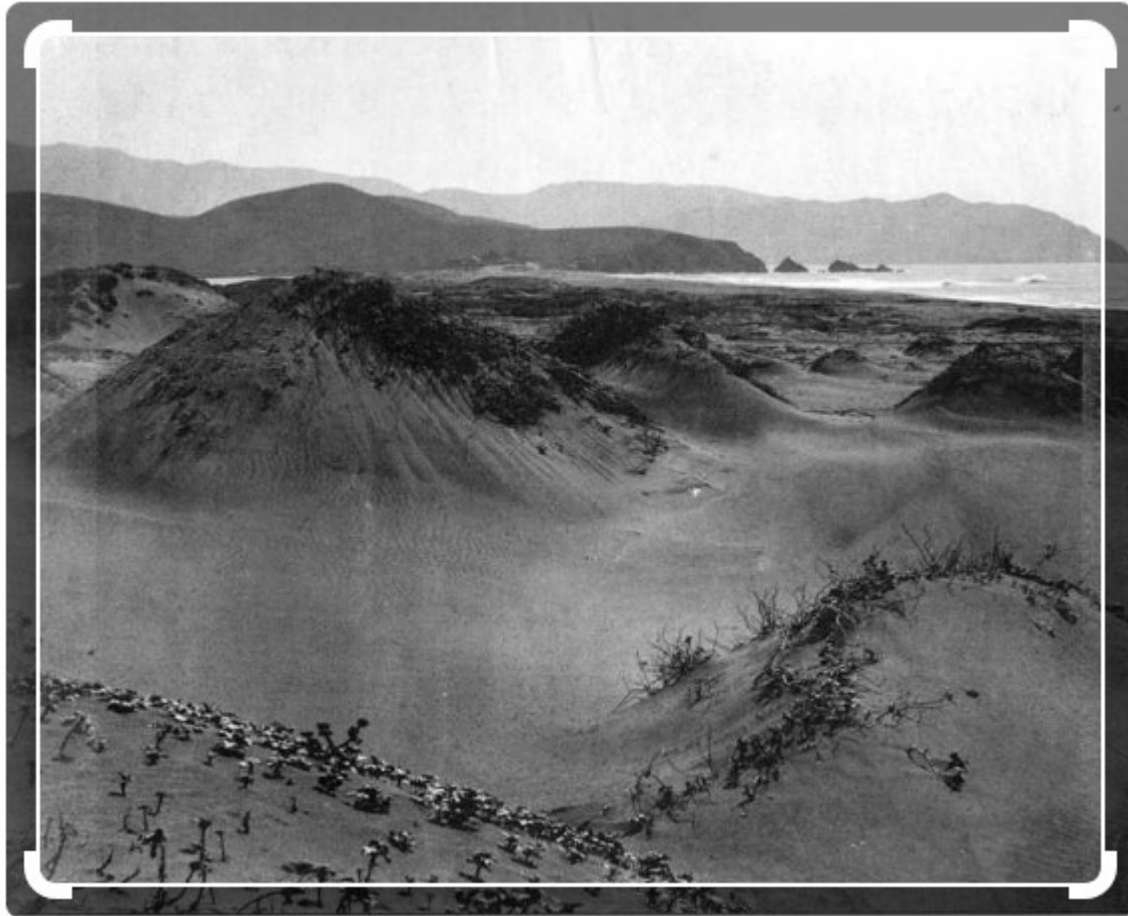
I have the following public comments and recommendations for LCLUP Study Session #5. There's a lot to unpack here, but please consider this for the next meeting on April 22 since this meeting will cover the items that have the most impact to city residents.

LCLUP Review:

- I appreciate that you started the meeting early. It gave the community a much better opportunity to engage.
- Council's approach to reviewing staff's "whites and greens", which are the proposed changes to the LCLUP, needs more consideration.
- Staff's chart contains four important columns: City's 2020 Certification Draft, CCC's Suggested Modification, City's Draft Alternative Modification, and a Brief Summary/Justification.
- At the Monday meeting, Council missed some important points where there are no Draft Alternative Modifications, thereby accepting CCC's Suggested Modifications without even reading them.
- For example, this item for **Verification of ESHA** [Packet Page 27], which Council skipped over because there was no Draft Alternative Modification, has great impact:

Chapter	Modification Number	Policy Number and/or Subject Addressed	City's Certification Draft	CCC Suggested Modification	Draft A
4	4.13	ER-I-23: Verification of ESHA	N/A	Historical evidence of ESHA	N/A

CCC staff added “*Historical evidence of ESHA*” to the list of reasons why “*a habitat survey be conducted by a qualified botanist or biologist*” is required prior to any proposed development.



This [photo](#) from the early 1900's shows historical ESHA for all Sharp Park and Fairway Park. Coastal Commission staff's change could have disastrous effects for our city and should be carefully reviewed.

Development:

- As we heard at the April 15 meeting, calling all forms of development – new development, existing development, pre-Coastal Act development, redevelopment, structures, etc. – the same term, “development”, is arbitrary and adds great confusion. Call it what it is and apply policies accordingly.
- For example, “existing development” in the Coastal Act is understood to mean pre-Coastal Act development (prior to Jan 1, 1977) and is protected by [Coastal Act Section 30235](#):
 - Section 30235 of the Coastal Act provides that “*seawalls and other forms of construction that alter natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*” I’m certain Coastal Commission would not accept changing the term “existing structures” to “development”. Why should we do so in the LCLUP?
- The West Fairway Park neighborhood consists of 177 homes, all built in 1955. As such, they are considered “existing structures” and entitled to shoreline protections in the Coastal Act.

- This new LCLUP provides an opportunity for the city to make improvements to planning and policy language, not complicate it or make it arbitrary and open to interpretation.

Tsunami Evacuation Zones:

- Coastal Commission staff added “Tsunami Evacuation Zones” to the areas that require deed restrictions for new Coastal Development Permits *
- There has never been a tsunami affecting Pacifica in recorded history (ref: <https://www.usgs.gov/news/state-news-release/geologic-evidence-past-tsunamis-california>). Forcing residents to record a deed restriction for this improbable event will have immediate effects on property insurance costs and/or cause loss of coverage.
- This is broad overreach, since “Tsunami Evacuation Zones” encompass the entire coastal zone and beyond. Tsunami evacuation zones extend all the way to Peralta Rd in Linda Mar.
- Staff agrees with this overreach and wants to replace “Tsunami Evacuation Zones” with “Tsunami Inundation Zones”, which they say would be much smaller. The problem is, there are no maps for Tsunami Inundation Zones, so Tsunami Evacuation Zones maps will be used.
- Property owners would need to pay for another technical report to prove whether their property is not in a Tsunami Inundation Zone to prevent having to record a deed restriction.
- All this borders on a taking.

* At the April 15, 2024, LCLUP Meeting #4, City Council instructed city staff to replace the overly broad term “permit” with “Coastal Development Permit” throughout the LCLUP document for clarity.

Special Resiliency Areas (SRAs):

- I urge the city council to reject the SRA concept and to treat all Pacifica neighborhoods equally and fairly using the city’s 2020 LCLUP certified draft.
- If the city council decides to go forward with the SRA concept, the West Fairway Park neighborhood and the Sharp Park Golf Course must also be designated as SRA. This is consistent with the city council’s goal to “*Preserve Existing Neighborhoods and Promote Environmental Justice and Local Economic Vitality*”.
- The residents of West Fairway Park object to the SRA concept based on the following:
 - The SRA concept is not fair, not logical, and not legal.
 - SRAs are allowed to plan and permit as if existing shoreline protections exist. Non-SRAs must plan and permit as if shoreline protections do not exist.
 - All “development” must get expensive technical reports before even applying for a CDP, but non-SRA reports must not consider existing shoreline protections, contrary to Coastal Act Section 30235 (see above) [ref CR-I-43, Packet Page 253]
 - Even preexisting development in non-SRAs must site and design as if existing shoreline protections do not exist, contrary to Coastal Act Section 30235 (see above) [ref CR-I-44, packet page 254].
 - Non-SRAs are required to correct any existing legal nonconformities in the entire development. SRAs are only required to correct existing nonconformities related to hazards on the site.
- The SRA concept was introduced in the Santa Cruz LCLUP. They called them “Shoreline Protection Exception Areas”, or SPEA. This concept was rejected by the Coastal Commission in December 2022.
- We are not looking for a variance to the Coastal Act. We are asking that the LCLUP follow the Coastal Act.

Best Available Science:

- Throughout the LCLUP we promise to use the best available science.
- It makes no sense to rush through this LCLUP when OPC’s updated 2024 Sea Level Guidance is scheduled to be approved June 4. This data will show that Pacifica is much less vulnerable to sea level rise.
- OPC’s 2017 sea level rise guidance was 5.7ft of SLR by 2100. The new guidance is 3.1ft, a 45.61% reduction.
- The already flawed ESA Coastal Vulnerability Maps are being used and referenced by staff to determine who is in a Coastal Vulnerability Zone. This will be used to determine which restrictions apply to a home.

- Pacifica’s own city attorney added language to the current maps stating that the maps “*should not be used for real estate, financing, or insurance transactions, or other uses such as navigation, **permitting, or regulatory uses***” because of their flaws. But here we are using them anyway, which opens the city up to further litigation.
- If the city does rush to get approval without updating the vulnerability maps, the city will have to file for an amendment, which will take months or years to be heard with no guarantee of approval. After all, it’s not in their best interest to do so.
- As a real-world example, a neighbor in West Fairway Park’s whose home is shown on the current CVZ maps wants to remodel his home. He plans to add a junior ADU, remove the fireplace, and add a heat pump. All three of these items are what we want people to do, however he will be punished for doing the right thing.
- Please wait 48 days for the new OPC guidance to be approved, then update the CVZ maps to use the real best available science.

I hope you will consider these comments in the light of how they are intended – to help make the LCLUP something we all can live with for the next 30 years.

I look forward to meeting with you again on Monday.

Jeff Guillet

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From: Coffey, Sarah
Sent: Thursday, April 18, 2024 1:46 PM
To: Public Comment
Subject: FW: SSM and implementation policies

From: Jeff Guillet [REDACTED]
Sent: Thursday, April 18, 2024 1:16 PM
To: _City Council <citycouncil@ci.pacifica.ca.us>; City Manager <cmoffice@pacifica.gov>; CoastalPlan <Coastalplan@pacifica.gov>; Coffey, Sarah <scoffey@pacifica.gov>; publiccomment@ci.pacifica
Cc: Vaterlaus, Sue <svaterlaus@pacifica.gov>; Bigstyck, Tygarjas <tbigstyck@pacifica.gov>; Beckmeyer, Sue <sbeckmeyer@pacifica.gov>; Bier, Mary <mbier@pacifica.gov>; Boles, Christine <CBoles@pacifica.gov>; Murdock, Christian <cmurdock@pacifica.gov>; Cervantes, Stefanie <SCervantes@pacifica.gov>; Woodhouse, Kevin <kwoodhouse@pacifica.gov>
Subject: SSM and implementation policies

[CAUTION: External Email]

Dear Mayor Vaterlaus and Council Members,

Here's a fun fact to consider when reviewing Substantial Structural Modifications (SSM) and the Implementation Policies next Monday:

Anything less than full destruction of a structure due to natural disaster counts toward an SSM. You're better off letting that kitchen fire burn down your entire house then putting it out. Other examples include earthquake, wind damage, tree damage, etc.

This is another reason why Coastal Commission staff's proposed revisions should not be accepted.

Jeff Guillet

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From: Jeff Guillet [REDACTED]
Sent: Thursday, April 18, 2024 5:27 PM
To: _City Council; City Manager; CoastalPlan; Coffey, Sarah; Public Comment
Cc: Vaterlaus, Sue; Bigstych, Tygarjas; Beckmeyer, Sue; Bier, Mary; Boles, Christine; Murdock, Christian; Cervantes, Stefanie; Woodhouse, Kevin; Richard Harris
Subject: Continuation of LCLUP Review Meeting
Importance: High

[CAUTION: External Email]

Dear Mayor Vaterlaus and Council Members,

I appreciate your ongoing involvement in the LCLUP review.

I just reviewed the City Council agenda. Am I to understand that the continuation of the LCLUP review will happen *after* a closed meeting and *after* the regular City Council meeting on April 22? That would make the continuation much too late for the hard-working public with families to attend. It would also be more difficult for the public to provide additional public comment that City Council agreed to at the end of the April 15th meeting.

The remaining items in chapter 6 contain the most important LCLUP implementation policies and restrictions that affect everyone in the coastal zone.

Surely, we can have this important meeting at an earlier time or on another day so the public can participate. This is too important to rush.

A favor of reply is requested.

Jeff Guillet

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From: [REDACTED]
Sent: Saturday, April 20, 2024 7:00 PM
To: citycouncil@pacifica.org; Public Comment
Subject: No On LCLUP

[CAUTION: External Email]

Dear City Council,

As a resident of Pacifica I urge you to vote NO on the resolution to adopt the LCLUP. It enables Coastal Commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits that will follow will bankrupt us. Do NOT give up local control for bad policy. Please acknowledge receipt.
Sincerely,

Heather Page [REDACTED]

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From: mark stechbart [REDACTED]
Sent: Saturday, April 20, 2024 8:46 PM
To: Public Comment; _City Council
Subject: April 22, 2024 LCLUP discussion at council.

Importance: High

[CAUTION: External Email]

1. get a clear definition of “conforming” in the glossary.
2. for once in the process do not turn a blind eye to staff not posting meeting presentations ahead of time for public evaluation. Council may not care if it’s running blind. Public wants to be informed ahead of time and not make snap decisions as the previously unknown slide deck flies by at council.
3. as articulated over past year, reject new CCC demands and stick with 2020 document.
4. explain to the public council’s contact and discussions with assembly, state senate and county supervisor. Public right now has no confidence a unified effort is being made to overcome crippling CCC demands. In my meetings with these elected, they indicate they have no solid request from this council. These electeds are actually confused they have had more substantive discussions with [savepacific.org](https://www.savepacific.org) members than they have had with city council.
5. Planning director implementation of 1977 rule has to be stopped.
6. a clear discussion of planning director’s Mar 2 statement that after LCLUP is adopted, a review of armoring will be made for modification or removal. This destructive notion has to be rejected. Our neighborhoods will only survive if the current 35% of shoreline protections remain in place.
7. The Mar 2 planning director casual dismissal of mortgage and insurance red-lining needs to be rejected. The city hires all manner of consultants for CCC work. Time to hire a mortgage and insurance analyst. Tell the public the truth about CCC demands redlining our coastal neighborhoods.

mark stechbart

From: PAULA MCANDREW [REDACTED]
Sent: Saturday, April 20, 2024 10:03 PM
To: Public Comment
Subject: Vote NO

[CAUTION: External Email]

As a resident of Pacifica I urge you to vote NO on the resolution to adopt the LCLUP. It enables Coastal Commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits that will follow will bankrupt us. Do NOT give up local control for bad policy.

Please acknowledge receipt.

Paula McAndrew
[REDACTED]

[Sent from AT&T Yahoo Mail on Android](#)

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From: James Connors [REDACTED]
Sent: Sunday, April 21, 2024 12:00 AM
To: Public Comment
Subject: Local Coastal Land Use Plan

[CAUTION: External Email]

As a resident of Pacifica I urge you to vote NO on the resolution to adopt the LCLUP. It enables Coastal Commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits that will follow will bankrupt us. Do NOT give up local control for bad policy.

Please acknowledge receipt.

Jim Connors
[REDACTED]

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From: DARCY DUCKENFIELD [REDACTED]
Sent: Sunday, April 21, 2024 9:38 AM
To: Public Comment
Subject: April 22, 2024 City Council Meeting, Agenda Item 5. – Resolution of Intention to Establish the Pacifica Tourism Marketing District

Importance: High

[CAUTION: External Email]

Dear Mayor Vaterlaus and City Councilmembers,

Regarding “Item 5. Resolution of Intention to Establish the Pacifica Tourism Marketing District” (PTMD), **I respectfully request that any consideration of the creation of such an entity—which involves levies from short-term rentals (STRs)—be postponed until after such date and time as the City holds its STR study session.** As a reminder, the City staff promised at the March 9th Council Goal-Setting session that the STR study session would take place in June, 2024.

Promoting Pacifica tourism is a good thing, and dollars earned from tourism activities are a meaningful source of income for our City. However, **monies earned from businesses that hurt residents, destabilize neighborhoods, and rob Pacifica of much-needed homes—all of which unhosted STRs have been proven to do—is not funding that we want for our City. And, as our City leaders, you should not want it either.**

Additionally, it is disingenuous to brand Pacifica STRs as vehicles for “tourism,” when so many of the renters are using the plethora of STRs in Pacifica as a way to avoid paying the much higher prices of San Francisco hotels while they attend conferences or other activities, eat meals, and shop in San Francisco or in other Bay Area cities.

When will we learn, please, the date of the STR study session that City staff promised the Council would take place in June, 2024?

Thank you,

Darcy Duckenfield

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From: marianne marianneosberg.com [REDACTED]
Sent: Sunday, April 21, 2024 10:38 AM
To: La, Emily; _City Council; [REDACTED] Pacifica Permit Tech; City Manager; CoastalPlan; Public Comment
Cc: Murdock, Christian; Cervantes, Stefanie; Woodhouse, Kevin; Vaterlaus, Sue; Bigstyk, Tygarjas; Beckmeyer, Sue; Bier, Mary
Subject: 4/22/24 Meeting Public Comments - Special Resiliency Area Questions About What Triggers New Development

[CAUTION: External Email]

Dear City Council and Pacifica Planning Dept, with the proposed special resiliency areas change to the Local Coastal Land Use Plan by the California Coastal Commission, I have a few questions about what would trigger an existing development to then be considered new development with a deed restriction giving up my shoreline protections...

Would upgrades to any part of the property trigger a deed restriction? Is this for any development on the property (uninhabitable and habitable) or just the livable spaces (habitable areas) of a property vs. a storage shed (uninhabitable structure)/deck?

I have a property that has more concrete for driveways and carports than structures. Would my existing property be considered a new development if I demolished the concrete and replaced it or changed it to asphalt? (uninhabitable structure)

What about decks or carport overhangs? Is this considered new development if I make repairs/waterproof and/or replace them? (uninhabitable structure) Would this be considered new development?

What about replacing existing fences? If I change the style and materials of the existing fence and replace them. (uninhabitable structure) Would this be considered new development?

What about replacing existing siding on a building (habitable structure - where tenants live)?

What about replacing existing siding or reinforcing a structure, like a carport or detached garage (uninhabitable structure)? Would this be considered new development?

What if I add electric car charging stations on my property, is this considered new development? (uninhabitable structure)

What if I add solar on top of habitable structures and/or uninhabitable structures, is this considered new development?

What if I add electricity to decks and fencing (that does not currently exist), is this considered new development? (uninhabitable structure)

As a property owner, I am constantly upgrading my properties - I appreciate your help in understanding what triggers my existing property which was built in 1960 to become new development triggering a deed restriction and giving up my shoreline protections.

Regards,
Marianne P. Osberg

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From: Eleanor Schulze [REDACTED]
Sent: Sunday, April 21, 2024 11:07 AM
To: Public Comment
Subject: LCLUP

[CAUTION: External Email]

Hello,

As a resident of Pacifica for 51 years, I urge you to vote NO on the resolution to adopt the LCLUP. It enables Coastal Commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits that will follow will bankrupt us. DO NOT give up local control for bad policy.

Please acknowledge receipt.

Eleanor Schulze
[REDACTED]

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From: Jeff Guillet [REDACTED]
Sent: Sunday, April 21, 2024 11:27 AM
To: _City Council; Public Comment; CoastalPlan; Coffey, Sarah
Cc: Vaterlaus, Sue; Bigstych, Tygarjas; Beckmeyer, Sue; Bier, Mary; Boles, Christine; Richard Harris
Subject: Continuation of LCLUP Review Meeting

[CAUTION: External Email]

Dear Mayor Vaterlaus and Council Members,

Once again, I urge City Council to reject the SRA concept in the response to Coastal Commission staff's proposed changes, especially as you review Chapter 6 of this proposal.

As you have heard, no one in Pacifica likes these LCLUP changes. You may hear staff say that this is a sign of good negotiations because no one gets everything they want. But this is not a negotiation between Pacifica's residents (that was done with the 2020 LCLUP Draft), this is a negotiation between Coastal Commission's staff and city staff. With this proposal CCC staff is getting everything they want.

SRAs are not about giving two areas, West Sharp Park and Rockaway Beach, special treatment. It's really about removing rights from all the other coastal areas in Pacifica they are entitled to by the Coastal Act. This is arbitrary, not fair, and not legal.

Ask yourself and staff why changing floor structures, such as adding earthquake bracing, constitutes an SSM? What does this have to do with addressing climate change? This is punishing people for doing the right thing. The Coastal Commission should not be in the remodeling business.

Consider the following examples about the proposed LCLUP:

- A pre-Coastal Act home in a non-SRA location with a second story added in 1980 is **instantly** considered an SSM when they get a permit.
- That same home will have to "correct any legal nonconformities", but there is no definition of what that means.
- Homes in non-SRA areas such as West Fairway Park (1/2 mile from the shoreline) would have more restrictions than homes on Beach Blvd at ground zero for sea level rise hazards.
- Insurance rates will skyrocket and/or policies cancelled due to new restrictions.
- Property values and tax assessments will plummet.
- As mentioned earlier, the Coastal Vulnerability Maps are error-ridden and not accurate. The Coastal Commission and the City are using them for policies, even though the disclaimer below each CVZ map says they are not intended for this purpose.
- OPC will be approving their new 2024 Sea Level Guidance on June 4. That's only 44 days away. This is the best available science which predicts 3.1ft of sea level rise by 2100 instead of the 5.7ft prediction in the old 2017 guidance. There is **no reason** to push this through now and hope that Coastal Commission will accept an amendment. This is foolish, irresponsible, and contrary to the LCLUP's statement that it uses the "best available science".
- Coastal Commission's amendment and public comment review process will take months/years for an amendment to happen. As an example, Dana Point proposed an amendment to their LCP-5-DPT-21-0079-

2 on April 17, 2023. On June 22, 2023, Coastal Commission staff requested and received a one-year extension for Coastal Commission action. Public comment has been reopened again. It is still ongoing with no decision in sight. Please don't be fooled when city staff says they think an amendment will take a few months.

It must be clear to Council, as it is to us residents, that the Coastal Commission's goal is to remove all development (homes, businesses, and shoreline protections) from Pacifica's coast.

This LCLUP proposal shifts Coastal Commission's legal responsibilities to the City, exposing the City to multiple single- and class-action lawsuits. This disastrous outcome will bankrupt Pacifica.

I urge you to direct staff to remove the SRA concept and treat all residents, homes, and businesses the same under the Coastal Act. Do not concede our rights or require restrictions that force us to give them up to the Coastal Commission. City Council represent Pacifica residents, not the Coastal Commission.

Respectfully,

Jeff Guillet

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From: Todd R. Ewell [REDACTED]
Sent: Sunday, April 21, 2024 2:39 PM
To: Citycouncil@pacifica.org; Public Comment
Subject: No On Coastal Plan

[CAUTION: External Email]

Dear Pacifica City Council,

As a resident of Pacifica, I urge you to vote NO on the resolution to adopt the LCLUP. It enables coastal commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits that will follow will bankrupt us. Do NOT give up local control for bad policy.

Please acknowledge receipt.

Sincerely,
Todd Ewell
[REDACTED]

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From: Todd R. Ewell [REDACTED]
Sent: Sunday, April 21, 2024 3:15 PM
To: Public Comment; citycouncil@pacifica.org; Vaterlaus, Sue; Beckmeyer, Sue; Bier, Mary; Bigstych, Tygarjas; Boles, Christine
Subject: No - On Coastal Plan

[CAUTION: External Email]

Dear Pacifica City Council,

As a resident of Pacifica, I urge you to vote NO on the resolution to adopt the LCLUP. It enables coastal commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits that will follow will bankrupt us. Do NOT give up local control for bad policy.

Please acknowledge receipt.

Sincerely,
Todd Ewell

[REDACTED]

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From: Clif Lawrence [REDACTED]
Sent: Sunday, April 21, 2024 3:20 PM
To: Public Comment
Subject: Public Comment - CC Meeting - Monday, April 22, 2024 - ITEM 6 - Consideration - LCLUP

[CAUTION: External Email]

Mayor and Councilmembers:

RE: #6 - Consideration of LCLUP - continued

Is anyone else nearly amused how many people are really upset about this proposal?

Is there anyway to deal with the mis-information being spread across social media?

The "Conservatives" are claiming the City wants to take their property away from them.

The "Liberals" are nearly as upset for other reasons.

Congratulations.

Is this how we want to reunite our political environment?

If the Coastal Commission rejects our proposal with SRA's, is our plan to double down?

Are we serious about having a working relationship with the CCC?
Or is our relationship going to continue to appear confrontational?

Thank you,
Clif Lawrence
District 1

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From: Richard Harris [REDACTED]
Sent: Sunday, April 21, 2024 4:00 PM
To: _City Council; Public Comment; Coffey, Sarah; Pacifica Permit Tech; City Manager; CoastalPlan
Cc: Vaterlaus, Sue; Bigstych, Tygarjas; Beckmeyer, Sue; Bier, Mary; Boles, Christine; Murdock, Christian; 'Phil Ginsburg'; 'Potter, Spencer (REC)'; Cervantes, Stefanie; Woodhouse, Kevin
Subject: Pacifica City Council Meeting Apr. 22, 2024, Local Coastal LUP Study Session #4 cont./ SF Pub. Golf Alliance Comment
Attachments: Ltr.SFPGA.to Pac.Ci.Cil.re.Pacifica.LCLUP.4.20.24.pdf

[CAUTION: External Email]

Pacifica City Council Mtg Apr. 22, 2024, LCLUP Study #4 / SF Pub. Golf Alliance Addendum

Pacifica City Clerk Sarah Coffey – Please acknowledge receipt, include in Council's Correspondence file in the Study Session #4 file, include in Council's Agenda Packet (if possible at this late hour), and forward to City Council, Planning Commissioners, Planning Department, and Staff

Mayor Sue Vaterlaus, Pacifica City Council and Pacifica Planning Department

Dear Mayor Vaterlaus, Councilmembers, and Planning Department Staff
Enclosed please find SF Public Golf Alliance's supplemental comment letter, dated April 20, for Council's April 22 Local Coastal LUP Study Session #4, continued.
Please include in the public record and in Councilmembers' and Staff's meeting packets.
We look forward to seeing you again.
Very 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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April 20, 2024

Pacifica City Council
Mayor Sue Vaterlaus
540 Crespi Dr.
Pacifica, CA. 94044

Pacifica City Council Meeting / April 22, 2024 / Local Coastal LUP Study #4, cont.

SF Public Golf Alliance Further Comments: Pacifica's LCLUP Draft is Unready:

(1) Environmental Justice Definition contains material omissions and needs to be revised because it omits consideration of significant coastal resources and does not comply with Coastal Commission's Environmental Justice Policy; (2) Takings issues raised by recent U.S. Supreme Court Decision in Sheetz vs. County of El Dorado.

Dear Mayor Vaterlaus and Council Members,

We submit this letter on behalf of the non-profit San Francisco Public Golf Alliance and its highly diverse 7,000-plus men and women members, a substantial number of which are Pacifica residents and Sharp Park golfers. This supplements and is in addition to our previously submitted letters to Council, dated February 27, 2024¹, March 25, 2024,² April 8, 2024³, and April 14, 2024,⁴ which prior letters are incorporated herein by this reference.

¹ Letter, SF Public Golf Alliance to Pacifica City Council, re Consultation Draft LCLUP.2.27.24
https://drive.google.com/file/d/12cwdlvP5KlwHlw46TGtNkEA63_pRFg1/view?usp=drive_link

² Letter, SF Public Golf Alliance to Pacifica City Council, re Consultation Draft LCLUP.3.25.24
https://drive.google.com/file/d/1vHuMe1pqU1zxoQUy4fP9A9KB6MNGSXem/view?usp=drive_link

³ Letter, SF Public Golf Alliance to Pacifica City Council, re April 2024 Draft LCLUP.4.8.24
https://drive.google.com/file/d/1KuFZfa5um7qMXNpesOaJ72IW5SP7oR0I/view?usp=drive_link

⁴ Letter, SF Public Golf Alliance to Pacifica City Council, re April 2024 Draft LCLUP.4.14.24
https://drive.google.com/file/d/19n109KQLQXkMM6w3quLTy752JMHeW0Yn/view?usp=drive_link

1. REQUEST MODIFICATION OF DEFINITION OF “ENVIRONMENTAL JUSTICE” IN PACIFICA’S APRIL 2024 DRAFT LOCAL COAST LAND USE PLAN

**Glossary: Modification No. 7.6 “Environmental Justice”
(Packet Page 46, City Council Agenda Apr. 15, 2024)**

The Glossary Section of Pacifica’s Draft Local Coastal Land Use Plan⁵ defines “Environmental Justice” too narrowly. This should be revised to more broadly include environmental issues identified by the Coastal Commission’s Environmental Justice Policy. (We offer suggested language for such a revision at EXHIBIT 1.)

The April 2024 Draft LCLUP’s definition of “Environmental Justice” is addressed – with some confusion – at Modification Number 7.6 (at Packet page 46) of the Summary Table with Alternative Modifications chart (the so-called “greenies”) included as **Attachment b** to the Staff Report for Council’s April 15, 2024 LCLUP Study Session No. 4.⁶ For reasons discussed below, we request a revised definition of “Environmental Justice”.

Pacifica’s April 2024 Draft LCLUP declares at Chapter 6 Section 3 that “Promote Environmental Justice” is a guiding policy goal for “development of the [Pacifica LCLUP] Coastal Resiliency Policies.”⁷ At Chapter 3, “Public Access and Recreation,” Section 3.9, “Environmental Justice,” the April 2024 Draft LCLUP cites (and references by electronic link) the California Coastal Commission’s March 2019 Environmental Justice Policy,⁸ and declares a Pacifica “guiding policy” to “promote environmental justice in support of the Coastal Commission’s environmental justice policy.”⁹

But Pacifica’s April 2024 Draft LCLUP Glossary’s definition of “Environmental Justice” is constricted to “policies that affect housing and the environment.”¹⁰ This limited

⁵ City of Pacifica Local Coastal Land Use Plan April 2024 Revised Certification Draft (“April 2024 Draft LCLUP”), Attachment G (at Packet pages 55-322) to the Staff Report for Pacifica City Council LCLUP Study Mtg. April 15, 2024 [Agenda - Monday, April 15, 2024 \(iqm2.com\)](#) (Hereafter “**Packet Pg**” refers to Council’s Apr.15, 2024 Agenda.)

⁶ Staff Report for City Council’s April 15, 2024 Study Meeting No. 4, at Packet pgs. 19-48. [Agenda - Monday, April 15, 2024 \(iqm2.com\)](#). Confusion arises from the fact that none of the chart’s “certification draft,” “CCC suggested modification” and “Draft Alternative Modification” texts match the text of the Glossary’s “Environmental Justice” definition. See that text at footnote 10, below and at Packet Pg. 291.

⁷ April 2024 Draft LCLUP, *supra*, Chapter 6, “Coastal Resilience,” Section 3, p. 6-4 (Packet Pg. 230 [Agenda - Monday, April 15, 2024 \(iqm2.com\)](#))

⁸ California Coastal Commission Environmental Justice Policy, Adopted March 8, 2019, https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

⁹ April 2024 Draft LCLUP, Chapter 3, *supra*, “Public Access and Recreation,” Section 3, p. 3-46 (Packet Pg. 157) [Agenda - Monday, April 15, 2024 \(iqm2.com\)](#)

¹⁰ April 2024 Draft LCLUP, *supra*, “Glossary,” “Environmental Justice,” G-28, at P. G-5 (Packet Pg. 291): “Environmental Justice: The fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. Environmental Justice refers to the fair treatment of all people – regardless of race, income, and religion – when implementing policies that affect housing and the environment. The federal and State government have policies that require agencies to identify and avoid placing a disproportionately large number of minority and low-income populations in certain geographical locations.” [Agenda - Monday, April 15, 2024 \(iqm2.com\)](#)

definition is identical to – and appears to have been lifted word-for-word from – the definition of “environmental justice” found in the Glossary section of Pacifica’s 2040 General Plan.¹¹ This narrow definition of “Environmental Justice” is misleading and false (because of material omissions) when incorporated into the April 2024 Draft LCLUP because “Environmental Justice” in the Coastal Zone – as declared by the California Coastal Commission’s Environmental Justice Policy -- is not limited to “housing and the environment,” but explicitly includes a significantly broader range of coastal resources including, among others, “**equitable coastal access**,”¹² “**preserving and providing for lower-cost recreational facilities**,”¹³ “**protect existing affordable housing**,”¹⁴ and “the **protection of coastal resources . . . [including] sensitive habitats**, watersheds, water quality, marine biodiversity, and biological productivity.”¹⁵

The Coastal Commission’s Environmental Justice Policy – a 25-page document including a 1-page **Policy** Statement, 7 pages of **Principles** including “Coastal Access,” “Housing,” and “Habitat and Public Health,” and a 5-page “**Implementation**” section -- emphasizes that the Commission’s commitment to environmental justice applies to “the Commission as an agency” (that is, to Staff as well as Commissioners), and that the equity commitment is to **everyone**.

The “Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone. The agency is committed to **ensuring that those opportunities not be denied on the basis of background, culture, race, color, religion, national origin, income, ethnic group, age, disability status, sexual orientation, or gender identity.**”^{16, 17} (emphasis added)

¹¹ Pacifica 2040 General Plan, Glossary, “Environmental Justice,” Pg. G-4 (297/311)
<https://cityofpacificca.egnyte.com/dl/vGfq0Mii2c>

¹² California Coastal Commission Environmental Justice Policy, *supra*, “Coastal Access,” Pg. 7 (11/25)
https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

¹³ California Coastal Commission Environmental Justice Policy, *supra*, “Coastal Access,” Pg. 7 (11/25)
https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

¹⁴ California Coastal Commission, Environmental Justice Policy, *supra*, “Housing,” at P. 8 (12/25)
https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

¹⁵ California Coastal Commission, Environmental Justice Policy, *supra*, “Habitat and Public Health,” at P. 11 (15/25)
https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

¹⁶ California Coastal Commission, Environmental Justice Policy, *supra*, “Environmental Justice Policy,” at P. 4 (8/25)
https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

¹⁷ The emphasized wording is from California Government Code 11135(a), referenced at Page 4 of the Coastal Commission’s Environmental Justice Policy. Government code 11135(a) provides: “No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, **age**, mental disability, **physical disability**, medical condition, genetic information, marital status, or sexual orientation, **be unlawfully denied full and equal access to** the benefits of, or be unlawfully subjected to discrimination under, **any program or activity that is conducted, operated, or administered by the state or by any state agency . . .**”
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=11135

Finally, the Commission's Environmental Justice Policy commits the Commission and its Staff to: (1) "working with local government to adopt local coastal program policies that protect affordable housing. . . . [and] also support measures that protect **existing** affordable housing,"¹⁸ (2) **Strongly encourage local governments to amend their local coastal programs to address environmental justice issues.**¹⁹ and (3) "Staff will continue to **work collaboratively with partner agencies**, the public, and commissioners **to ensure that coastal management decisions at all levels appropriately consider environmental justice concepts and values.**"²⁰

For these reasons, we request that the April 2024 Draft LCLUP's Glossary definition of "Environmental Justice" be revised as set forth at EXHIBIT 1.

2. Questions raised by the U.S. Supreme Court's April 12, 2024 decision in Sheetz v. County of El Dorado.

At City Council's April 15, 2024 LCLUP Study Session No. 4, a public speaker who identified himself as attorney Stanley Lamport appeared by telephone, advised City Council that he is a Los Angeles attorney whose specialties include Coastal matters, and further advised Council that the United States Supreme Court on the prior Friday, April 12, 2024, had released a unanimous opinion in a case that Mr. Lamport thought relevant to "Takings" issues raised by provisions of Pacifica's pending Draft Local Coastal Land Use Plan. A case matching Mr. Lamport's description – Sheetz vs. County of El Dorado, California, US Supreme Court October Term, 2023, No. 22-1074²¹ – was released for publication by the Supreme Court on April 14, 2024. San Francisco Public Golf Alliance has no connection with Mr. Lamport. But we suggest that City of Pacifica might want to consult a constitutional lawyer on issues discussed by the Supreme Court in Sheetz before proceeding further with its Local Coastal Land Use Plan and the Coastal Commission.

Respectfully submitted,

Richard Harris

President, San Francisco Public Golf Alliance

cc: City Manager Kevin Woodhouse, Planning Director Christian Murdock, Deputy Planning Director Stefanie Cervantes, Planning Commission and Commissioners, City Clerk Sarah Coffey, Phil Ginsburg, Gen. Mgr., San Francisco Recreation and Parks Dept., Spencer Potter, Esq., San Francisco Recreation and Parks Dept.

¹⁸ California Coastal Commission, Environmental Justice Policy, *supra*, "Housing," at P. 8 (12/25)
https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

¹⁹ California Coastal Commission, Environmental Justice Policy, *supra*, "Implementation" at P. 16 (20/25)
https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

²⁰ California Coastal Commission, Environmental Justice Policy, *supra*, "Implementation" at P. 16 (20/25)
https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

²¹ Sheetz vs. County of El Dorado, California, U.S. Supreme Court October Term, 2023, No. 22-1074
https://www.supremecourt.gov/opinions/23pdf/22-1074_bqmd.pdf

EXHIBIT 1 Proposed Draft Pacifica LCLUP Glossary definition of “Environmental Justice” (with annotations to the California Coastal Commission’s Environmental Justice Policy²²)

Environmental Justice means the fair treatment of everyone – including people of all races, cultures, and incomes -- and not to be denied on the basis of background, culture, race, color, religion, national origin, income, ethnic group, age, disability status, sexual orientation, or gender identity²³ -- with respect to the development, adoption, implementation, and enforcement of policies that affect coastal resources.²⁴ In March 2019 the California Coastal Commission unanimously adopted the Coastal Commission’s Environmental Justice Policy,²⁵ which includes, among other things, protection of coastal natural resources and providing public access and lower-cost visitor and recreational opportunities and facilities for everyone.²⁶ These are fundamental principles of environmental justice.²⁷ Environmental Justice priorities include protection of existing affordable housing²⁸ and protection of coastal resources, including sensitive habitats, watersheds, water quality, marine biodiversity, and biological productivity.²⁹

²² California Coastal Commission, Environmental Justice Policy, Mar. 8, 2019, at P. 4

[https://documents.coastal.ca.gov/assets/env-justice/CCC EJ Policy FINAL.pdf](https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf)

²³ California Coastal Commission, Environmental Justice Policy, *supra*, at p. 4 (8/25) : “Environmental Justice Policy. “The Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone. The agency is committed to ensuring that those opportunities not be denied on the basis of background, culture, race, color, religion, national origin, income, ethnic group, age, disability status, sexual orientation, or gender identity.”

²⁴ California Coastal Commission, Environmental Justice Policy, *supra*, at P. 19 (22/25)

[https://documents.coastal.ca.gov/assets/env-justice/CCC EJ Policy FINAL.pdf](https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf)

²⁵ California Coastal Commission, Environmental Justice Policy, Mar. 8, 2019

[https://documents.coastal.ca.gov/assets/env-justice/CCC EJ Policy FINAL.pdf](https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf)

²⁶ California Coastal Commission, Environmental Justice Policy, *supra*, at p. 4 (8/25) : “Environmental Justice Policy. “The Commission as an agency is committed to protecting coastal natural resources and providing public access and lower-cost recreation opportunities for everyone. The agency is committed to ensuring that those opportunities not be denied on the basis of background, culture, race, color, religion, national origin, income, ethnic group, age, disability status, sexual orientation, or gender identity.”

²⁷ California Coastal Commission, Environmental Justice Policy, *supra*, at p. 7 (11/25): “The Coastal Act’s mandates to provide maximum access and recreational opportunities for all, and to protect, **encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice.**”

²⁸ The “Commission retained the authority to encourage affordable housing. The Commission will increase these efforts with project applicants, appellants and local governments, . . . by working with local government to adopt local coastal program policies that protect affordable housing. . . . The Commission will also support measures that protect existing affordable housing.”

²⁹ California Coastal Commission, Environmental Justice Policy, *supra*, at p. 8 (12/25): “. . . **there is no environmental justice without a healthy environment, the Commission will continue to prioritize the protection of coastal resources. This includes sensitive habitats, watersheds, water quality, marine biodiversity, and biological productivity.**”

From: Amber [REDACTED]
Sent: Sunday, April 21, 2024 8:47 PM
To: Public Comment
Cc: Chuck Waters
Subject: No managed retreat

[CAUTION: External Email]

Stop managed retreat for fairway park. It's not legal and fairway should not be included in the impact zone. I protest as a home owner of 245 greenway drive.

Amber and Chuck Waters Sent from my iPhone

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From: Lawrence Bothen <lbothen@sbcglobal.net>
Sent: Monday, April 22, 2024 12:13 AM
To: _City Council; Public Comment; Public Comment
Cc: Core Group
Subject: Questions about LCLUP from 4/15

[CAUTION: External Email]

All,

Since none of my questions were answered in last week's marathon I am resubmitting them for tonight's marathon.

Council,

Following are questions and comments on LCLUP revisions.

Staff's agenda admits many are confused about the SRA's in Rockaway Beach and West Sharp Park. No wonder. What happens to the rest of Pacifica's coastal zone?

- * Do SRA's allow for maintenance, improvement or complete rebuilding of coastal protections like the Sharp Park seawall?
- * If part of their purpose is to protect existing infrastructure why does it start and stop in West Sharp Park? What about the golf course?
What about the shoreline next to the Palmetto Av. corridor that carries infrastructure from the Manor? If that's not protected erosion on those bluffs will compromise the Shoreview neighborhood, IBL Middle School and everything up to and including the Manor Shopping Center and the rest of the Esplanade apartments.
- * Why aren't the Golf Course and West Fairway Park neighborhood included in the SRA's? What about the utilities running under the golf course? Who pays if they have to be relocated?
- * Since the Coastal Commission does not have the power of Eminent Domain, where will Pacifica get the money to compensate property owners? Will the State provide that money or is that out of our pocket?
- * If water and sewer lines, streets and even Hwy 1 have to be relocated, who pays for it? This decision is NOT being made by the people of Pacifica.
- * If the LCLUP is approved, what's the timetable for implementation? How does the City plan to replace lost revenue caused by devaluation and loss of taxpaying properties?
- * Why is Pacifica in such a rush to get this plan approved? Why not let richer coastal cities go first and find out what precedents are set or changes made?

I look forward to honest answers to these questions and more at tonight's meeting.

Larry Bothen

Rockaway
Pacifica

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From: Ruth Reynolds [REDACTED]
Sent: Monday, April 22, 2024 6:51 AM
To: Public Comment
Subject: Meeting 4/22!24

[CAUTION: External Email]

Sent from my iPhone PACIFICA City Council. I urge you to represent the citizens of our city directly and not turn to adopt an outside bureaucratic agency's guidelines. You were elected to serve us the citizens, not turn our plan over to an outside group with an agenda. Put this on hold and see what it has done to real people's life's before you move. Let's run our own city if we are going to be concerned for everyone here with a hands on approach. Sincerely. Ruth Reynolds

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From: Beckmeyer, Sue
Sent: Monday, April 22, 2024 7:51 AM
To: Public Comment
Subject: Fwd: Coastal Plan

Please add to the permanent record re: LCLUP.
Thanks,

- Sue B.

From: Colleen Marie Pauza [REDACTED]
Sent: Sunday, April 21, 2024 1:47:16 PM
To: _City Council <citycouncil@ci.pacifica.ca.us>
Subject: Coastal Plan

[CAUTION: External Email]

VOTE NO ON THE CURRENT PLAN!

Colleen

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From: Kenneth G Valdez [REDACTED]
Sent: Monday, April 22, 2024 8:21 AM
To: _City Council; Public Comment; Coffey, Sarah
Cc: Ken Valdez
Subject: REJECT SRA Concept | Pacifica Resident

[CAUTION: External Email]

Hello,

I have lived in San Francisco all my life and just moved to Pacifica 5 years ago (near the Golf Course) . I LOVE this place, so much I left my beloved San Francisco city to start a family here w/ my wife.

We have 2 beautiful children, 6yr old girl and a 3yr old boy, that because of them...me and my wife have been putting in our life savings and hard work into a 'million dollar fixer upper' (what's not a million+ these days) so that our children can be handed down as much of a perfect house, let alone having the house they grew up in, as their inheritance where many memories will and have been made.

I oppose this SRA concept & being under the California Coastal Commission's terms/zoning as it seems that it would just be more of a hardship/burden to live here to do any type of improvement if wish(and able) to do so.

Also, why is the area near the newly being built City of Pacifica office protected and not in the zoning of the Coastal Commision? but everything else around it is?

I'm very concerned about being able to give my family, our children, a proper/safe/maintained/upkept house without breaking the bank or going through countless hurdles just to possibly get something done? Seems like an HOA from hell, and everyone I know that is in an HOA...says it already sucks.

Simply put, and on behalf of me and my entire family, we vote **NO** on this SRA concept.

Kind Regards,

- KenValdez

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From: Coffey, Sarah
Sent: Monday, April 22, 2024 8:36 AM
To: Public Comment
Subject: FW: LCLUP continuation, Meeting 4.5?!

-----Original Message-----

From: Lawrence Bothen [REDACTED]
Sent: Sunday, April 21, 2024 11:44 PM
To: _City Council <citycouncil@ci.pacifica.ca.us>; Vaterlaus, Sue <svaterlaus@pacifica.gov>; Beckmeyer, Sue <sbeckmeyer@pacifica.gov>; Bigstych, Tygarjas <tbigstych@pacifica.gov>; CoastalPlan <Coastalplan@pacifica.gov>; CoastalPlan <Coastalplan@pacifica.gov>; Bier, Mary <mbier@pacifica.gov>; Boles, Christine <CBoles@pacifica.gov>; Coffey, Sarah <scoffey@pacifica.gov>
Cc: Woodhouse, Kevin <kwoodhouse@pacifica.gov>; Murdock, Christian <cmurdock@pacifica.gov>; Cervantes, Stefanie <SCervantes@pacifica.gov>; Cervantes, Stefanie <SCervantes@pacifica.gov>
Subject: LCLUP continuation, Meeting 4.5?!

[CAUTION: External Email]

All,
This is long, ~1100 words, and you need to read every single one of them, because it affects everyone in this town. THIS is Pacifica's future, writ large. What you decide in the next 12 hours is our way forward, or backward if you make the wrong choice.
L. Bothen

Pacifica LCLUP Review; Meeting 4 continuation, April 22, 2024

It's no wonder the city is not taking public comment on this fifth LCLUP review. It does not mean the public doesn't have more to say about it. It means that city council and staff don't want to hear it. That is abundantly clear.

Nor is it any wonder that the LCLUP is the last item on tonight's agenda. The business you are planning won't stand the light of day. With any luck the usual drudge of bureaucracy will have flushed out the stalwarts by 10 PM.

I've run out of ways to say the city's and CCC staff edits of the LCLUP make it a deeply flawed plan, the polar opposite of the one citizens of Pacifica approved overwhelmingly in 2020. To the taxpayers that foot the bill for this government malpractice, it has become a travesty of public policy.

What should be crystal clear from each of the last four public meetings, from last December to present, is that the citizens of Pacifica have been increasingly shocked, outraged and betrayed with each new revelation of the revised Coastal Plan. You've all heard it. So much so that during the April 15 meeting, out of some 32 people who spoke in person or by zoom, they were almost unanimous in their opposition to the plan, regardless of their place on the political spectrum. That speaks volumes. Nobody gets what they want. City bureaucrats call that negotiation.

We have begged, pleaded and cajoled for years, and yet, with each meeting since Coastal Commission staff rewrote the coastal plan the public approved in 2020, and made it the exact opposite of what we approved, city council has

withdrawn further into its shell, and staff has grown more evasive about their intentions. I would too if I had it in me to hoodwink the public. When we read the edits staff produced it is, again, no wonder.

I've run out of ways to urge council to vote no on the coastal plan and return to the one the public approved in 2020. My fellow citizens and colleagues have cited chapter and verse how this LCLUP conflicts with the actual Coastal Act, and how city and CCC staff have excerpted text from it like a buffet, absent its context and opposite its true meaning. Reciting all those fine points again will have no effect.

I've exhorted you to lead, follow or get out of the way. You've done none of it. When I ask for an explanation, you clam up. So, there's nothing left but to appeal to your hearts and minds. Cynical though I am, I believe that still exists in some small corner of most people who choose a public service career. Leadership is perhaps the greatest challenge but, in the 21st century, a diminishing number of those who could lead, do.

Yet, as I watched the Sunday morning news programs recapping the House vote to appropriate funds for Ukraine, Israel, and Taiwan, it was the speech Mike Johnson gave to the press which struck me as a profile in courage. A hard right Republican who had never voted to fund Ukraine's defense of its sovereign land because of his MAGA loyalties, Johnson had an epiphany. He told the gathered press he pushed for it and put his job on the line, because IT WAS THE RIGHT THING TO DO. For them, for us, for Europe, for ALL our nation's security.

City Council, all of you, I know you are under enormous pressure from the city manager and the planning department, to drag you into this buzz saw they've built for you. Sign it, sign it, they whisper. After all these years you're wearing down. You're tired of these endless meetings and circular arguments, the mind-numbing statistics, the evasions and half-truths, the sheer mass of it all. It's close enough for government work, right? Wrong!

If you sign it, once you endorse the Coastal Commission's mandates, the City of Pacifica will be left holding the bag. Because only the city has the power of eminent domain. Not the Coastal Commission. That is the one power that omnipotent, imperial agency does not have. You will be liable for all the enforcement and ALL the lawsuits that emanate from your inability to see their consequences.

Keep this in mind. Your vote will live long after you. So will your haste. Will you be proud? Embarrassed? Or ashamed of how you voted?

You could postpone a vote and defer to the rich cities of Southern California who have the money and firepower to fight for their own vision of their coastal cities. You could let them go before the Coastal Commission first. Establish precedent. The inevitable lawsuits over eminent domain and local autonomy will play out in courts for the next ten years, and WE won't have to pay for it!

You could delay on the basis of CCC's own declaration of best available science. The soon to be released study of California's Ocean Protection Council forecasts 50% lower sea level rise, 3.1ft vs. 5.7 ft in 2100, in their 2017 analysis. So what are we even fighting about? What's the rush? We have ten years to put out a plan. If you vote to approve this LCLUP now we will all know you took the easy way out. This thing is so full of contradictions, half promises and blank checks that you will look like fools.

If so, your vote could come back to haunt you when the cascade of lawsuits from displaced homeowners and angry taxpayers descend like a plague of locusts. Long after you've termed out and gone on to your next government post you could be recalled for testimony on this fateful decision. You could suffer sanctions, even punitive damages.

Why did you do it? Did you do your due diligence? What was so compelling about the obviously flawed information before you? Did you really think the citizens of Pacifica wouldn't go ballistic over your choice to deep-six a city of 36,000? Was your decision influenced by threats? From whom?

So, I ask you now, council. Do the right thing. Do not hand over the power given to you by citizens, as our elected representatives, to bureaucrats that only seek another bullet point on their resume.

Do not give the Coastal Commission the power to run this city down to the sea. You are stronger than that. You are better than that. DO THE RIGHT THING!

Respectfully,

Larry Bothen, citizen

Pacifica, CA

<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fSavepacific.org&c=E,1,ce7C1HUPGvm5msclkrq1s9jq9PejGPPvoKrNIKEG32T59DIWumy7NgTgdMDggUpsxz3UP4ldy8-JzAf6wphRKBtevMoB5GR-cHOMdbB9&typo=1>

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From: Kathy Holmes [REDACTED]
Sent: Monday, April 22, 2024 8:58 AM
To: Public Comment
Subject: LCLUP

[CAUTION: External Email]

As a resident of Pacifica I urge you to vote NO on the resolution to adopt the LCLUP. It enables Coastal Commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits that will follow will bankrupt us. Do NOT give up local control for bad policy. Please acknowledge receipt.

Kathleen Holmes
[REDACTED]

Sent from my iPad

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From: Crystal Clayton [REDACTED]
Sent: Monday, April 22, 2024 9:03 AM
To: Public Comment; citycouncil@pacifica.org
Subject: Please reconsider the LCLUP

[CAUTION: External Email]

To Whom It may Concern,

I know everyone has worked hard on this but the LCLUP plan needs more work...let's not rush it. Pacifica is special and it, along with the residents, deserve better. While I'm new to involving myself in city agendas, by attending these meetings it has made one thing clear to me - the community opposes this plan as it stands and so do I.

Thank you for your time,
Crystal Clayton
Arguello Blvd, Linda Mar

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From: MICHAELANDLORI MARTIN [REDACTED]
Sent: Monday, April 22, 2024 9:22 AM
To: Public Comment
Subject: Pacifica Local Land Use Plan

[CAUTION: External Email]

Dear Mayor Vaterlaus and Council Members,

I urge City Council to reject the SRA concept in the response to Coastal Commission staff's proposed changes, especially as you review Chapter 6 of this proposal. I have voiced my reasoning many times on this topic so I will not state the reasons again now. But PLEASE, as our elected representatives, do what is right for Pacifica and its residents and STAND UP TO THE COASTAL COMMISSION!

Thank you,

Michael Martin
[REDACTED]

Sent from my iPhone

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From: Lori Martin [REDACTED]
Sent: Monday, April 22, 2024 9:41 AM
To: Public Comment
Subject: Local Land Use Plan for Pacifica

[CAUTION: External Email]

Dear Mayor Vaterlaus and Council Members

I am writing to urge you to reject the SRA concept in the response to the California Coastal Commission staff's proposed changes, especially the components in Chapter 6.

Please please reconsider the impact on the homeowner's of Pacifica - and the knock-on effects it will have on property values, the tax base, and the future attractiveness of Pacifica as a place to buy a home. You must find a way to balance the competing interests. Please do not turn your back on the homeowner's, like me, who love this town, pay taxes, and elect officials like you to represent our interests and needs.

Please please STAND UP TO THE CALIFORNIA COASTAL COMMISSION!

sincerely, with my fingers crossed that you do the right thing,
Lori Martin
[REDACTED]

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From: Harman, Sheila A <harmans@sfusd.edu>
Sent: Monday, April 22, 2024 9:47 AM
To: Public Comment
Subject: April 22, Sheila Harman

[CAUTION: External Email]

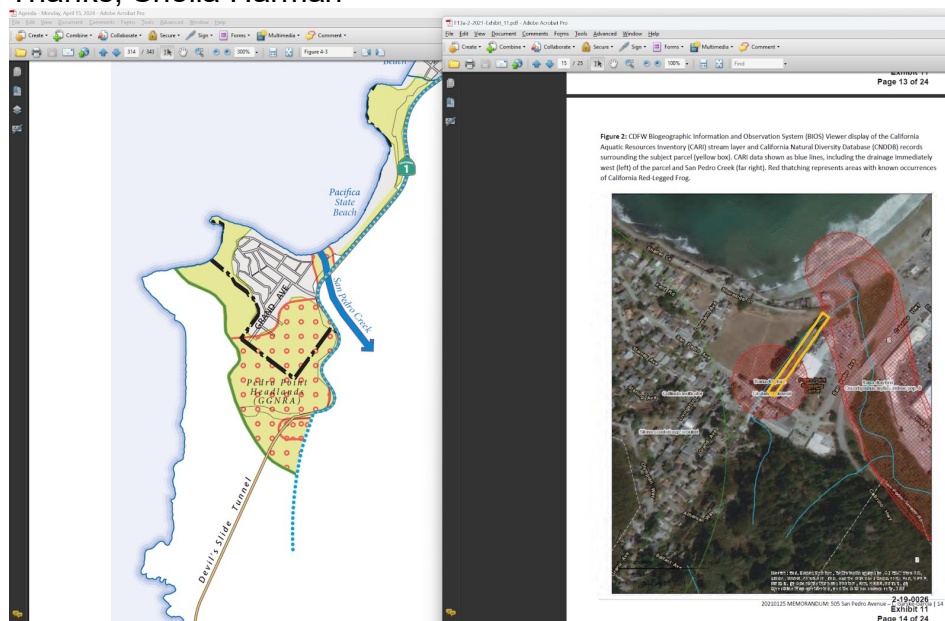
Hello Pacifica Staff,

Thank you for the effort in creating a new land use map after all these years. I am writing to you to point out the error in the draft map created for the updated [Pacifica's Revised Certification Draft Local Coastal Land Use Plan \(LCLUP\)](#). There is a section that refers to any or all of the Potential Environmentally Sensitive Habitat Areas (ESHAs) in Pacifica and it does not include the California Red Legged Frogs (see page 178 of the LCUP) and it should.

The area of concern is an ESHA zone which is not indicated properly on your map. Included is the CDFW map that shows areas with colored red marks to be California Red legged frog habitat. It is not shown on the new map and as a result I do not think you should approve the newest draft of the LCUP.

Please use the map to the right to rectify this issue.

Thanks, Sheila Harman



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From: NANCY MUNROE [REDACTED]
Sent: Monday, April 22, 2024 9:51 AM
To: _City Council; Public Comment
Subject: NO ON LCLUP

[CAUTION: External Email]

As a pacifica resident, I urge you to vote NO on the resolution to adopt the LCLUP. it enables the Coastal Commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits will follow and bankrupt us. Do NOT give up our local control for bad policy. Please acknowledge receipt of this protest.

Nancy Munroe
[REDACTED]
[REDACTED]
[REDACTED]

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From: Linda Acosta [REDACTED]
Sent: Monday, April 22, 2024 10:20 AM
To: Public Comment; _City Council; Coffey, Sarah
Subject: Reject SRA concept in response to Coastal Commission

[CAUTION: External Email]

Dear Mayor Vaterlaus and Council Members,

Once again, I urge City Council to reject the SRA concept in the response to Coastal Commission staff's proposed changes, especially as you review Chapter 6 of this proposal.

As you have heard, no one in Pacifica likes these LCLUP changes. You may hear staff say that this is a sign of good negotiations because no one gets everything they want. But this is not a negotiation between Pacifica's residents (that was done with the 2020 LCLUP Draft), this is a negotiation between Coastal Commission's staff and city staff. With this proposal CCC staff is getting everything they want.

SRAs are not about giving two areas, West Sharp Park and Rockaway Beach, special treatment. It's really about removing rights from all the other coastal areas in Pacifica they are entitled to by the Coastal Act. This is arbitrary, not fair, and not legal.

Ask yourself and staff why changing floor structures, such as adding earthquake bracing, constitutes an SSM? What does this have to do with addressing climate change? This is punishing people for doing the right thing. The Coastal Commission should not be in the remodeling business.

Consider the following examples about the proposed LCLUP:

- A pre-Coastal Act home in a non-SRA location with a second story added in 1980 is **instantly** considered an SSM when they get a permit.
- That same home will have to "correct any legal nonconformities", but there is no definition of what that means.
- Homes in non-SRA areas such as West Fairway Park (1/2 mile from the shoreline) would have more restrictions than homes on Beach Blvd at ground zero for sea level rise hazards.
- Insurance rates will skyrocket and/or policies cancelled due to new restrictions.
- Property values and tax assessments will plummet.

- As mentioned earlier, the Coastal Vulnerability Maps are error-ridden and not accurate. The Coastal Commission and the City are using them for policies, even though the disclaimer below each CVZ map says they are not intended for this purpose.
- OPC will be approving their new 2024 Sea Level Guidance on June 4. That's only 44 days away. This is the best available science which predicts 3.1ft of sea level rise by 2100 instead of the 5.7ft prediction in the old 2017 guidance. There is **no reason** to push this through now and hope that Coastal Commission will accept an amendment. This is foolish, irresponsible, and contrary to the LCLUP's statement that it uses the "best available science".
- Coastal Commission's amendment and public comment review process will take months/years for an amendment to happen. As an example, Dana Point proposed an amendment to their LCP-5-DPT-21-0079-2 on April 17, 2023. On June 22, 2023, Coastal Commission staff requested and received a one-year extension for Coastal Commission action. Public comment has been reopened again. It is still ongoing with no decision in sight. Please don't be fooled when city staff says they think an amendment will take a few months.

It must be clear to Council, as it is to us residents, that the Coastal Commission's goal is to remove all development (homes, businesses, and shoreline protections) from Pacifica's coast.

This LCLUP proposal shifts Coastal Commission's legal responsibilities to the City, exposing the City to multiple single- and class-action lawsuits. This disastrous outcome will bankrupt Pacifica.

I urge you to direct staff to remove the SRA concept and treat all residents, homes, and businesses the same under the Coastal Act. Do not concede our rights or require restrictions that force us to give them up to the Coastal Commission. City Council represent Pacifica residents, not the Coastal Commission.

Respectfully,

Linda and Emiliano Acosta

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From: Lorraine [REDACTED]
Sent: Monday, April 22, 2024 10:43 AM
To: Public Comment; citycouncil@pacifica.org
Subject: Please reconsider the LCLUP

[CAUTION: External Email]

To Whom It may Concern,

Thank you for all your hard work on the LCLUP. I believe the plan needs more work and ask not to rush it and ask you to vote NO. Pacifica is a special place and as a resident I hope my voice is heard, Pacifica and its residents deserve better. While new to attending city meetings, one thing that has been very clear is I'm not alone and the community also opposes this current plan.

Thank you for your time,
Lorraine Garnett,
Arguello Blvd, Linda Mar

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From: Karen Doss-Thomas [REDACTED]
Sent: Monday, April 22, 2024 11:03 AM
To: _City Council; Public Comment; Coffey, Sarah
Subject: Reject the SRA Concept

[CAUTION: External Email]

Dear Mayor Vaterlaus and Council Members,

Once again, I urge City Council to reject the SRA concept in the response to Coastal Commission staff's proposed changes, especially as you review Chapter 6 of this proposal.

As you have heard, no one in Pacifica likes these LCLUP changes. You may hear staff say that this is a sign of good negotiations because no one gets everything they want. But this is not a negotiation between Pacifica's residents (that was done with the 2020 LCLUP Draft), this is a negotiation between Coastal Commission's staff and city staff. With this proposal CCC staff is getting everything they want.

SRAs are not about giving two areas, West Sharp Park and Rockaway Beach, special treatment. It's really about removing rights from all the other coastal areas in Pacifica they are entitled to by the Coastal Act. This is arbitrary, not fair, and not legal.

Ask yourself and staff why changing floor structures, such as adding earthquake bracing, constitutes an SSM? What does this have to do with addressing climate change? This is punishing people for doing the right thing. The Coastal Commission should not be in the remodeling business.

Consider the following examples about the proposed LCLUP:

- A pre-Coastal Act home in a non-SRA location with a second story added in 1980 is **instantly** considered an SSM when they get a permit.
- That same home will have to "correct any legal nonconformities", but there is no definition of what that means.
- Homes in non-SRA areas such as West Fairway Park (1/2 mile from the shoreline) would have more restrictions than homes on Beach Blvd at ground zero for sea level rise hazards.
- Insurance rates will skyrocket and/or policies cancelled due to new restrictions.
- Property values and tax assessments will plummet.

- As mentioned earlier, the Coastal Vulnerability Maps are error-ridden and not accurate. The Coastal Commission and the City are using them for policies, even though the disclaimer below each CVZ map says they are not intended for this purpose.
- OPC will be approving their new 2024 Sea Level Guidance on June 4. That's only 44 days away. This is the best available science which predicts 3.1ft of sea level rise by 2100 instead of the 5.7ft prediction in the old 2017 guidance. There is **no reason** to push this through now and hope that Coastal Commission will accept an amendment. This is foolish, irresponsible, and contrary to the LCLUP's statement that it uses the "best available science".
- Coastal Commission's amendment and public comment review process will take months/years for an amendment to happen. As an example, Dana Point proposed an amendment to their LCP-5-DPT-21-0079-2 on April 17, 2023. On June 22, 2023, Coastal Commission staff requested and received a one-year extension for Coastal Commission action. Public comment has been reopened again. It is still ongoing with no decision in sight. Please don't be fooled when city staff says they think an amendment will take a few months.

It must be clear to Council, as it is to us residents, that the Coastal Commission's goal is to remove all development (homes, businesses, and shoreline protections) from Pacifica's coast.

This LCLUP proposal shifts Coastal Commission's legal responsibilities to the City, exposing the City to multiple single- and class-action lawsuits. This disastrous outcome will bankrupt Pacifica.

I urge you to direct staff to remove the SRA concept and treat all residents, homes, and businesses the same under the Coastal Act. Do not concede our rights or require restrictions that force us to give them up to the Coastal Commission. City Council represent Pacifica residents, not the Coastal Commission.

Respectfully,

Karen Doss-Thomas

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From: Gary Cutitta [REDACTED]
Sent: Monday, April 22, 2024 11:58 AM
To: _City Council; Public Comment; Coffey, Sarah
Subject: Continuation of LCLUP Meeting #4 - April 22 at 6PM

[CAUTION: External Email]

Dear Mayor Vaterlaus and Council Members,

Once again, I urge City Council to reject the SRA concept in the response to Coastal Commission staff's proposed changes, especially as you review Chapter 6 of this proposal.

As you have heard, no one in Pacifica likes these LCLUP changes. You may hear staff say that this is a sign of good negotiations because no one gets everything they want. But this is not a negotiation between Pacifica's residents (that was done with the 2020 LCLUP Draft), this is a negotiation between Coastal Commission's staff and city staff. With this proposal CCC staff is getting everything they want.

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Ask yourself and staff why changing floor structures, such as adding earthquake bracing, constitutes an SSM? What does this have to do with addressing climate change? This is punishing people for doing the right thing. The Coastal Commission should not be in the remodeling business.

Consider the following examples about the proposed LCLUP:

- A pre-Coastal Act home in a non-SRA location with a second story added in 1980 is **instantly** considered an SSM when they get a permit.
- That same home will have to "correct any legal nonconformities", but there is no definition of what that means.
- Homes in non-SRA areas such as West Fairway Park (1/2 mile from the shoreline) would have more restrictions than homes on Beach Blvd at ground zero for sea level rise hazards.
- Insurance rates will skyrocket and/or policies cancelled due to new restrictions.
- Property values and tax assessments will plummet.
- As mentioned earlier, the Coastal Vulnerability Maps are error-ridden and not accurate. The Coastal Commission and the City are using them for policies, even though the disclaimer below each CVZ map says they are not intended for this purpose.
- OPC will be approving their new 2024 Sea Level Guidance on June 4. That's only 44 days away. This is the best available science which predicts 3.1ft of sea level rise by 2100 instead of the 5.7ft prediction in the old 2017 guidance. There is **no reason** to push this through now and hope that Coastal Commission will accept an amendment. This is foolish, irresponsible, and contrary to the LCLUP's statement that it uses the "best available science".
- Coastal Commission's amendment and public comment review process will take months/years for an amendment to happen. As an example, Dana Point proposed an amendment to their LCP-5-DPT-21-0079-2 on April 17, 2023. On June 22, 2023, Coastal Commission staff requested and received a one-year extension for Coastal Commission action. Public comment has been reopened again. It is still ongoing

with no decision in sight. Please don't be fooled when city staff says they think an amendment will take a few months.

It must be clear to Council, as it is to us residents, that the Coastal Commission's goal is to remove all development (homes, businesses, and shoreline protections) from Pacifica's coast.

This LCLUP proposal shifts Coastal Commission's legal responsibilities to the City, exposing the City to multiple single- and class-action lawsuits. This disastrous outcome will bankrupt Pacifica.

I urge you to direct staff to remove the SRA concept and treat all residents, homes, and businesses the same under the Coastal Act. Do not concede our rights or require restrictions that force us to give them up to the Coastal Commission. City Council represent Pacifica residents, not the Coastal Commission.

Respectfully,

Gary Cutitta



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From: [REDACTED]
Sent: Monday, April 22, 2024 12:07 PM
To: Public Comment
Subject: Public Comment for City Meeting 4/22/24

[CAUTION: External Email]

Dear Pacifica City Council; Kevin Woodhouse, City Manager, et al:

Jenifer Behling here, resident of West Sharp Park and business owner of an apartment building with market rates. I don't have time to write you right now, but am informing you that I disagree with the Coastal Commission, City of Pacifica Council, City Manager, and Planning Director's refusal to protect all citizens of Pacifica and the right to have everyone's real property protected. I will be communicating more later, and look forward to learning more at the meeting tonight, 4/22/24.

Best regards,
Jenifer Behling

Jenifer G.M. Behling
[REDACTED]
[REDACTED]

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From: [REDACTED]
Sent: Monday, April 22, 2024 12:10 PM
To: Public Comment; _City Council
Cc: Woodhouse, Kevin; Murdock, Christian
Subject: Part 2 - 4/22 Public Comments - We need you to have our back

Importance: High

[CAUTION: External Email]

Dear Mayor Vaterlaus and Pacifica City Council,

Our Community has had your back, now we need you to have ours. We need you to fight the good fight to protect our homes, businesses, tenants, and livelihoods the way we would protect yours.

As an affordable housing provider in Sharp Park Pacifica, a mom-and-pop family business we have had since the 70s here in Sharp Park, I am asking you to please stop moving forward with negotiating a bad deal with the Coastal Commission through their edits to our 2020 submission of the Local Coastal Land Use Plan.

We as property owners, business owners, tenants, and residents love our City, love our community, love our natural surroundings, and want to see Pacifica thrive, not die.

Hire the best of the best consultants, attorneys, and Smart Coast to help you navigate talks with the Coastal Commission. Trust your gut, how can you in good conscious vote to pass a Local Coastal Land Use Plan that hurts our residents, our tenants, and businesses? There has to be another way. Think big and think out of the box.

We can take our community to a whole other level if we get creative - where we can live in harmony and nature without hurting ourselves.

I'm concerned that the CCC is trying to force these changes to our City, with some of the most affordable housing on the Peninsula and Bay Area. This is screaming of socioeconomic disparities, inverse condemnation, environmental injustice, gentrification, and green gentrification. Don't we deserve the same care, concern, and protection as the red-legged frog and the California Garter snake?

Think outside of the box - building a stronger sea wall to protect private property rights. One idea - what about Kelp Restoration Projects in our oceans? Kelp levels are diminishing. Kelp restoration has great potential to help offset carbon emissions, bring jobs, and have the ability for our community and nature to work together in harmony.

We have your back, now we need yours.

Thank you,
Marianne P. Osberg

Property Owner

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From: Jennifer Wong [REDACTED]
Sent: Monday, April 22, 2024 1:42 PM
To: Public Comment
Subject: NO on coastal plan

[CAUTION: External Email]

As a resident of Pacifica I urge you to vote NO on the resolution to adopt the LCLUP.
It enables Coastal Commission overreach that takes away our right to protect our homes and community. We taxpayers cannot afford to pay for another mistake. The loss of property and the flood of lawsuits that will follow will bankrupt us. Do NOT give up local control for bad policy.
Please acknowledge receipt.

Jennifer Wong
[REDACTED]

Sent from my iPhone

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From: Cherie Chan [REDACTED]
Sent: Monday, April 22, 2024 12:00 PM
To: Public Comment
Subject: Item 6: 4/21/2024: Continuation of Adjourned Special Meeting from April 15, 2024 - Modifications to the City of Pacifica's Revised Certification Draft Local Coastal Land Use Plan (LCLUP), including the Special Resiliency Area policies, and direction to...
Attachments: F16a-3-2021-exhibits6-9_CCC-CommentLettersToCity.pdf

[CAUTION: External Email]

Hello,

In response to last week's meeting on April 15th in which City planning staff claimed that the former Archdiocese Property at San Pedro Avenue is neither a potential Environmentally Sensitive Habitat Area (ESHA) nor established ESHA, or that it didn't have a chance to update its maps which were created by its consultants in 2019, I am re-attaching the comments of the Coastal Commission which have already established the former Archdiocese Property at San Pedro Avenue as red-legged Frog habitat since 2005. I will also note that the Coastal Commission and City Staff have been referring to this and an adjacent parcel with the shared understanding that this is wetlands since at least 2010, and as a sensitive habitat since 2015.

While I understand there may be constraints on staff time and maps may be hard to update, at a bare minimum, the text of the LCLUP must be consistent with the universally-held determinations by City Staff, the Coastal Commission, and the California Department of Fish and Wildlife that the San Pedro Avenue property is an established sensitive wetlands habitat and red-legged frog breeding ground. To do otherwise would create an LCLUP which is inconsistent with the Coastal Act.

I am also including, for your reference text, from the existing LCLUP

Available at: <http://www.cityofpacifica.org/civica/filebank/blobdload.asp?BlobID=2293>

"Pedro Point begins on page C-54, electronically page 63.

"The designated land use for this area is commercial with emphasis on coastal related and/or visitor-serving uses. By combining all of the parcels in the area between Danmann and San Pedro Avenue, Highway 1 and the railroad berm and developing them as an integrated project along a realigned San Pedro Avenue, this small, oceanside commercial center could be rejuvenated and expanded to become an attractive visitor destination, as well as provide for neighborhood retail needs"

Building on the design character of some of the older homes along Danmann and San Pedro which have been converted to shops, adding a cultural center for performing arts and an attractive motel could, if carefully designed, enhance the appearance of this area and provide visitor services near the shoreline. ...

Small scale, rustic design and ample landscaping throughout the commercial development would complement the existing attractive design elements in the Pedro Point area. Adequate public access through the development to the shoreline and a general orientation to coastal related/visitor-serving uses within the project would be appropriate in this location. Given these criteria, commercial use of this portion of the neighborhood is consistent with the following policies of the Coastal Act: 30212 (Provision of Public Access in New Developments), 30222 (Priority of Recreational/Visitor-Serving Uses), 30250 (Concentration of Development)."

Please do not change the land use designation to Commercial Residential Mixed Use of this property which is a vital part of our community and access to our coast.

Thank you for your service.

Cherie Chan
San Pedro Avenue

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CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



F16a

2-19-0026 (RHODES MIXED-USE DEVELOPMENT)

MARCH 12, 2021

EXHIBITS

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EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Site Photos

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Exhibit 4 – City of Pacifica Final Local Action Notice

Exhibit 5 – Wetland Delineation

Exhibit 6 – Coastal Commission comment letters to City

Exhibit 7 – Peter Baye Biology Memo dated May 4, 2005

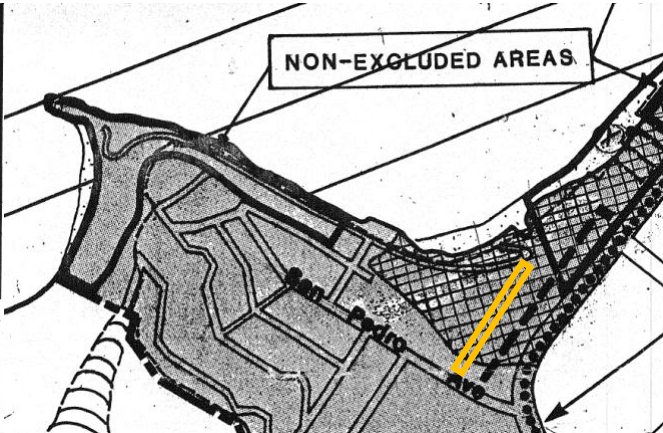
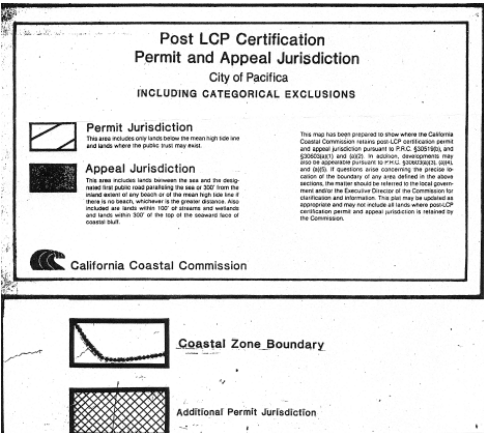
Exhibit 8 – Peter Baye Biology Memo dated July 7, 2014

Exhibit 9 – Photographic Documentation of CRLF

Exhibit 10 – CNDDDB Field Survey Report

Exhibit 11 – Commission Staff Ecologist memo

505 SAN PEDRO AVENUE – PROJECT LOCATION MAP
City of Pacifica, San Mateo County



505 SAN PEDRO AVENUE – SITE PHOTOS



Horrisberger, Christina

From: Renee Ananda [rananda@coastal.ca.gov]
Sent: Wednesday, May 19, 2010 1:14 PM
To: Horrisberger, Christina
Cc: sdeleon@dfg.ca.gov; ryan_olah@fws.gov; Donguines, Raymond
Subject: FW: APN 023-072-010 Study Session

Christina,

It appears you didn't receive my comments (originally sent on May 13th). Please see the forwarded message below. Sorry for any inconveniences. Thank you.

From: Renee Ananda
Sent: Thursday, May 13, 2010 2:49 PM
To: 'Horrisbergerc@ci.pacifica.ca.us'
Cc: Renee Ananda
Subject: APN 023-072-010 Study Session

Hello Christina,

This is a follow-up to our conversation (on Monday 5/10) re: the applicant's (Shawn Rhodes') preliminary proposal to construct a 2-story commercial-residential unit, a surf shop, and storage shop (a total of 3 structures) and a skate board park on a vacant lot west of San Pedro Point Shopping Center. The plans we received are preliminary and serve for early discussions of what would be required for the potential development project. Please note my preliminary comments below:

The site is located within the Coastal Zone. It appears that a majority of the site is in an area under the retained jurisdiction the Coastal Commission. The applicant will need to obtain a Coastal Development Permit from the Coastal Commission.

The Commission is concerned about the development's consistency with the Coastal Act (particularly Chapter 3, Article 6., Development), therefore potential impacts to biological resources, coastal views, public access to the coast (i.e., public beaches), and its visual compatibility with the character of the surrounding area. The applicant should include an analysis of traffic that would be generated by the development and associated impacts to vehicular public access to the coast.

The design of the proposed project should consider measures to avoid or reduce potential impacts to the adjacent wetlands and drainage area, as these most likely meet the definition of a wetlands under the Coastal Act. The applicant should provide an evaluation of the proposed/potential development's impact on biological resources located on and adjacent to the site.

These comments do not preclude additional comments Commission staff may have on the proposal, as planning and permitting processes progress.

Thank you for the opportunity to provide you with comments. RTA

Rexing, Stephanie@Coastal

From: farbsteink@ci.pacifica.ca.us
Sent: Thursday, October 30, 2014 12:05 PM
To: Rexing, Stephanie@Coastal
Subject: FW: Comments for 505 San Pedro Lot Behind Pedro Point Mall

Stephanie: We talked about this project yesterday for staff review and Lee asked me about the CCC's role. My thinking is that we process the local permits (CDP, PSD, UP, Sign and Parking Exception) and if the project is approved, then the applicant would get the CDP approved from the CCC. The CCC's additional permit jurisdiction just covers about a third of the lot, closest to the ocean and not the entire project site so it makes sense for the City to review it first. Also, there may be some wetland issues that need to be addressed with a better Biological Assessment than what the applicant provided (I emailed it to you from 2005 and it was a different project proposal) and those wetland issues may impact the design of the project.

Kathryn Farbstein

Assistant Planner
City of Pacifica
650-738-7341

From: Farbstein, Kathryn
Sent: Tuesday, October 28, 2014 3:58 PM
To: 'Rexing, Stephanie@Coastal'
Subject: Comments for 505 San Pedro Lot Behind Pedro Point Mall

Stephanie: I am working on putting comments together for this project and I'll be determining the project incomplete on November 6th of next week. Let me know if you want me to include your comments or if that's not possible, I can forward your comments separately.

Kathryn Farbstein

Assistant Planner
City of Pacifica
650-738-7341

This message has been scanned for malware by Websense, www.websense.com

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



May 8, 2015

Kathryn Farbstein
Assistant Planner
City of Pacifica
1800 Francisco Blvd.
Pacifica, CA
94044

Subject: *Commission Staff Comments on Development Review Coordination for Proposed Project at 505 San Pedro Avenue, Pacifica, CA*

Dear Ms. Farbstein:

Thank you for the opportunity to comment on the Development Review Coordination materials for the proposed development of a 2 story retail building plus basement, covered skate park, 2 story storage building, parking lot and 2 story mixed use building with 2 residential units at 505 San Pedro Avenue, Pacifica, CA. The proposed development will cover approximately 13,000 square feet on the 37,000 square feet lot with the surf shop totaling 3,500 square feet, the storage building totaling 1,540 square feet and the retail/residential building totaling 2,516 square feet. The development also proposes a total of 26 parking spaces-24 uncovered spots and 2 covered spots.

Coastal Commission Staff has previously sent comments on this development proposal (see attached May 13, 2010 email from Renee Ananda and my email from October 30, 2014) citing concerns regarding the proposed development's potential impacts to biological resources, public views, access to the coast, compatibility with surrounding development, and to traffic. Specifically, our concerns consist of the proposed project's potential impacts to the sensitive biological resources present and associated with the intermittent stream that bounds the western edge of the subject parcel, potential flooding and geotechnical issues, hardscape protection concerns regarding form of the proposed installation of rip rap on the banks of the intermittent stream, the appropriateness of residential use on this parcel and finally, future parking and access conflicts with the adjacent shopping center use. In addition, Commission Staff raised jurisdictional issues in our previous comments because it appears the subject parcel is located within a split jurisdiction between the City and Coastal Commission coastal permit jurisdiction, either requiring the applicant to apply for two separate coastal development permits or a consolidated permit handled by the Commission (with permission from the applicant and the City).

With regard to biological resources, the 2005 biological report prepared for the subject property found that given the parcel's close proximity to San Pedro Creek, California red-legged frogs

(CRLF) are likely to be “present and breeding within the immediate area of the surrounding property,” along the high quality habitat of the creek. The subject site is constrained by the presence of the drainage, on the western edge of the parcel that the 2005 biological report by Thomas Reid Associates determined was likely to provide a dispersal corridor for CRLF, especially given the drainage’s proximity to San Pedro Creek. This drainage was deemed an “intermittent stream” in the biological report. Because of the presence of this drainage, it is also likely that the adjacent upland habitats may provide refugia for CRLF and upland areas to aestivate. Because of the parcel’s constrained shape, it is unlikely the development could be adequately buffered from the drainage in order to avoid sensitive habitat impacts. LCP Policies protect intermittent streams, requiring that such streams shall be “protected, enhanced and restored where feasible”; also requiring that adequate buffer zones be identified to protect habitat areas associated with the stream. LCP Policy C-99 requires that in general, a buffer of at least 100 feet measured from the outward edge of the vegetation would be appropriate, unless such a buffer is deemed unnecessary. Because the proposed development will immediately abut the drainage edge, and the upland habitats are proposed to be removed for future development or paved over, this proposed project does not conform to the LCP policies protecting sensitive habitats.

With regard to geotechnical issues, plans dated October 7, 2014 proposed rip rap be installed along the bank of the drainage per the recommendation of the geotechnical engineer. The current plans appear to remove this aspect of the development but still propose to install a concrete curb wall with wood railing at the drainage edge. LCP Policies found on page C-105 state that since erosion is a problem in Pacifica, a report by the United States Army Corps of Engineers found that in many cases shoreline [protection] structures are not economically justified and would be allowable to protect only “major beach access or highly sensitive habitat.” Further, if such protections are allowed as part of any development LCP Policy C-105 requires that a qualified expert should analyze and propose mitigation for such structures. Further, LCP Policy C-101 requires that development in habitat support areas, such as on the banks of this stream, cannot disrupt habitat and must minimize erosion. Given these limitations and the development’s proximity to the drainage which provides flood storage capacity for the surrounding areas, it is unclear how the proposed development will be protected from flooding and erosion. Commission Staff has seen no analysis of flooding impacts to the proposed development including without the use of streambank alteration, but such an analysis would be required given the development’s proximity to the drainage at the western edge of the parcel and its association with San Pedro Creek.

Finally, with regard to the development’s, size, scope, intensity and type of use, Commission Staff has concerns that locating new residential and other mixed-use/retail development so close to the already existing shopping center may have traffic impacts on the already-impacted Highway 1 in this area, and subsequent impacts to public access to the coast. No traffic analysis has been shared with Coastal Commission staff. In addition, the parcel is zoned C-2 “Community Commercial District,” which conditionally allows residential uses only when they are located entirely above the ground floor. Residential development in C-2 zones is further controlled by a minimum lot area per dwelling unit of 2,000 square feet. Further, development in the C-2 zones located in the Coastal Zone that propose a new use other than visitor-serving commercial use, require a Use Permit determination that demands “an analysis of the balance of visitor-serving commercial uses with other commercial uses, and consistency with the individual neighborhood narratives and the plan conclusions and other relevant policies of the...Land Use

Plan” (per Implementation Plan Sec. 9-4.1002). The proposed development, if allowable at all given the biological and potential flood resource concerns, would need to be designed to fit the individual narrative of the neighborhood and other requirements of the LUP that are specific to the Pedro Point neighborhood.

If you have any questions regarding these comments or wish to discuss the project further, please contact me at 415-597-5894.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steph', with a stylized flourish at the end.

Stephanie Rexing, Coastal Planner

Encl. May 13, 2010 Email
October 30, 2014 Email

Murdock, Christian

Letter 2

From: Foster, Patrick@Coastal <Patrick.Foster@coastal.ca.gov>
Sent: Tuesday, May 01, 2018 4:36 PM
To: Murdock, Christian
Cc: Rexing, Stephanie@Coastal
Subject: RE: 505 San Pedro CEQA Document

MAY 01 2018

Hi Christian,

2-1

Thank you for forwarding the MND linked below for the proposed project at 505 San Pedro Ave including three new buildings, a skatepark, and parking area. The project site is mostly in the City's CDP jurisdiction, but partly in the Commission's retained jurisdiction which covers about a third of the lot closest to the ocean. It is our impression the City's intent is to process local permits, including a CDP, after which the applicant would seek another CDP from us if the project is approved locally – please let us know if this is inaccurate. Our primary concerns involve biological resources. Specifically, identification of wetlands and required development buffers, as well as the presence of sensitive species on site.

2-2

The MND indicates the potential presence of CRLF, SFGS, Monarch butterfly, and protected raptors/nesting birds. Overall, our biologist concurs with the sensitive species identified as potentially occurring here, though also indicates that CRLF may be using the swale as a corridor and moving across the parcel. As for raptors and other birds, with the open field adjacent to the parcel, the trees and swale vegetation provide good habitat for nesting, so pre-construction surveys are critical. Additionally, It is unclear why no bat species are discussed other than the western red bat, as it is possible hoary bats (*Lasiurus cinereus*) are in the area as well. With regard to sensitive plant species, our biologist cites concern regarding the possible presence of SF spineflower (*Chorizanthe cuspidata* var. *cuspidata*) because it often turns up in disturbed areas. It appears the reconnaissance surveys were completed outside the bloom season for most of the sensitive plants flagged, making it more difficult to detect them.

2-3

As for mitigation, additional measures are requested, including:

- 1) Coastal Commission to receive copies of all surveys.
- 2) Implement IV-1 (p40) limits on work following significant rain events (>0.25 in, with 24h wait period) when CRLF would be more mobile.
- 3) In addition to exclusion fencing, conduct daily checks prior to the start of construction for sensitive wildlife that may have found a way in.
- 4) Cover any open trenches at the end of work each day or fitted with an exit ramp for any wildlife that may fall in.
- 5) Extend IV-3 (p41) raptor surveys to out to 500 ft (300 ft is fine for other birds) and if nesting observed, apply minimum buffer of 500ft (300ft for other birds) until young have fledged.
- 6) Extend IV-4(a) (p41) pre-construction bat emergence surveys to all trees on the parcel and out 500ft since any bats there will also be sensitive receptors to construction noise.
- 7) Apply CDFW-determined buffers to any such sensitive receptors (maternity roosts or hibernacula)
- 8) Removal of invasive non-native species (in addition to omitting them from any planting on the property).

2-4

2-5

2-6

2-7

2-8

In terms of wetlands, the MND acknowledges the general buffer rule of 100 feet from the outward edge of riparian vegetation and notes that "an intermittent drainage ditch on the west side of the project area contains some riparian vegetation (e.g., Arroyo Willow)." (p.42) It also notes that this drainage would meet the Coastal Commission's one-parameter wetland definition. However, indirect impacts concerning the swale seem to have been dismissed – while development may not physically disturb the swale on the adjacent parcel, noise and runoff are potentially going to affect any sensitive resources there, and sensitive species likely make use of the area as a wildlife corridor to at least a limited extent as such species will not necessarily be able to use the adjacent upland areas if they are dependent on the cover and moisture the swale provides. These indirect impacts reflect the purpose of establishing development buffers, and protection in this case is warranted. Thus, we request that the applicant complete a full 1-parameter delineation at

Letter 2
Cont'd

2-8
Cont'd

2-9

this stage, rather than later on in the permitting process. While the bank/topography may appear to be a distinct boundary for hydro and soil parameters, vegetation may extend towards the parcel of interest, which will be important with respect to setting appropriate buffers. While a typical buffer is 100 ft and may be necessary here as at most locations, we recognize that less may be acceptable depending on the nature of the parcel, its place in the landscape, and the susceptibility of the wetland to various impacts. However, any deviation from typical buffers must be substantiated with clear evidence on these points.

Again, thank you for the chance to comment at this early stage. We look forward to further coordination on this project.

-Patrick

Patrick Foster
Coastal Planner
North Central Coast District
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
(415) 904-5267
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From: murdockc@ci.pacifica.ca.us [mailto:murdockc@ci.pacifica.ca.us]
Sent: Thursday, April 05, 2018 10:24 AM
To: Foster, Patrick@Coastal
Cc: Rexing, Stephanie@Coastal
Subject: 505 San Pedro CEQA Document

Hi Patrick,

We wanted to make you aware that the public comment period on the CEQA document for the 505 San Pedro Avenue (Shawn Rhodes) project started on 4/4/2018. You can access the document at the link below. We invite the Coastal Commission to offer comments on the CEQA document during this period.

http://www.cityofpacifica.org/depts/planning/environmental_documents/default.asp

Best regards,

Christian

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MEMORANDUM

To: Jim Browning, U.S. Fish and Wildlife Service, SFWO, Sacramento

From: Peter Baye, Ph.D., coastal plant ecologist

Date: 4 May 2005

SUBJECT: Documentation of California red-legged frog occurrence at Pedro Point, Pacifica, San Mateo County

Jim, I am reporting to USFWS directly the attached documentation of a California red-legged frog population at Pedro Point. The site is a drainage ditch in an historic floodplain of Pedro Creek, recently proposed for residential development. The site is somewhat isolated from Pedro Creek by Highway 1, a road, buildings, and parking lots, but has drainage connections to the mouth of the creek.

LOCATION: Pedro Point Road opposite Grand Avenue, Pedro Point, Pacifica, San Mateo County. Southeast corner of Calson/"Archdiocese" Pedro Point Field.

SETTING: Drainage ditch through blue gum windbreak between commercial shopping plaza and mown grassy field with seasonal wetlands, approximately 0.25 mi from Pedro Creek. See photo attached.

HABITAT CONDITIONS: Road drainage ditch and culvert fed by seasonal to perennial seeps in hillslopes of developed residential area and historic blue gum/Monterey pine plantation. Blue gum-shaded pool less than 3 m diameter, up to 25 cm deep currently, minimal vegetation; mostly flood-deposited sand and silt; abundant non-native wetland vegetation downstream, but no perennial ponds or cattail/tule marsh.

OBSERVED OCCURRENCE: 3 Adult CRLF observed; one within culvert, one at pool edge of concrete culvert support, one submerged at depth of 10 cm. No tree frogs present in pool, but present in downstream portions of ditch system. Photos attached of two CRLF, one highly visible, one obscure (submerged silhouette). Visual observation and photos 5/3/05. Multiple aural detections of diving frogs April; no visual detections in turbid water. No egg masses observed within visible upper 10 cm of water column.

NEARBY OCCURRENCES: Other confirmed CRLF observations in last 2 years at mouth of Calera Creek (Quarry), with San Francisco garter snake, approx 1.5 mile north. Likely



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occurrence in Pedro Creek floodplain wetlands, perennial freshwater marsh. Garter snakes (likely San Francisco ssp.) also present in residential area gardens, yards.

POTENTIAL THREATS: Residential development proposed for adjacent field; likely to require improved drainage. Drainage problems of adjacent Pedro Road may require repair work; some recently implemented.



(a)



(b)

Figure 1: (a) Culvert and scour pool with lobe of flood sediment. (b) Detail of pool and sack-concrete dam. Adult CRLF head emergent at edge of sack-concrete, next to woody debris (sticks) at extreme left. 5/3/05.



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Figure 2. Adult California red-legged frog at edge of sack-concrete dam of culvert. 5/3/05



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Figure 3. Submerged silhouette of second CRLF in pool.



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July 7, 2014

SUBJECT: Draft Environmental Impact Report for The Pacifica General Plan Update Project –
 SCH No. No. #2012022046

Dear Mr. Diaz,

The comments below regarding the Draft Environmental Impact Report for the Pacifica General Plan Update Project (DEIR) are submitted on behalf of the **Pedro Point Community Association**, but represent my independent, best professional judgment.

I have reviewed the DEIR sections relevant to assessment of biological resources, land use policies, and selected relevant portions covering hydrology and geology for CEQA compliance and for LCP amendment compliance with the Coastal Act. I have also conducted site visits of the Pedro Point field (also “undeveloped San Pedro Ave site” and described as “vacant” in the DEIR, General Plan and Local Coastal Plan documents) in all seasons since 2000.

My qualifications to provide expert comments are based on nearly 35 years of professional work in coastal wetland and terrestrial ecology, with over 20 years in San Francisco Estuary wetlands, including long-term direct knowledge of the estuarine wetlands, special-status species, and diked baylands in the project area. A statement of my qualifications is attached hereto as Attachment A.

My comments focus on the potentially adverse environmental impacts of proposed changes in the land use designation of the Pedro Point neighborhood.

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 Pacifica General Plan Update DEIR comments



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Summary of Comments

1. Environmental Baseline: The DEIR provides contradictory information about the vegetation of the Pedro Point field, asserting that it supports “northern coastal scrub”, an upland vegetation type absent in the grassy field, and that it supports wetlands. The field supports seasonal wetlands. The DEIR fails to disclose the importance of these wetlands in terms of the environmental setting of San Pedro Creek mouth wetlands in the Coastal Zone (the field is the last remaining historical floodplain of the lower San Pedro Creek Valley that has not been developed in the Coastal Zone) and the local distribution of ESHA (Environmentally Sensitive Habitat Areas) supporting California red-legged frogs.

2. Biological Impacts to Wetlands and Special-status Species: The DEIR fails to analyze any biological impacts caused by conversion of the existing Pedro Point field to a land use designation of “Coastal Residential Mixed Use development”. The DEIR fails to programmatically assess impacts at a neighborhood-specific level as it did in the 1980 General Plan, and it fails to consider general impacts of residential development on extensive seasonal wetlands and ESHA in and around the field. The proposed land use change for the field is likely to cause significant impacts to wetlands, wildlife, and special-status species for which no feasible mitigation has been identified, and for which no feasible mitigation probably exists.

3. Land Use Impacts. The DEIR fails to analyze land use impacts caused by changing the land use of the field from a general “Commercial” use (1980 General Plan) to a more specific and different “Coastal Residential Mixed Use” designation. This change for the field’s designated land use causes significant impacts (conflicts with) to the City’s own land use policies and numerous Coastal Commission land use policies that cannot be mitigated, and are not mitigated by the vague, programmatic mitigation measures cited in the DEIR.

4. Conclusion. The DEIR fails to disclose important biological resources, and their distribution and relationship to other biological resources and communities in the environmental setting of lower San Pedro Creek. This precludes meaningful public comment and DEIR analysis of significant impacts to biological resources and land use policies that are likely to occur. The DEIR should be recirculated to correct the flawed environmental baseline and defective impact analysis, and should identify reasonable alternatives that either lessen significant impacts, or are otherwise environmentally preferable.

1. Environmental Baseline

The DEIR presents inconsistent and erroneous biological baseline description of the existing conditions of the Pedro Point field and its vicinity. The errors, omissions, and contradictory environmental baseline description results in erroneous conclusions that the project (General Plan) will have no significant biological impacts. Neighborhood-specific assessments of proposed General Plan land use changes are lacking for Pedro Point, its field, and for the DEIR in general.



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Assessment of biological and land use impacts to the Pedro Point neighborhood requires reference to existing *physical and biological* environmental conditions (2014; approximately the time of the EIR's notice of preparation), and the existing *land use* designations from the 1980 General Plan. The existing biological conditions of the Pedro Point field – the last undeveloped lowland open space within the historical floodplain of San Pedro Creek – is inaccurately and inconsistently represented in the DEIR's figures and text. These errors result in underestimation of significant biological impacts, as discussed below.

1.1 Mapped DEIR Wetlands, Vegetation and Habitats – physical and biological baseline

The DEIR provides contradictory and confused (and confusing) information about the existing biological conditions of the Pedro Point field. Figure 3.7-1 (Vegetation; DEIR p. 3.7-3) maps most of the field in the color-code (pale olive green) corresponding with “Northern Coastal Scrub” (an upland vegetation type associated with coastal hillslopes and bluffs), and part of the field color-coded gray as “urban” land use but overlapping with the “wetlands” symbol. This is contradictory and erroneous environmental baseline information. There are in fact *no stands of northern coastal scrub vegetation* at all within or around the Pedro Point field. The shrubs on the railroad berm are ornamental non-native plantings. No part of the field is “urban” cover type, as misrepresented in the figure; *no paved or developed areas with structures exist in the field*. Figure 3.1-1 shows the “Existing land use” color-coded gray as “Vacant/Undeveloped”, which is also inconsistent with “urban” land use, but consistent with “wetlands”. The map also misrepresents mixed ornamental, non-native, and native coastal bluff scrub vegetation northwest of the field as “beach/intertidal” habitat. The two major color-coded map units for the Pedro Point field, “urban” and “northern coastal scrub” are incorrect.

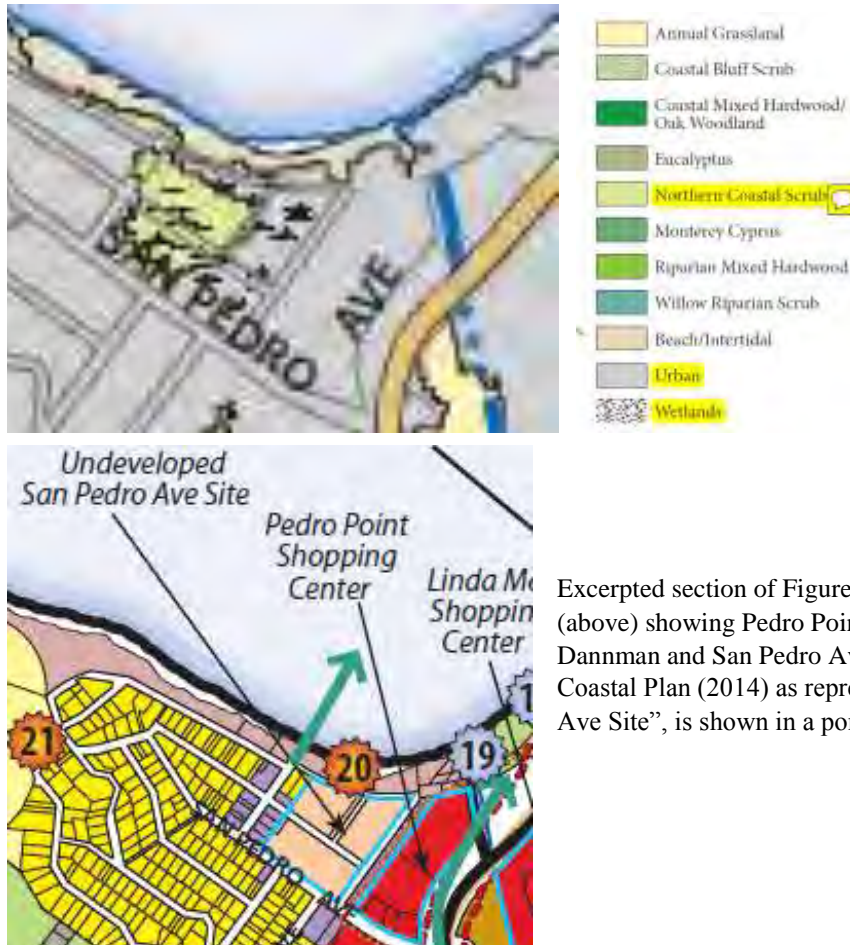


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Excerpted section of Figure 3.7-1 of the DEIR “Vegetation” map (above) showing Pedro Point field with paper streets between Dannman and San Pedro Ave. The setting within the Draft Local Coastal Plan (2014) as represented as “Undeveloped San Pedro Ave Site”, is shown in a portion of Figure 4.8 (left).

Only one map symbol (pattern) for the vacant/undeveloped Pedro Point field in Figure 3.7-1 is accurate: “wetlands” classified by the U.S. Fish and Wildlife Service National Wetlands Inventory at coarse scale, as shown also in DEIR figure 3.7-2. The Pedro Point field itself is dominated by non-native grasses and herbaceous broadleaf plants, including seasonal wetland and non-wetland vegetation. Both maps omit the distinct seasonal and perennial wetlands of the drainage swale at the east end of the field, which drain to San Pedro Creek through a series of culverts. The drainage swale wetlands, the wetland connectivity to San Pedro Creek mouth, and the extensive perennial wetlands (Freshwater Marsh) of San Pedro Creek are entirely missing from the vegetation map of Figure 3.7-1.

Other errors describing habitat and vegetation are evident in the DEIR’s descriptions of existing conditions in the coastal zone. For example, the DEIR confuses coastal strand (beaches and dunes) with coastal bluff scrub, and states that the plant sea-rocket (*Cakile maritima*) is a dominant species of “coastal bluff scrub”. Sea-rocket is a non-native species common on sand beaches and low foredunes (like those



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of Pacifica State Beach), but does not occur at all in coastal bluff scrub in Pacifica or elsewhere, let alone as a dominant species. The description of coastal bluff scrub combines species that simply do not occur together in natural or disturbed environments of Pacifica.

1.2. Wetland classification of the Pedro Point field and vicinity: existing conditions

Based on my recent and past site visits, I know that the existing vegetation of the Pedro Point field consists of predominantly annual and perennial, herbaceous, non-native seasonal wetland and upland grassland vegetation. Seasonal wetland grassland occupies a mosaic of depressions, ditches, and swales. Mesic grassland (seasonally wet but lacking a prevalence of wetland indicator plants) occupies portions of the higher elevation zones of the site, primarily to the southwest corner. The wetland depressions are indicated by seasonally high density of toad rush (*Juncus bufonius*; FACW, facultative-wet indicator in arid west), co-occurring with European ryegrass (*Festuca perenne*; syn. *Lolium perenne*; FAC, facultative wetland indicator in arid west) and buck's-horn plantain (*Plantago coronopus*; FACW, facultative-wet indicator in arid west). Some of the wettest depressions support populations of *Lilaea scilloides* (flowering quillwort). Flowering quillwort is evident only in the wettest years when pools stay flooded for many weeks or months. Accurate wetland plant identification and measurement of the seasonal wetland patches at this site are possible only during winter to spring months. Desiccation, disturbance (trampling, mowing, discing) eliminates or degrades wetland vegetation and precludes accurate identification in fall and summer. Similarly, accurate assessment of wetland hydrology is feasible only during the rainy season, during and within two weeks following major rainfall events.

The USFWS classification of Pedro Point Field wetlands shows wetlands distributed over approximately all of the site, as shown in DEIR Figures 3.7-1 and 3.7-2. Past and current National Wetland Inventory ("NWI") maps consistently apply wetland classifications to approximately all of the field. Two current classifications of the field's wetlands include the codes "PEMah" and "PUSCh", both "palustrine" (freshwater emergent, non-tidal) seasonal, and consistent with the seasonally flooded hydrology associated with surrounding berms. The "U" (unconsolidated shore) probably is associated with intermittent unvegetated (disced, vegetation disturbed) conditions. The NWI wetland mapping of the field broad-brush treatment of prevailing past wetland distribution, but the precision of the NWI wetland *type* boundaries is not precise enough for the DEIR to represent as "existing conditions" in 2014 CEQA assessment. In my professional opinion, "wetlands" meeting the jurisdictional criteria for Coastal Commission ("Commission") policies, and classification as "wetland" under the Cowardin (U.S. Fish and Wildlife Service, USFWS) system, are in fact present and widely distributed over the Pedro Point field today, despite past unauthorized ditching and drainage activities (see wetland history, below).

Despite DEIR's inclusion of NWI mapped wetlands in some figures, the DEIR fails to apply the NWI wetland mapping and classification (as well any current field reconnaissance observations to update or verify them) to any meaningful biological assessment of potential wetland impacts of land use



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designation changes to the field, and assessment of alternatives. The DEIR fails to assess the extent and distribution of the field's seasonal wetlands (meeting Cowardin/California Coastal Commission wetland criteria) in relation to land use changes proposed. The DEIR does not consider the accuracy or distribution of the (old) NWI wetland maps based on existing field conditions. Specifically, the DEIR does not analyze whether the field's wetlands are localized or extensively distributed in the field, so it cannot analyze whether it is even feasible to designate a coastal residential mixed-use development without committing the City's General Plan to significant wetland impacts, in conflict with its own land use policies and Coastal Act policies.

Further, because of the DEIR's omissions about wetland impacts, comparison of alternatives will lack relevant information about feasible land use alternatives that may avoid or minimize wetland impacts, and which may be environmentally preferable. Examples of environmentally preferable alternatives consistent with City and Coastal Act policies include existing "Commercial" land use (with and without "Commercial-Recreation" zoning) compatible with low-intensity visitor-serving commercial recreation/tourism-promoting uses; or "Conservation" - all of which are consistent with City policies for tourism destination, avoidance of natural hazards, wetland conservation, and consistency with recreational, scenic values that Coastal Act policies give priority over residential development.

1.3. Wetland jurisdiction and CEQA

The DEIR cites multiple state and federal wetland jurisdictions. With respect to assessment of *biological* impacts to wetlands, USFWS (NWI, Cowardin wetland classification), California Coastal Act, and California Department of Fish and Wildlife wetland policy definitions are applicable because these are fundamentally based on habitat, hydrogeomorphic features, and ecological functions. In contrast the narrowest federal definition (U.S. Army Corps of Engineers and Environmental Protection Agency; USACE/EPA) under the Clean Water Act is specifically limited to *legal* wetland definition for jurisdiction over authorization of discharges of earthen fill regulated under Section 404 of the Clean Water Act. The USACE/EPA wetland definition contains federal exemptions and policy disclaimers that are not relevant to biological impact assessment under CEQA, and it is a narrower and more exclusive definition that is likely to underestimate the extent of habitat-based or hydrogeomorphic definitions appropriate for impact assessment.

The California Coastal Act Section 30231 defines a wetland as:

...lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.



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Similarly, the Cowardin (USFWS, NWI) wetland classification uses a general broad definition of wetlands:

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

California Coastal Act jurisdictional wetlands criteria in the California Code of Regulations at 14 CCR Section 13577 establish a “one-parameter definition” that only requires evidence of a single wetland parameter to establish wetland conditions, in contrast with federal wetlands criteria under the Clean Water Act:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts...

The Commission’s one-parameter definition is similar to the USFWS wetlands criteria, which state that wetlands must have one or more of the following three attributes:

(1) at least periodically the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

In contrast, the U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency use a three parameter definition for delineating wetlands under Clean Water Act jurisdiction, which is relevant *only in context of USACE permit authorization for discharges of fill in jurisdictional waters* of the United States. The USACE definition is narrower than those of the Coastal Commission (relevant to LCP) and USFWS (relevant to wetland impact assessment under CEQA, not limited to fill discharges and subject to federal exemptions irrelevant to CEQA).

The City’s wetland policies (Land Use; DEIR p. 3.1-21) cite both USACE/EPA and Coastal Commission wetland definitions. CO-I-5, CO-I-6 cites both, and CO-I-8 cites State (CDFW/CCC) wetlands only. The narrower USACE/EPA definition is relevant only to those land use policy elements that specifically cite it in context of wetland fill permits. **The USACE/EPA jurisdictional wetlands are not the proper standard for determining consistency of GPU consistency with Coastal Act wetlands policies, or wetland impacts under CEQA.** This should be corrected in the EIR, or else the EIR will not provide accurate conclusions about Pedro Point field land use impacts regarding wetlands in context of CEQA or Coastal Act policies.

1.4. Special-status species and Environmentally Sensitive Habitat Areas (ESHA): California red-legged frogs (*Rana draytonii*) environmental baseline



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California red-legged frogs (*Rana draytonii*; CRLF) occur in the freshwater marsh drainage swale bordering the Pedro Point Field along its eastern edge. I reported their presence to the U.S. Fish and Wildlife Service Sacramento Fish and Wildlife Office, Endangered Species Program in 2005. If the DEIR preparers had consulted properly with state and federal wildlife agencies, or local residents, about the local distribution of special-status or other wildlife species, this information would have been available to include in the DEIR. The DEIR, however, failed to disclose the local sub-population of CRLF in the drainage swale bordering the field, and its relationship with the population of the lower San Pedro Creek wetland complex.

I have observed adult red-legged frogs are most often observable basking along muddy or prostrate grass banks near the culverts draining San Pedro Avenue at the southeast corner of the field. The perennial moisture in this swale provides year-round hydration habitat for CRLF, as well as foraging and potential breeding habitat. CRLF breeding is indicated by intermittent local population increases in red-legged frogs here, most notably in 2010. Foraging activities of CRLF likely extend to adjacent non-wetland flats (rich in invertebrate prey) in the field during moist, foggy nighttime and early morning conditions. I am not aware of protocol nighttime surveys for California red-legged frog conducted either in the freshwater marsh swale adjacent to the field, or in the field itself. The vicinity of the freshwater marsh swale and field are a complex of foraging, basking, dispersal, and breeding wetland and upland habitat for California red-legged frogs. It thus also meets criteria for Environmentally Sensitive Habitat Areas (ESHA) under California Coastal Commission regulations. The DEIR fails to include this information about CRLF at and in proximity to the field.

In addition, the DEIR fails to analyze the potential adverse, significant impacts to CRLF from the proposed land use changes. Land use designations that would foreseeably increase the intensity of land use, such as the proposed redesignation to allow residential development or other substantial increases in the built environment, may have significant direct and indirect impacts on CRLF. The proposed residential mixed-use development of the field would likely (a) substantially reduce available nocturnal foraging habitat for CRLF (food and prey base impacts to growth and survival); (b) increase contaminant loads in the drainage swale due to runoff from driveways, roads, and backyard sources of pesticides, petroleum hydrocarbons, solvents, and detergents (reproductive impacts); (c) increase peak flow velocities in the swale during major storm runoff events (juvenile mortality impacts).

Not only has the DEIR not assessed such impacts, it has not identified feasible programmatic mitigation measures. Feasible mitigation for ESHA/California red-legged frog habitat and frog populations must include measures to (a) avoid and minimize “take” of individual frogs, (b) avoid and minimize impacts to CRLF habitat; and (c) provide adequate buffer zones to minimize adverse effects of incompatible adjacent land uses. The spatial structure of CRLF mitigation aligned with the freshwater marsh swale bordering the field may substantially constrain the feasibility of some incompatible land use designations, especially any that increase runoff, contaminants or pesticides, predator pressure on CRLF,



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or reduce the extent or quality of potential productive nighttime foraging habitat. The Bolsa Chica court decision [Bolsa Chica Land Trust v. Superior Court 71 Cal. Ap.4th 493, 507] confirmed that the Coastal Act requires that ESHA be avoided and buffered from development impacts and that providing compensatory mitigation alone is insufficient as ESHA mitigation.



Intermittent breeding habitat of California red-legged frogs in freshwater marsh swale bordering the southeast corner of the field, near roadside culverts. An adult CRLF is shown at the concrete base of foundation culvert on August 20, 2006, after the field ditch connections were breached to the swale north of this pool. CRLF frequently bask in the western muddy or grassy banks of this pool in wet (non-drought) years.

1.5. Wetland context and cumulative impacts: environmental setting of Pedro Point

The DEIR also omisrepresents the existing *environmental setting and context* of the wetlands of the Pedro Point field. The field's wetlands are represented as completely *isolated* from any other significant wetlands or potential wetland-dependent endangered species habitats. See Figures 3.1-1, 3.7-1, 3.7-2, and 3.7-3, all of which fail to show the San Pedro Creek mouth wetlands and their riparian wetland habitat, vegetation and hydrological connections with Pedro Point field and its wetlands. The San Pedro Creek stream mouth wetlands, however, are shown as red-legged frog habitat (marsh, creek, and riparian vegetation) in Figure 3.7-1, but *without* their wetland connections to the Pedro Point field and drainage swale wetlands. The omission of the San Pedro Creek mouth wetlands in the Coastal Zone is either arbitrarily selective or at least inconsistent in the DEIR: the riparian corridor and wetlands upstream of Highway 1, outside the coastal zone, are represented in Figure 3.7-1 and 3.7-4, but not in Figure 3.7-2.

This error of selective omission of wetlands in the project vicinity appears to be due to the DEIR's failure to critically interpret and update National Wetlands Inventory map with even cursory examination of readily available current aerial or satellite imagery of San Pedro Creek mouth (e.g., Google Earth), or field reconnaissance surveys of the conspicuous restored freshwater marsh there.

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Figure 3.7-2, “National Wetlands Inventory Wetlands”, completely fails to represent the perennial freshwater emergent marsh and freshwater streams of San Pedro Creek mouth as they existed at the time of the DEIR’s notice of preparation, and as they have existed for about a decade. The DEIR cannot uncritically transfer NWI map data without checking for errors of omission due to outdated data layers. The NWI wetland classification (Cowardin USFWS classification system) provides sufficient clear wetland criteria to identify the obvious wetlands (cattail and tule marsh vegetation 6 to over 10 feet tall with standing water) at the mouth of San Pedro Creek. This marsh is clearly known to the City of Pacifica, which was the local partner in the project that restored it.

The adjacent San Pedro Creek mouth freshwater marsh is very significant as an environmental setting of the seasonal wetlands of the Pedro Point field. Ecological connectivity (wildlife corridors for wetland-dependent wildlife) exists between the creek mouth marsh and the field, provided by the drainage swale wetlands (not currently channelized; infilled with sediment and wetland vegetation) consisting of willow swamp (riparian scrub) and freshwater marsh dominated by broadleaf wetland forbs and grasses.

The environmental setting and potential Project and cumulative impacts to wetlands at the Pedro Point field are related to their hydrogeomorphic setting and historical origins and development. The pre-agricultural “natural” condition of the field was freshwater nontidal marsh within the floodplain of San Pedro Creek (San Pedro Valley lowlands). The modern field was part of complex of freshwater marsh and swamp (alder-willow) surrounding Lake Mathilda (the freshwater lagoon outlet of San Pedro Creek prior to channelization), behind the barrier beach (San Pedro Beach). The rich organic fine-grained alluvial soils were converted to agricultural cropland (artichoke fields) by draining and ditching in the late 19th century. The field apparently persisted with either low-intensity agricultural use (grazing, haying) into the 1950s or early 1960s when Linda Mar was extensively developed. Some fill was placed on at least portions of the field in recent decades, but differential subsidence in the flat to very gently sloping (<2%) field maintained depressional microtopography (shallow swales, pools) to the present day.

I have observed the Pedro Point field since the year 2000 in all seasons. Wet (saturated to seasonally flooded) depressions in the field persisted for weeks to months, supporting typical seasonal wetlands grasslands dominated by ryegrass, toad rush, buck’s-horn plaintain in winter-spring months. In addition, a regionally rare vernal pool/pond plant, the flowering quillwort (*Lilaea scilloides*) occurred in local abundance in several pools. In January, 2006, the current landowner and assistants manually excavated diagonal ditches and side-cast fill (ditch spoils) across the field, apparently with the intent of draining the field. In August 2006, mechanical equipment breached wide gaps in the berm between the field and the adjacent drainage swale marsh. These drainage activities were apparently completed without benefit of a Coastal Development Permit or authorization from the U.S. Army Corps of Engineers.

Despite the 2006 drainage ditching and subsequent maintenance and repeated discing of the field, depressional wetlands have persisted and re-emerged (due in part to differential settlement and choking of



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ditches) in the field. The ditching appears to have reduced the duration and extent of wetland hydrology, but significant wetland areas remain widely distributed across most of the field, including the original seasonal wetland plant community.



Excerpt of U.S. Coast Survey map of San Francisco Peninsula, 1869, based on 1850s topography: San Pedro Creek Valley and beach, now Linda Mar. Approximate location of San Pedro Field (Calson/former Archdiocese property) in red shows the relationship of the modern field wetlands to the historical valley floodplain wetland complex. Parallel horizontal hatched lines indicate freshwater marsh. Stippled shoreline area indicates sandy beach, dune, washover. Fine horizontal hatching is open freshwater (Lake Mathilda; historical Pedro Creek Lagoon, drained for agriculture 19th century). Irregular circles/dots within marsh = wooded freshwater swamp (alder, willow). No scale.



Extensive seasonal flooding of the Pedro Point Field during the transition between the historical agricultural era (derelict or low-intensity agricultural use) and suburban development of Linda Mar in San Pedro Valley lowlands (background), likely 1950s-early 1960s. View to E/SE. The eucalyptus and Monterey cypress trees at the fenceline correspond the mature trees present today along the drainage swale at the east end of



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the field. The extensive seasonal pond likely represents flooding patterns prior to partial filling of the wetlands.



Flooding patterns delineate undrained depressions of shallow open water in a matrix of saturated soils in San Pedro Field following heavy rainfall. December 26, 2005. View to N.



Shorebirds (likely sanderlings) forage in the seasonally saturated and flooded field during high tide and storm wave conditions that restrict foraging habitat availability on the adjacent San Pedro (Pacifica State) Beach. December 27, 2005, prior to unauthorized ditching of the field. Red-necked phalaropes also forage in the saturated to flooded field during winter storms.



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January 19, 2006. Manual excavation of drainage ditches in flooded field at the east end of the field. Grass grows above water surface. Water in bare spots can be seen as reflected sunlight on the field; emergent unvegetated mud is dark brown.





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During discing of the field in summer, the berm along the east end of the field was mechanically breached at multiple locations to connect new drainage ditches (excavated in seasonal wetlands of the field) to the large drainage swale occupied by California red-legged frogs, draining to San Pedro Creek through culverts at the northwest end. August 20, 2006.



Despite new unauthorized ditching and drainage connections of the field, ditches merely reduce the extent and duration of soil saturation and flooding; they do not eliminate wetland conditions in the winter following ditching. December 27, 2006

Today, wildlife in the seasonal wetlands of the Pedro Point field includes shorebirds, meadowlarks, black-tail deer, tree frogs, small mammals, and raptors, all of which move between the field wetlands, the adjacent drainage swale wetlands, uplands, and the mouth of San Pedro Creek. Sanderlings and red-necked phalaropes occur intermittently in the flooded to saturated fields, particularly during high tides and storm wave conditions that flood the beach.. In summer, meadowlarks inhabit the field some years, particularly when grass and forb vegetation cover is thick. Small mammals, including mice, pocket gophers, and voles, occur frequently in the field (indicated by burrows, runs) and provide a prey base for raptors, including great horned owls (roosting in eucalyptus trees near the field), and red-tail hawks. Deer browse in the field at night, and at times in the morning as well. The marsh swale bordering the east end



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of the field has supported a breeding population of tree frogs (*Pseudacris sierra*) and a population of federally listed threatened California red-legged frogs (*Rana draytonii*) most years at least since 2000 (see special-status species, below). The DEIR fails to disclose intermittent red-legged frog populations in the vicinity (and sometimes directly bordering) the field, and the existence of probably nocturnal foraging habitat (for this species spring-fall non-breeding adults) within in the field itself. The DEIR failed to identify these significant wildlife movement and habitat connections between the field and habitats in its wetland setting. The DEIR fails to analyze potentially significant impacts to red-legged frogs using the field that would be affected by proposed conversion to coastal residential mixed use development.

The DEIR's failure to correctly characterize the wetland environmental setting (the wetland complex comprising the San Pedro Creek mouth wetlands, the drainage swale wetlands, and the historical and existing condition of the Pedro Point field wetlands) prevents the DEIR from accurately analyzing potentially significant cumulative impacts caused by wetland habitat loss, degradation or fragmentation in the lower San Pedro Creek corridor, and the Pedro Point neighborhood.

Given the outstanding biological significance of the field as the *only open, level (flatland) space left in the Pedro Point neighborhood*, and despite years of being the focus of substantial public concern and comment in scoping and other public meetings, the DEIR's failure to provide even minimally accurate, consistent baseline environmental description of the field is a very serious defect in the DEIR. It precludes accurate assessment of potentially significant impacts that are not mitigated at the policy or site-specific level.

1.6. Biological Resource Impact Assessment and Mitigation in the DEIR

Despite identifying wetlands occurring potentially throughout the field, the DEIR fails to assess potential adverse, significant impacts to Coastal Act wetlands from the proposed land use designation changes at the Pedro Point Field. The DEIR provides no explanation why converting existing wetlands of the Pedro Point field to residential mixed use development would have no significant biological or land use policy impacts. The DEIR omits any specific reference at all to the Pedro Point field wetlands in discussion of biological impacts.

Further, the DEIR's cumulative impact analysis must consider that the extent of Coastal Act wetlands in the field was modified by ditching and drainage activities conducted by the landowner and assistants on January 19, 2006, during conditions of saturation and widespread flooding of the field. As far as I am aware, ditching and draining activities of these wetlands occurred without issuance of a Coastal Development Permit or analysis of environmental impacts. The apparently unauthorized drainage of the field probably results in underestimation of the actual extent of proper Coastal Commission jurisdictional wetlands in the field. See wetland history, below. The errors in the DEIR's environmental baseline, described above, contribute to basic errors in assessment of significant biological impacts and mitigation to wetlands and special-status species.

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 Pacifica General Plan Update DEIR comments



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The DEIR identifies only two potential *general* city-wide biological impacts, without area-specific reference to Pedro Point neighborhood and the specific land use changes proposed in the revised General Plan. Both of these impacts are incorrectly assessed with respect to Pedro Point biological resources, and their proposed programmatic (policy-level) mitigation is infeasible applied to Pedro Point field.

Figure 3.1-2 of the DEIR (p. 3.1-9; “Existing General Plan Land Use”) shows the majority of the Pedro Point field mapped in red (“Commercial”), and apparently one small lot in the northwest corner of the field mapped in light yellow-orange (“low density residential”). The biological impacts of this proposed land use change must be assessed at a programmatic level, commensurate with *the level of detail of land use designation change in the programmatic EIR at neighborhood-scale*. The DEIR, however, fails to assess biological impacts at this geographic scale even at a programmatic level. It merely assesses biological impacts at a sweeping, vague, city-wide, policy level, omitting neighborhood-level biological impacts of specific land use changes proposed (DEIR p. 3.7-48 Impact 3.7-1; p. 3.7-57, Impact 3.7-3). The DEIR also provides only vague, policy-level “mitigation” (pseudo-mitigation; purely speculative policy without reference to physical or biological conditions) for land use change impacts in the aggregate, city-wide:

Impact 3.7-1 Implementation of the proposed General Plan would not have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive, or special status species identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (*Less than Significant*)

Impact 3.7-3 Implementation of the proposed General Plan would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (*Less than Significant*)

The DEIR provides no substantial evidence and no arguments for either impact findings or their level of significance. It is inconsistent with proposed land use changes (coastal residential mixed-use development) for the field, and the presence of extensive seasonal wetlands and adjacent special-status species populations.

Although the DEIR does not need to assess impacts of land use change at a project-specific level (*i.e.*, it cannot speculate about the design of specific project proposals or their impacts in site-specific detail), it must address biological impacts that are reasonably foreseeable for the type of land uses proposed in the environmental setting under existing conditions. There is only one major land use change proposed in Pedro Point, and the DEIR provides no biological impact or mitigation discussion about it at



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all – not even the cursory programmatic wetland discussion presented in the Draft Land Use plan itself (LUI-30, p. 4-36, Pacifica Draft Land Use Plan, March 2014). The boilerplate, standard wetland permit discussion in the DEIR at p. 3.7-42 has no substantial bearing on impact or mitigation analysis for wetlands at Pedro Point.

Potentially significant biological impacts of proposed residential land use (development) at the Pedro Point Field and adjacent habitats are enumerated below. These are based on a more adequate characterization of the Pedro Point field wetlands, their relationship to San Pedro Creek wetlands, and their wildlife and hydrological attributes described above. None of these potentially significant biological impacts were analyzed in the DEIR.

Coastal Zone Wetland impacts

- Direct filling (loss) of the last coastal zone seasonal wetlands in Pedro Point watershed due to residential development. Lack of available off-site compensatory mitigation area within the coastal zone of the San Pedro Creek watershed (no feasible compensatory mitigation).
- Degradation of remaining coastal zone wetlands (wetland swale east of field) the San Pedro Creek watershed due to hydrological changes; increased impermeable surfaced area, decreased groundwater infiltration, increased storm runoff from drained residential lots within basin (historic floodplain).
- Degradation of remaining wetlands (wetland swale east of field) due to increased contaminant loading from adjacent residential development: pesticides (residential pesticide use and pesticide loading from runoff and drainage), increased petroleum hydrocarbon contaminant loads from street and driveway runoff; increased surfactant runoff to the drainage swale from residential car washing.

Wildlife and Special-status species impacts

- Loss of storm high tide refuge habitat for shorebirds
- Loss of meadowlark foraging habitat
- Loss of nocturnal deer browsing habitat
- Loss of raptor foraging habitat (Great Horned Owl, red-tail hawk, kestrel)
- Loss of terrestrial foraging habitat for California red-legged frogs
- Loss of flood refuge habitat for California red-legged frogs during peak flood events of San Pedro Creek.



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2.0 Land Use Impacts – Coastal Zone

The DEIR proposes to change the land use designation of the Pedro Point field from “Commercial” (Pacifica General Plan, pp. 86 and 90; DEIR Figure 3.1-2) to “Coastal Residential Mixed Use” (CRMU; DEIR Figure 2.2-1). The DEIR inaccurately states that the new proposed CRMU designation corresponds with an existing “Mixed Use” land use category (Table 3.1-3), but no such independent or category or subcategory of “mixed use” exists in the 1980 General Plan; “mixed use” is simply described as a contingent allowable use of “commercial” land use in the original General Plan (1980 General Plan p. 32-33). The project description is inconsistent, incorrect, and confusing in terms of existing and proposed land uses.

The 2014 Draft General Plan Land Use element states the following with regard to the CRMU designation on p. 4-24: “The Plan retains flexibility for any future development on the vacant site west of the shopping center, which could have residential and small-scale commercial and visitor-oriented uses. Future development should include a small park and access to the berm and the beach beyond”. Table 4.1 of the Draft General Plan states that residential density with CRMU designation may range between 10-15 gross units per acre.

The DEIR, in contrast with the original 1980 General Plan, fails to assess even at a programmatic level the area-specific effects of proposed land use designations for the Pedro Point neighborhood, and specifically for the vacant Pedro Point field, in terms of land use impacts (*cf.* 1980 General Plan, pp. 84-89). The DEIR gives no reason why the level of specificity for impact assessment should be broader and more programmatic than the level of specificity for individual parcel land use designations like the Pedro Point field, or why the level of neighborhood-specific assessment should be significantly less than that of the 1980 General Plan’s treatment of Pedro Point, especially in the Coastal Zone.

The existing land use designation of the field, “commercial” is compatible with low-intensity, visitor-serving commercial recreational land uses that support coastal-dependent (beach and coastal scenic) recreation and associated economic uses, which matches the existing zoning (commercial-recreation) of the field. Low-intensity commercial land uses that do not involve ditching, draining, filling, paving, or construction in the field (open-space and recreational uses, special events, coastal agriculture) are potentially compatible with conservation of wetlands, environmentally sensitive habitat areas, and special-status species, and relevant Coastal Act policies. Proposed Coastal Residential Mixed Use land uses, however, are likely to have significant impacts on **Coastal Act land use policies** (cited in Draft Pacifica Local Coastal Land Use Plan, March 2014, Appendix A) and Pacifica General Plan policies involving these elements, as discussed below.

The extensive distribution of Coastal Act jurisdictional wetlands in the Pedro Point field, and the presence of California red-legged frog habitat and population in the adjacent freshwater marsh swale,



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both indicate that land use designations for the field must be compatible with ESHA policies of the Coastal Commission. According to the Coastal Commission's LCP Update Guide: Sensitive Habitats and Natural Resources (April 3, 2007 update), the DEIR and LCP should clearly state that only "resource dependent" development, such as restoration or nature study, is allowed in ESHA, consistent with Coastal Act §30240. No ESHA assessment for the proposed changes in land use designation of the Pedro Point field has been provided in the DEIR, which is likely related to the DEIR's failure to accurately identify wetlands and special-status species at the site. The DEIR must be revised to include this analysis of potentially significant environmental impacts even at a programmatic level.

The 1980 Pacifica General Plan provided a programmatic analysis of consistency between proposed (commercial) land use designation of the Pedro Point Field and specific Coastal Act policies (1980 General Plan p. 86), including assessment of unimproved coastal access through foot trails (p. 88). The DEIR for the General Plan update has provided no such analysis for proposed changed land use designation of the field or coastal access impacts. It merely included the Coastal Act policies as an appendix, without analysis of proposed land use designation change impacts. The changed land use designation has potential significant land use policy conflicts (impacts) with Coastal Act land use policies, each of which affects ESHA (wetlands and special-status wetland-dependent wildlife). Some examples are provided below. *The DEIR should fully assess at a programmatic level all such potential significant land use impacts, and compare the compatibility (conflict) of existing, proposed and alternative land use designations for the field in terms of Coastal Act policies.*

Section 30212 New development projects

(a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,**
- (2) adequate access exists nearby, or,**
- (3) agriculture would be adversely affected.**

Pedro Point field has three well-established and persistent foot trails that lead from San Pedro Avenue (the nearest public roadway to the shoreline) to a private beach with long-established open public access. The foot trails are visible in aerial photographs dating back to at least 1993 (Google Earth images) and re-emerge after being temporarily erased by discing, ditching, or mowing. The foot trails are formed by trampling patterns established between physical points of access from the roadway to a stairway from the beach to the historic railroad berm, and to a public path to the beach at the mouth of San Pedro Creek. Foot trails are frequently used by beach visitors and surfers seeking minimal travel distances to the beach. The foot trails evidently established long before the current ownership of the property. The foot trails are the most efficient short cuts from San Pedro Avenue to the public shore; alternative routes along public



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roads would nearly double foot trail distance from the public roads to the shore from established access points.



Pedro Point field in relation to public and private ocean shores, and freshwater marsh and stream habitat of San Pedro Creek mouth. 2013 Google Earth image.



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Foot trail network (2013) of Pedro Point Field, showing connections to levee trail access to private shore with long-established public access. Freshwater wetland drainage swale connecting to San Pedro Creek mouth is shown in dashed blue line. 2013 Google Earth image.



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Detail of Pedro Point field foot trail connection to the public access walkway to privately owned beach (with public access) across the historic railroad berm. 2013 Google Earth image.

Proposed coastal residential mixed-use development may potentially eliminate or significantly impair existing long-established public access from San Pedro Avenue to the public shore. This could be mitigated by requirements to provide public access easements along existing trails or equivalent efficient alignments (similar travel distance, slopes, road access points), but the DEIR proposed no mitigation or policy that would ensure such mitigation. The impact and mitigation for this Coastal Act policy were not assessed in the DEIR. There are no military needs, fragile coastal resources, or existing agriculture to provide exemptions for this policy.

Section 30221 Oceanfront land; protection for recreational use and Development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.



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The Pedro Point field is separated from the ocean only by the railroad berm, and in its original condition (backbarrier floodplain marsh) it was “oceanfront”, with line of sight to the ocean over the low barrier beach. According to Pedro Point long-term residents, the field has been used for recreation for years prior to and during the current land ownership. Recent recreational uses include children’s games, domestic animal feeding and observation (former llama and emu enclosure along the toe of the railroad berm), ball sports, playground activities extending from the adjacent Pedro Point firehouse playground, and dog walking. The field is suitable for these established recreational uses, and is suitable for other recreational uses as well.

Proposed Coastal Mixed Use Residential land use changes could eliminate, reduce, or substantially interfere with long-established recreational uses of the oceanfront land. This impact is not assessed in the DEIR. The feasibility of mitigation for this impact is not assessed, and no mitigation is proposed. Recreational uses that depend on extensive area or open scenic views may not be feasible to mitigate with small parks enclosed by development.

Section 30222 Private lands; priority of development purposes

The use of private lands suitable for *visitor-serving commercial recreational facilities* designed to enhance public opportunities for coastal recreation *shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The proposed change in land use from an open field (compatible with public access, coastal views, and recreation) to a mixed-use *private* residential development would conflict with this coastal act policy. This would be a significant impact that, by definition, could not be mitigated. General industrial or commercial development of the field would also conflict with this policy. Commercial development by agriculture including public access and visitor-serving commerce (such as a coastal berry farm, pumpkin farm with visitor-serving amenities), in contrast, would not conflict with this policy. No mitigation is feasible for this conflict, by definition of “priority” of land uses cited in the policy.

Section 30240 Environmentally sensitive habitat areas (ESHA); adjacent developments

(a) Environmentally sensitive habitat areas *shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas *shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*



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The field contains extensive seasonal wetlands (winter-saturated and temporarily flooded depressional wetlands and drainage swales, ditches). The perennial wetlands of the drainage swale at the east end of the field supports California red-legged frog habitat and is typically occupied by a population (see comments in this letter, above). The seasonal wetlands and the zone bordering the frog habitat of the swale meet the definition of ESHA. Residential and mixed use commercial development would likely eliminate, significantly reduce, or degrade existing wetlands and ESHA on the site. Since the field is the last undeveloped lowland floodplain of San Pedro Creek within the Coastal Zone that is available for wetland restoration and enhancement, it is infeasible to mitigate impacts to these wetlands off-site; compensatory mitigation is not available for the red-legged frog populations in lower San Pedro Creek in the coastal zone. The DEIR failed to assess impacts to this Coastal Act policy or propose any feasible mitigation for it. The only feasible mitigation for this policy impact would be avoidance of impacts by not applying the residential mixed use land use designation.

Section 30242. Lands suitable for agricultural use; conversion

All other *lands suitable for agricultural use* shall not be converted to nonagricultural uses unless (1) continued *or renewed* agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands. (emphasis added)

The Pedro Point field was historically prime agricultural land, but was abandoned. Nonetheless, renewal of prime agricultural use of the field is potentially feasible (physically and economically) and could be integrated with visitor-serving recreational and economic development aligned with the new coastal trail to Devil's Slide. The original prime agricultural soils are present beneath shallow fill. The site is suitable for coastal commercial visitor-oriented berry farm or produce farm and related recreational or visitor-serving uses (viz. Half Moon Bay to Davenport). Renewed agricultural use combined with tourism, some recreational uses, or eco-tourism may be compatible with conservation of seasonal wetlands and special-status wildlife if properly designed. The DEIR failed to consider feasible alternatives compatible with this section.

Section 30243 Productivity of soils and timberlands; conversions

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

The Pedro Point field is former prime agricultural land (historic artichoke farm) on rich alluvial soils (drained marshland). The soils have been degraded by placement of fill, but may be remediated by either



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removal of fill or addition of soil amendments to restore agricultural productivity similar to farms on the marine terraces and valleys along the San Mateo Coast south of Pacifica. There are no other potential highly productive historic farmland soils left in the Coastal Zone of Pacifica. Residential development of the field would conflict with this policy that requires the protection of long-term soil productivity. This impact was not assessed or mitigated in the DEIR.

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Pedro Point field is the last undeveloped lowland (floodplain) in the Coastal Zone of San Pedro Creek's watershed that retains the original overall floodplain topography and visual character of the historic farms that dominated the valley. All other valley lowlands have been developed in the Coastal Zone of Pacifica, including the Salada Valley (the historical Salada Valley farmland has been developed, drained and filled, with only the deepest lagoon bed remaining as a wetland). The visual character of the adjacent historic railroad berm is dependent on the contrast between the steep relief of the berm and the adjacent lowland flats of the field. Residential development (with or without "pocket parks") would not protect the scenic and visual qualities of the field and adjacent historic berm. Residential development of the field would fully fill the lowland open space visual character of Pedro Point. This would conflict with the policy.

Section 30253 Minimization of adverse impacts

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. [...]

Most of the Pedro Point field lies approximately 15-17 feet in elevation above Mean Sea Level (MSL), only about 3-5 feet above the marsh and high tide beach at the mouth of San Pedro Creek. In addition, the



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alluvial soils (historical wetland) of the field have the same relative liquefaction (earthquake shaking) potential as diked bay muds and marshes in San Francisco Bay, like those that underlie filled San Francisco peninsula baylands. (Witter, Robert C., Keith L. Knudsen, Janet M. Sowers, Carl M. Wentworth, Richard D. Koehler, and Carolyn E. Randolph. 2006. Maps of Quaternary deposits and liquefaction susceptibility, nine-county San Francisco Bay Area. U.S. Geological Survey Open-File Report 2006-1037 Version 1.1; shown in Draft Pacifica Coastal Land Use Plan 2014, Figure 5.1). This condition contrasts with relatively low risk of liquefaction affecting residential and commercial development in adjacent lands built over bedrock. Structural (residential or commercial) development of the field may cause significant conflicts (impacts) with this section. In contrast, this section would be potentially compatible with recreational or other low-intensity commercial development or agricultural redevelopment of the field. The DEIR failed to analyze alternative land use designations compatible with this section.

Similarly, placing additional residential development in the last undeveloped floodplain area within the coastal zone of San Pedro Valley – currently able to function as a flood detention and storage basin when San Pedro Creek is at extreme high flood stage during extreme high tides – would conflict with this land use policy (Draft Pacifica Coastal Land Use Plan 2014 p. 5-19). The intensity, frequency, and significance of this land use policy conflict would likely increase as sea level rises, and as intense storm frequency increases with climate change. In addition, the field lies within a Tsunami evacuation area of the Coastal Zone (Draft Pacifica Coastal Land Use Plan 2014, Figure 5.3). Flooding, liquefaction, sea level rise impacts, increasing over time as indicated by the draft Pacifica Coastal Land Use plan (2014) demonstrate the conflict between this Coastal Act policy and the proposed land use change for Pedro Point field.

Section 30255 Priority of coastal-dependent developments

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Residential development itself is not fundamentally “coastal dependent”, even if the land use designation nomenclature is “Coastal Residential Mixed Use”. “Coastal” as a modifier does not denote any essential distinction in the nature of residential development, but merely describes its location in the coastal zone. Other types of commercial development based on recreational access to the shoreline or the distinctive coastal climate (e.g., surfer recreational events, coastal agritourism like berry farm stands with berry farming) would have priority over residential development at this location. Residential development would conflict with this policy. In addition, development within wetlands as defined in the Coastal Act



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(whether or not they meet federal wetland criteria for fill authorization under the Clean Water Act) would conflict with this policy.

City of Pacifica Land Use Policy Impacts

The DEIR's proposed change in land use for the Pedro Point field also conflicts (and thus causes a significant land use policy impact) with the City's own policy on Wetlands Conservation:

p. 3.1-22 **CO-I-8 Maintain Functional Capacity of Wetlands.** Ensure that any diking, filling, or dredging in existing wetlands maintains or enhances their functional capacity. *Any alteration of coastal wetlands identified by the Department of Fish and Game must be limited to very minor incidental public facilities, restorative measures, or nature study, according to the California Coastal Act.*

The "functional capacity" of the existing wetlands at the Pedro Point field and adjacent to them are dependent on their geographic setting and landscape position – their relationship to San Pedro Creek (off-channel flood velocity refuge; population buffer for California red-legged frogs; infiltration and groundwater recharge potential; flood detention and flood peak attenuation) and other hydrogeomorphic and ecological functions (red-legged frog nocturnal foraging habitat potential; shorebird storm refuge and roost sites). There are no other undeveloped historic floodplain locations within the lower San Pedro Creek valley, let alone the Coastal Zone, where loss or degradation of these functions could be compensated by wetland restoration. Residential development of the field would likely have a significant impact on existing wetlands of the site and its vicinity, and without any feasible mitigation identified.

This City policy is also vague and unenforceable as mitigation for wetland impacts because: (a) it does not cite or define the scope or meaning of the jargon of wetland "functional capacity"; (b) it does not identify any geographic setting within Pacifica for "functional capacity" (on-site or off-site/within-watershed) and (c) it fails to cite or provide any meaningful criteria for what constitutes maintenance or enhancement of "functional capacity". Furthermore, the California Department of Fish and Wildlife does not delineate or identify coastal wetlands as a service to local governments. The Department and the Coastal Commission use approximately the same wetland indicator criteria for determination of wetlands, but the agencies themselves generally do not conduct wetland delineations. The policy is also misleading as proposed policy-level mitigation in the DEIR because potential wetland fill in context of proposed land use designation changes in the DEIR do not involve restoration, nature study, or public facilities. The DEIR identifies wetlands at the Pedro Point field exactly where it proposes private mixed use residential and commercial development as the new land use designation. This "alteration" does not meet the criteria cited in the policy, and does not involve "enhancement" of functional capacity if the wetlands must be filled or drained for residential or commercial development. The land use designation proposed basically conflicts with this policy, and appears to be an unmitigated significant impact, since no feasible



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mitigation is identified. Furthermore, the DEIR alleges that no mitigation is even required because it wrongly asserts that there is no impact.

3.0 Conclusions

The DEIR fails to provide adequate analysis of potential impacts and feasible mitigation measures for the proposed land use changes at the Pedro Point field, compared with (a) existing conditions; (b) existing land use designations under the General Plan/LCP, and (c) alternatives that are environmentally superior and compatible with Coastal Act policies. Because the DEIR is fundamentally inadequate, after such revisions, the DEIR should be recirculated for further public review.

Thank you for considering these comments. Please contact me if you have any questions.

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ATTACHMENT A – STATEMENT OF QUALIFICATIONS - Peter R. Baye, Ph.D.

I am a coastal ecologist and botanist with over 30 years of professional and academic experience. My Ph.D. research in coastal ecology (University of Western Ontario, Canada, Department of Plant Sciences, 1990) was followed by a career in applied ecology in California. I worked for the U.S. Army Corps of Engineers, San Francisco District, where I served as a senior environmental scientist and regulatory project manager conducting endangered species consultation, wetland jurisdictional determinations, wetland assessments, preparing Environmental Assessments and managing joint NEPA/CEQA Environmental Impact Statements/Reports. My Corps regulatory projects included sites adjacent to Port Sonoma (Sonoma Baylands, Carl's Marsh). Subsequently I worked for the U.S. Fish and Wildlife Service, where I prepared endangered species recovery plans (including comprehensive plans covering all of Marin Baylands and tidal marshes) and endangered species biological opinions. I was a contributing author and participant in the Baylands Ecosystem Habitat Goals Report (Goals Project 1999), its companion volume on Bayland species and community profiles (2000), and its 2014 update (in preparation), for which I developed many Marin bayland recommendations. I have developed or substantially contributed to estuarine wetland restoration and management plans for many Marin coastal wetland sites, including some adjacent to the plan area: Corte Madera Baylands Conceptual Sea Level Rise Adaptation Strategy, prepared by The San Francisco Bay Conservation and Development Commission and ESA PWA (specific focal area: Corte Madera Ecological Reserve marshes); Aramburu Island, Richardson Bay (with Wetlands and Water Resources) and wetland restoration projects at Bahia, Novato (with ESA-PWA) and Bolinas Lagoon (Kent Island, with William Carmen & Associates).

California Red-legged Frog in drainage channel adjacent to Calson field – April 12, 2020
Photo by Jon Harman in presence of Jon, Sheila Harmon, and Michael Vasey







04 23 2020



Subject: Fw: Red-legged Frogs
Date: Sunday, December 20, 2020 at 9:35:48 AM Pacific Standard Time
From: Stan Zeavin
To: KoppmanNorton, Julia@Coastal
Attachments: 20200519_1669.jpg, 20200519_1687.jpg, 20200519_1683.2.jpg, 20200519_1675.2.jpg, 20200519_1697.2.jpg, 20190202_5736.4.jpg

Hi Julia,

FYI, a naturalist friend took the pictures below over on Pedro Point last January after our USFWS winter plover survey at Linda Mar. The last photo with the cypress tree is on the small creek behind the strip mall that drains the entire area. The CRLFs forage west up onto the Calson property at night.

Hoping for some peace and relaxation for you over the holidays. And Happy solstice, too!

Margaret

----- Forwarded Message -----

Subject: Red-legged Frogs

May 19, 2020





2-19-0026





36D>Ã2#Ã1A@6<D9
 artist - naturalist - photographer
 -)-Ã/@F6Ã1B=E9

CNDDDB Online Field Survey Form Report



California Natural Diversity Database
Department of Fish and Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: 916.324.0475
cnddb@wildlife.ca.gov
www.dfg.ca.gov/biogeodata/cnddb/



Source code VAS20F0001
Quad code 3712254
Occ. no. _____
EO index no. _____
Map index no. _____

This data has been reported to the CNDDDB, but may not have been evaluated by the CNDDDB staff

Scientific name: Rana draytonii

Common name: California red-legged frog

Date of field work (mm-dd-yyyy): 04-12-2020

Comment about field work date(s): Field observation in a drainage channel along road near my home on San Pedro Road

OBSERVER INFORMATION

Observer: Michael C. Vasey

Affiliation: San Francisco State University

Address: 368 San Pedro Avenue , Pacifica, CA 94044

Email: mvasey@sfsu.edu

Phone: (650) 255-5763

Other observers: Sheila Harman and Jon Harman

DETERMINATION

Keyed in: Visually and from close up photograph

Compared w/ specimen at:

Compared w/ image in: <https://www.nps.gov/rlc/pacificcoast/california-red-legged-frogs.htm>

By another person:

Other:

Identification explanation: The individual frog was in drainage channel along road. Observation was about 3' away. Close-up photo taken by Jon Harman (my neighbor) is attached

Identification confidence: Confident

Species found: Yes If not found, why not?

Level of survey effort: Low. Drainage channel along road. Drainage known to harbor CRLF in the past (a few years ago) but they have not been present recently.

Total number of individuals: 1

Collection? No

Collection number:

Museum/Herbarium:

ANIMAL INFORMATION

How was the detection made? Seen

Number detected in each age class:

1

adults

juveniles

larvae

egg mass

unknown

Age class comment: Appears to be juvenile (relatively small) but I'm not an expert

Site use description: Drainage channel that drains water from Pedro Point down, across San Pedro Road, and then along east side of Calson field into a willow swale and then into San Pedro Creek near its entry into the ocean.

What was the observed behavior? Resting on floating vegetation half submerged.

Describe any evidence of reproduction: None observed.

SITE INFORMATION

Habitat description: Drainage channel along roadway

Slope: 0

Land owner/manager: City of Pacifica

Aspect: standing water

Site condition + population viability: Fair

Immediate & surrounding land use: 5 acre vacant field known to have been filled during mid 1900's, drainage channel flows east down to 'dogleg' bend and then along eastern boundary of the field until going under some culverts and a swale before entering San Pedro Creek near ocean

Visible disturbances: Recent tree trimming near site but frog observed to persist after this activity. Human and dog traffic into the field but frog about 2-3 feet below banks of channel so reasonably well protected.

Threats: Water could dry up but persisting due to run-off from neighborhood. Non-point source run-off could be polluted. Possible disturbance by people and dogs passing by.

General comments: First sighting of CRLF in around five years. Used to be a larger population, apparently breeding, in the dogleg portion of the channel near the road. So far, only one individual observed.

MAP INFORMATION



ID	County	24K Quadrangle	Elev. (ft)	Latitude NAD83	Longitude NAD83	UTM E NAD83	UTM N NAD83	UTM Zone
	San Mateo	Montara Mountain	18	37.59432	-122.50808	543426	4160920	10
1	Public Land Survey	Feature Comment						
	M T04S R06W 10	Drainage channel in 2 feet of standing water						

The mapped feature is accurate within: 5 m

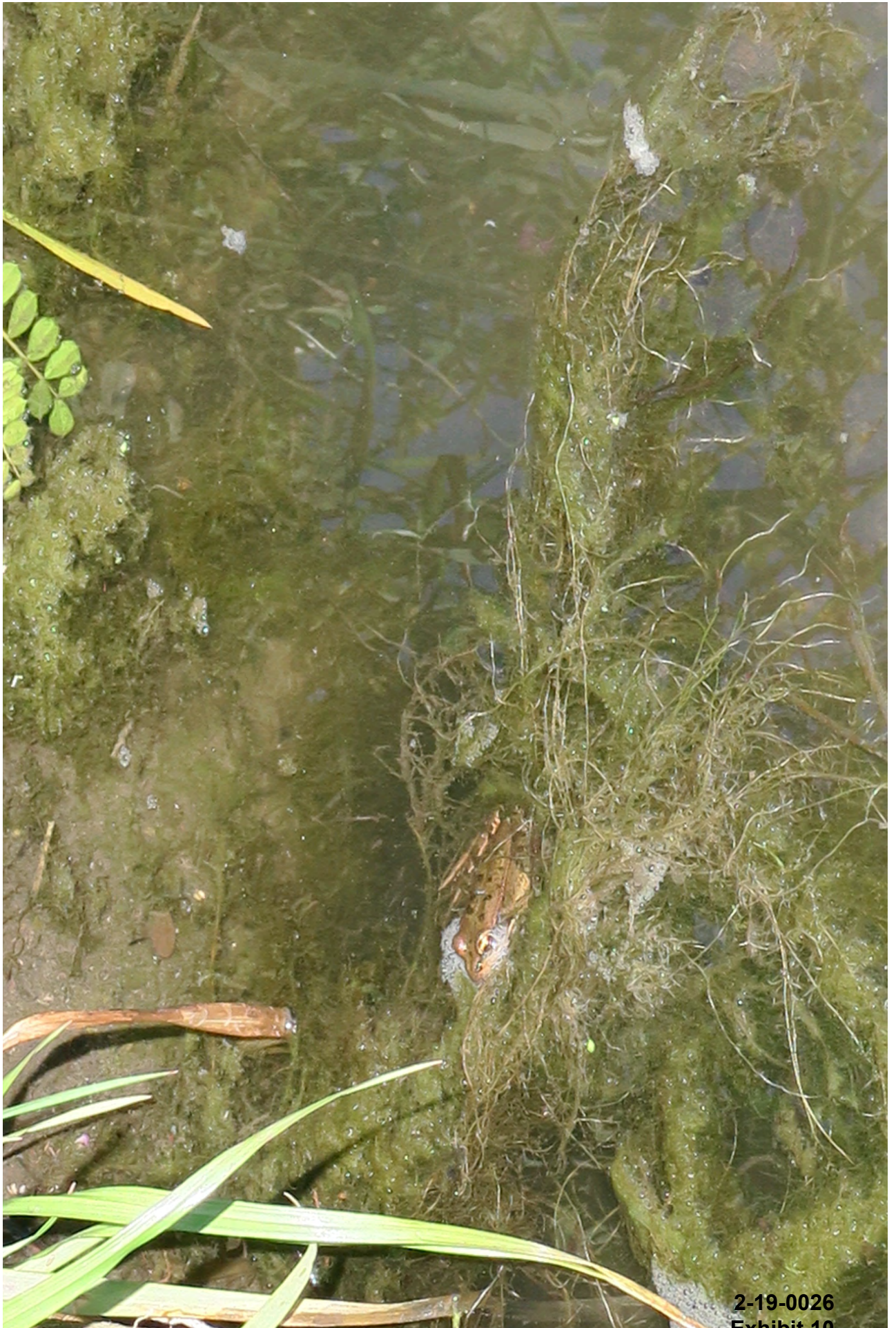
Source of mapped feature: CNDDDB Field survey form

Mapping notes: Drainage channel along north side of San Pedro Road near junction with Grand Ave in floating algae but clearly visible. Frog has been there persistently since first observed.

Location/directions comments: Take turn off from Hwy 1 and San Pedro Road, cross creek by shopping center, take big curve by Ace Hardware, just past Grand Ave is the drainage channel on north side of road.

Attachment(s): CRLF in drainage channel Pedro Point, Pacifica.pdf

Presumed California red-legged frog in drainage channel along San Pedro Road – Observed by Sheila Harman, Jon Harman, and Michael Vasey on April 12, 2020. Photo by Jon Harman.



CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
VOICE (415) 904-5200
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MEMORANDUM

FROM: Lauren Garske-Garcia, Ph.D. – Senior Ecologist

TO: Julia Koppman Norton – North Central Coast District Analyst
Jeannine Manna – North Central Coast District Manager
Dan Carl – North Central Coast District Deputy Director
Jessica Reed – North Central Coast Legal Counsel

SUBJECT: 505 San Pedro, Pacifica (APN 023-72-010): Ecological Resources

DATE: January 25, 2021

Documents Reviewed:

- California Natural Diversity Database (CNDDB), latest query: January 10, 2021.
- Coast Ridge Ecology. Biological Resources Assessment for APN 023-72-010. Prepared for Shawn Rhodes/NorCal Surf Shop, Pacifica, California 94044; March 2015.
- Coast Ridge Ecology. 505 San Pedro Avenue, Pacifica Wetland Delineation. Prepared for Shawn Rhodes/NorCal Surf Shop, Pacifica, California 94044; November 2019.
- Coast Ridge Ecology. Letter to Shawn Rhodes RE: Observed Change of Flow Conditions of Drainage Channel Adjacent to the Pedro Point Shopping Area and the Proposed NorCal Surf Shop Mixed-Use Development Project, San Mateo County, California. CDP Application 2-19-0026; June 13, 2020.
- Live Oak Associates, Inc. Letter to Nick Pappani RE: Biological Resources Assessment Peer Review for the Shawn Rhodes/NorCal Surf Shop project, located in the City of Pacifica, San Mateo County, California (PN 2110-01); January 19, 2017.
- Thomas Reid Associates. 2005a. Biological Assessment Report. APN (023-72-10) Pacifica, CA 94044. For Compliance with San Mateo County Local Coastal Program Policies. Prepared for Rick D Lee and Richard Lee. August 2005.
- Thomas Reid Associates. 2005b. Site Assessment for California Red-Legged Frog. APN (023-72-10) Pacifica, CA 94044. For US Fish and Wildlife Service, Sacramento Field Office. Prepared for Rick D Lee and Richard Lee. August 2005.

- Wood Biological Consulting. One-Parameter Wetland Delineation for the Proposed NorCal Surf Shop Mixed-Use Development, San Mateo County, California (CDP Application 2-19-0026). Prepared for Shawn Rhodes, 5460 Pacific Coast Highway, Pacifica, CA 94044; May 14, 2019.

The North Central Coast District has requested a technical analysis of the ecological resources that could be adversely impacted by proposed development at 505 San Pedro Avenue in Pacifica, California (APN 023-72-010). The project would almost entirely cover the approximately 600-ft long by less than 60 ft-wide parcel with several buildings, a skate park, parking, and pedestrian pathways. The parcel is bounded by Halling Way and a strip mall to the east, San Pedro Avenue to the south, a drainage and an open field to the west, and to the north, a footpath leading to the southern reach of Pacifica State Beach (**Figure 1**). The adjacent drainage intermittently conveys water, including from westward San Pedro Avenue to a culvert at the northern end of the subject parcel, which connects to the mouth of San Pedro Creek on the opposite side of a shopping center parking lot, approximately 270 feet to the east. Importantly, the parcel is divided between jurisdictions, with approximately one third nearest the sea occurring within the Commission's retained jurisdiction and the remainder nearest San Pedro Avenue within the City's jurisdiction – the applicant did not elect to pursue a consolidated permit and the City approved a permit for the portion of the project in its jurisdiction in 2018. The following analysis addresses the Coastal Development Permit (CDP) application submitted to the Commission and my **conclusion is summarized on page 12**.

History

Since May 2010, when the applicant preliminarily sought consultation with Commission staff, staff has consistently identified concerns regarding wetlands and other biological resources both on and adjacent to the project site. In a letter dated May 8, 2015 to the City of Pacifica concerning review coordination for the proposed project, staff cited a 2005 biological report that characterized the drainage as an intermittent stream, that California red-legged frogs (CRLF) were likely present and breeding in the area surrounding the property, and that the drainage likely served as a dispersal corridor from nearby San Pedro Creek. In the 2015 letter, staff concluded that the proposed project would not conform to Local Coastal Plan (LCP) policies protecting sensitive habitats. In May 2018, staff commented on the project's Initial Study/Minimum Negative Declaration (IS/MND)¹ and again reiterated concern for both wetlands and sensitive species that may be affected, specifically citing concern for CRLF use of the drainage as a corridor and its movement across adjacent areas including the subject parcel. The City's response largely dismissed these concerns² and since that time, staff has continued to reiterate them to the applicant.

Following review of several submitted documents, initial desktop research, and having made an informal roadside visit to the site in March 2019, I and several District staff met with the applicant and their representatives on-site on October 3, 2019. During this visit, ecological concerns were again discussed at length.

¹ Email from Patrick Foster, Coastal Commission Analyst, to Christian Murdock, Senior Planner at City of Pacifica RE: 505 San Pedro CEQA Document. May 1, 2018.

² City of Pacifica. 2018. Response to Comments: 505 San Pedro Avenue Project Initial Study/Mitigated Negative Declaration, Public Review Draft – Agency Comments. June 2018.

Wetlands

The 2005 biological report referenced in the Commission staff 2015 letter regarded the drainage adjacent to the subject parcel as an intermittent stream and the California Aquatic Resources Inventory (CARI) maps it as part of a natural fluvial drainage sourcing from across San Pedro Avenue and the forested area behind existing development (**Figure 2**). The drainage receives flows from the Pedro Point neighborhood, which primarily enter through a culvert directly east of the subject parcel and flow northward until meeting San Pedro Creek. A scour pool has formed at the mouth of the culvert, next to the roadside, and water generally ponds for some distance thereafter, even well after seasonal flows cease (**Figure 3**). During larger flows, surface water continues along the full length of the drainage paralleling the subject parcel and exits through a culvert largely obscured by the willow thickets at its north end, which daylight within a restoration area on City land for a short distance, enters another culvert, and then flows into San Pedro Creek on the other side of the San Pedro Shopping Center. Aerial imagery shows that throughout the year, the drainage remains largely green with vegetation even when surrounding areas dry out (**Figure 4**).

Despite suggestions that the drainage be characterized as a stream, I believe it is more accurately treated as wetlands for several reasons. First, while there may be intermittent seasonal surface flows along the length of the drainage between San Pedro Avenue and the northern willow thickets, the scour pool near San Pedro Ave appears to remain a largely wetted feature year-round, while mid-way ponding and flow beyond this is more seasonal, and in the area furthest north, limited to the largest flows. Second, apart from the planted windbreak along the western side of the drainage, which is above the banks and/or normal extent of flows, the drainage largely lacks the multi-strata structure of a typical riparian corridor; instead, the vegetation is primarily composed of an herbaceous layer with some vines and brambles along the eastern bank. Third, the presence of emergent vegetation typical of wetlands (e.g., willows and bulrush) has reportedly increased over time despite the drainage's relatively degraded state, suggesting the persistence of subsurface water.³ Fourth, a previous biological assessment report references delineated three-parameter wetlands within the drainage totaling approximately 0.02 ac (Thomas Reid Associates 2005a). Fifth, as detailed in a 2014 comment letter provided by Dr. Peter Baye to the City regarding the Draft Environmental Impact Report for the Pacifica General Plan Update Project, this area was historically a complex of freshwater marsh and alder-willow swamp surrounding what was once Lake Mathilda, a freshwater lagoon outlet of San Pedro Creek prior to its channelization and infill to support the development observed today.⁴ Finally, the project's 2018 IS/MND regarded the drainage as a man-made intermittently flowing swale that would be exempt from creek protections under the Local Coastal Land Use Plan (LCLUP) and asserted that the proposed project would have a less-than-significant impact on sensitive resources even though it acknowledged that the drainage would meet the Coastal Commission definition of a wetland (and despite the lack of a proper delineation at that time).⁵

Wetlands are protected under the Coastal Act by several policies including §30231, which emphasizes the importance of protecting and enhancing water quality and states:

Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes

³ Baye, P. 2014. Letter to City of Pacifica RE: Draft Environmental Impact Report for the Pacifica General Plan Update Project – SCH #2012022046. 29pp

⁴ Baye, P. 2014. *Ibid.*

⁵ City of Pacifica. 2018. 505 San Pedro Avenue Project Initial Study/Mitigated Negative Declaration, Public Review Draft. April 2018.

appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Another key policy is §30233, which limits the allowance of direct impacts to wetlands to specified situations, requires that such action would constitute the least environmentally damaging feasible alternative, and that the impact is minimized and mitigated for:

Diking, filling or dredging; continued movement of sediment and nutrients

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) Restoration purposes.*
- (7) Nature study, aquaculture, or similar resource dependent activities...*

Wetland Delineations

In May 2019, the applicant submitted a wetland delineation to inform the proposed project's potential to impose adverse impacts on wetland resources, both on the subject parcel and in the adjacent drainage. This delineation had several issues and shortly following our site visit in October 2019, a second delineation was completed; the delineation dated November 2019 has since been used as a basis for technical analysis. Despite having been completed outside of the wet season when wetlands are best detected and delineated, all three wetland parameters were present in at least some areas⁶ and six different wetland types were identified within the drainage channel, characterized as: arroyo willow thicket, perennial rye grass, small-fruited bulrush marsh, smartweed, ephemeral channel, and wetted channel. Two of these have been mapped on the subject parcel itself (a small area of smartweed within the City's jurisdiction and a large portion of the arroyo willow wetlands at the

⁶ United States Army Corp of Engineers jurisdictional wetlands, based upon the presence of all three parameters (hydrology, vegetation and soils), totaled 0.088 ac; Coastal Commission wetlands, based upon the presence of at least a single parameter, totaled 0.248 ac.

northern end, in the Commission's jurisdiction). Of note is that the increase in area delineated in 2019 relative to what was reported from 2005 (Thomas Reid Associates 2005a) supports observations also made by Dr. Baye that wetland areas have expanded at this location.⁷

According to estimates provided in the analysis of the November 2019 wetland delineation, the proposed development would occur inside the wetland boundary at the arroyo willow thickets where a retaining wall to support an existing earthen berm and proposed pedestrian pathway along the full length of the subject parcel would be constructed. **Figure 5** illustrates that the retaining wall would in fact encroach roughly 20 ft into the willows and directly remove wetland habitat; however, the project fails to qualify as an allowable use under Coastal Act §30233 and moreover, the willow stand also qualifies as ESHA (see next section). Elsewhere along the length of the drainage, the retaining wall would be sited no more than 11 ft from the delineated Commission wetlands while the buildings and other development features would sit between 9 and 30 ft of the wetland boundaries at their nearest points.

Wetland Buffers

Typically, staff recommends at minimum 100-ft buffers surrounding wetland habitats to adequately protect them from the many impacts that they may experience due to adjacent development. Such impacts can include altered drainage patterns and runoff, noise, debris, visual disturbance to wildlife, and inadvertent trampling. In some situations, reduced buffers have been recommended after taking into consideration wetland quality, the surrounding landscape, habitat functions, and the wetland's susceptibility to various impacts; however, buffers sufficient to provide meaningful protection are still generally required.⁸ Here, based on the information available to us prior to April 2020, including a lack of records affirming concerns for sensitive species use, I have advised that **with the proposed BMPs and additional project modifications to avoid direct impacts to wetlands and to protect water quality, that wetland buffers might be reduced to no less than 25 ft along most of the drainage except where delineated by willow thickets and bulrush marsh. Around the willow thickets and bulrush marsh, which constitute arguably robust features providing relatively more habitat value and support for other species (e.g., complex shelter, refuge, foraging), my recommendation was a minimum 50-ft wetland buffer.** Further informing my recommendation is that the willow thickets and bulrush marsh are characterized by the California Department of Fish and Wildlife (CDFW) as sensitive natural communities that qualify as ESHA (see discussion below). These recommended wetland buffers are reflected in **Figure 5** except around a small patch of small-fruited bulrush marsh, which would extend further onto the subject parcel than as depicted.

Environmentally Sensitive Habitat Areas

Coastal Act §30107.5 defines environmentally sensitive [habitat] areas as:

... any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Rarity determinations for habitats and species are made by CDFW, the United States Fish and Wildlife Service (USFWS), and California Native Plant Society (CNPS), and are used to support Coastal Commission ESHA

⁷ Baye, P. 2014. *Ibid.*

⁸ For example, see: Blackman and O'Connell (A-2-PAC-15-0046) where wetland buffers surrounding a willow stand were reduced to 50 ft, or Trask (A-1-DNC-07-036) where wetland buffers surrounding emergent vegetation were reduced to a minimum 68 ft.

determinations.⁹ An ESHA determination may also be made on the basis of an area constituting ‘especially valuable habitat’ where it is of a special nature and/or serves a special role in the ecosystem, such as providing a pristine example of a habitat type or supporting important ecological linkages.

The key policies addressing ESHA follow under §30240:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

This is notably more restrictive than the preceding wetland policies, as it limits uses of ESHA to those dependent upon it and requires protection from not only direct impacts, but also indirect impacts that may result from adjacent development.

Sensitive Natural Communities

Arroyo Willow Thickets

The arroyo willow thickets located at the northern end of the subject parcel and continuing into the adjacent drainage are classified by CDFW as a natural vegetation community. Although the broader alliance Arroyo Willow as a whole is not considered rare, the more specific association characterized by stands exclusively composed of the namesake species, arroyo willow (*Salix lasiolepis*), is represented at this site and is considered sensitive.¹⁰ While this association does not presently have a rarity ranking, CDFW guidance is to treat communities designated as sensitive, whether or not they are ranked, with comparable protections. Under the Coastal Act, the arroyo willow thickets delineate as a wetland on the basis of their facultative wetland indicator status and therefore, must be treated as wetlands under Coastal Act §30233 rather than as ESHA under §30240¹¹; however, the sensitive natural community status gives weight to the ecological significance of the thickets and is reflected in my more protective buffer recommendation of 50 ft relative to that for other wetlands at this site (except small-fruited bulrush marsh), as detailed above. Though not documented at this location, sensitive species such as the saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*; CA Species of Special Concern) are known to use willow thickets as breeding habitat and many birds and smaller animals use them more generally.

Small-fruited Bulrush Marsh

Similar to the arroyo willow thickets, the small-fruited bulrush marsh identified in the wetland delineation is characterized by CDFW as a sensitive natural community. Specifically, the alliance Small-Fruited Bulrush has a state rarity ranking of S2 indicating that is considered imperiled within the state and at high risk of extirpation. The association characterized by stands exclusively composed of the namesake species, small-fruited bulrush

⁹ CDFW defines natural communities, animals, and plants with a global or state ranking of 1, 2, or 3 as rare and the CCC typically finds these to be ESHA. CCC also typically considers plant and animal species listed by the federal and state endangered species acts (ESA and CESA, respectively) and/or identified under other special status categories (e.g., California Species of Special Concern), and/or identified by the California Native Plant Society (CNPS) as ‘1B’ and ‘2’ plant species as constituting ESHA.

¹⁰ Explanation of alliance vs. association; see Arroyo Willow Thickets alliance (CaCode: 61.201.00) and *Salix lasiolepis* association (CaCode: 61.201.01) in California Sensitive Natural Communities list (version: September 9, 2020) – accessible online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153609&inline>.

¹¹ *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493

(*Scirpus microcarpus*), is represented at this site and though unranked, is considered sensitive.¹² The species is an obligate wetland indicator and like the arroyo willow, is necessarily treated under wetland policies but warrants the protection of a 50-ft buffer due to its ecological significance. Species such as the California red-legged frog (see below) frequently use bulrush habitat for breeding.

Sensitive Wildlife

California Red-Legged Frog

The California red-legged frog (*Rana draytonii*) is federally-listed as threatened and recognized by the state as a Species of Special Concern, is state-ranked as S3 indicating that it is considered vulnerable, and is the official state amphibian.¹³ It is the largest native frog in the western United States and is frequently associated with freshwater emergent wetlands, marshes, and riparian corridors throughout the central California coast but can also inhabit lagoons, ephemeral water bodies, stock ponds, and man-made drainages as well as drier habitat types within the wetter and cooler coastal fogbelt. CRLF uses both aquatic and upland habitat, the former for refuge and breeding, and the latter for foraging, dispersal, and aestivation. Breeding habitat is often characterized by perennial bodies of water with emergent vegetation providing structural complexity such as cattails, bulrush (see above), or dense riparian cover; however, sub-optimal habitats with little to no emergent vegetation and/or that periodically dry out are also known to be used.¹⁴ Dispersal habitat is generally considered to be areas within 1-2 miles of breeding areas, and can include forests, grasslands, coastal scrub, root masses formed by brambles or thickets, and oak woodlands in addition to those already named above.¹⁵ CRLF movement across habitat tends to peak during rainy periods and can vary widely among individuals.

CRLF breeding occurs from November to April. Reproduction rates tend to be highly variable and responsive to climate conditions (e.g., drought vs. wet years). Individuals may remain at breeding sites year-round or disperse to neighboring areas. Along the central coast, the species is particularly mobile and has been documented traversing areas that would not otherwise be expected, especially during wet conditions.¹⁶

CRLF has a diverse diet, which changes throughout its life cycle. Early in its life, it is believed to primarily consume algae, diatoms and detritus.¹⁷ As it matures, terrestrial and aquatic insects tend to make up the largest fraction of its diet, although larger frogs have been documented as consuming smaller invertebrates, including the smaller Pacific chorus frog (*Pseudacris sierra*), which is also common throughout this region.¹⁸ CRLF are considered diurnal but primarily forage at night.

¹² See Small-fruited Bulrush Marsh alliance (CaCode: 52.113.00) and *Scirpus microcarpus* association (CaCode: 52.113.01)

¹³ California Assembly Bill 2364, approved June 28, 2014 - http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2364

¹⁴ USFWS. 2004. Federal Register: Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the California Red-legged Frog (*Rana aurora draytonii*); Proposed Rule. 50 CFR. Part 17. Vol 69. No. 71: 19620-19642.

¹⁵ Fellers, G. 2005. *Rana draytonii* Baird and Girard, 1852b California red-legged frog. Pages 552-554 in M. Lannoo (editor). Amphibian declines: the conservation status of United States species. University of California Press. Berkeley, California; CWSHA database

¹⁶ Bulger, JB, NJ Scott Jr. & RB Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs *Rana aurora draytonii* in coastal forests and grasslands. Biological Conservation 110(1): 85-95.

¹⁷ Fellers, G. 2005. *Ibid.*

¹⁸ Hayes, MP & MR Tennant. 1985. Diet and feeding behavior of the California red-legged frog, *Rana aurora draytonii* (Ranidae). The Southwestern Naturalist 30(4): 601-605; Fellers, G. 2005. *Ibid.*

Key threats to CRLF are recognized as habitat loss, urban encroachment, and the introduction of non-native species such as American bullfrogs that can compete with CRLF for habitat as well as prey upon them. Several introduced freshwater fish species are also known prey on CRLF. Herbicide and pesticide use as well as disease may be other significant threats to CRLF, as has been documented for many amphibians around the globe.¹⁹

Prior to April 2020, we were unaware of any records affirming the presence of California red-legged frogs (*Rana draytonii*) at the subject parcel or its immediate surroundings although it has been well-documented at nearby San Pedro Creek.²⁰ While I and the consulting reports I had initially reviewed for this project considered the species to have at least a moderate potential to occur given records from the nearby creek, there has also been recognition of the degraded state of the subject parcel and adjacent drainage as relatively unfavorable when compared to nearby habitat opportunities. No published record had appeared in the California Natural Diversity Database (CNDDDB) beyond the creek's main channel, the project's IS/MND, or the other known reports for the location that staff generally relies upon. In addition, recent neighboring developments within the City's jurisdiction along San Pedro Avenue had truncated the drainage's corridor extension to more forested areas in the south and potential foraging, aestivation, and dispersal areas to the east (**Figure 2**). As such, my recommendations had focused on the wetlands and ensuring that appropriate measures would be taken during construction, in the off chance a frog was encountered.

On April 18, 2020, Commission staff received a report and accompanying photo from Pedro Point resident and San Francisco State University ecologist, Michael Vasey, documenting the presence of CRLF in ponded water at the drainage adjacent to the subject parcel six days prior.²¹ I was able to validate that the animal in the photo (**Figure 6a**) was a CRLF based upon diagnostic markings that were clearly visible and advised Dr. Vasey to submit his documentation to CDFW for further validation and inclusion to the CNDDDB; District staff informed the applicant of this new finding. On April 24, another Pedro Point resident, Sheila Harman, contacted staff on behalf of herself and Jon Harman, with additional reports of having observed as many as four CRLF at the same location at one time and provided both time-stamped photos and a video also showing the surrounding location in relation to San Pedro Avenue to confirm this (**Figure 6b-c**).²² She also commented that this was the first time in the past seven years that they had observed CRLF at the site, indicating previous but undocumented observations. On April 28, Dr. Vasey communicated with staff again, indicating that he and the Harman's had now seen as many as five CRLF at a time in the drainage ditch along San Pedro Avenue and the pool just past the culverts feeding into the drainage adjacent to the subject parcel at 505 San Pedro Avenue.²³ He also relayed a 2014 comment letter he had discovered through conversation with Peter Baye, another ecologist working along the central coast. This letter is referenced above in the discussion on wetlands.²⁴

Dr. Baye's 2014 letter provides important insights specific to CRLF, the surrounding area, and the drainage itself.

¹⁹ Davidson, EW, M Parris, JP Collins, JE Longcore, AP Pessier, & J Brunner. 2003. Pathogenicity and transmission of chytridiomycosis in tiger salamanders (*Ambystoma tigrinum*). *Copeia* 2003(3): 601-607.

²⁰ CNDDDB records for Occurrence Number 652 cover the lower half-mile of San Pedro Creek since 2002, when a total of 5 frogs were recorded from approximately 0.2 mi north of the subject parcel; reports since 2014 have more frequently detailed occurrences, including as many as 129 frogs caught in June-October in 2014 and notes that that adults were observed year-round in 2015. Egg masses were documented in 2014 and 2015.

²¹ Vasey, M. (personal communication, April 18, 2020)

²² Harman, S. (personal communication, April 24-29, 2020)

²³ Vasey, M. (personal communication, April 29, 2020)

²⁴ Baye, P. 2014. *Ibid*.

He presents information on CRLF not found in the research various parties had conducted, including reporting having observed CRLF at the drainage over different seasons since at least 2005 and having submitted an official report to USFWS in 2005.²⁵ Dr. Baye specifies that his observations have occurred regularly at the drainage and that CRLF have been most frequently found in the ponded, perennially wet area [scour pool] nearest San Pedro Avenue, the location neighborhood residents made reports from in April 2020. He hypothesizes that these animals may represent a local sub-population with a relationship to the lower San Pedro Creek wetland complex and that this perennially wet area may be breeding habitat given his observations of intermittent local population fluctuations and observation of other habitat requirements being immediately proximate, including the large field just west of the drainage. He also states that he believes this area would qualify as ESHA. Dr. Baye's report goes on to note that CRLF was apparently absent throughout the drought period beginning in 2012 through the time of his report in 2014. As the drought ended in the winter of 2017, it is not all the surprising that the applicant's consultants would not have observed CRLF at the site when conducting the biological assessments in 2015 (Coast Ridge Ecology) or January 2017 (Live Oak Associates) as the area was just coming out of drought status.²⁶

I reached out to colleagues at CDFW and the USFWS in May 2020 to further investigate whether there was any other unpublished CRLF occurrence information, either from the drainage or otherwise nearby apart from San Pedro Creek. CDFW staff at the Biogeographic Branch were able to confirm that Dr. Vasey's April 2020 CNDDDB submission appeared to be valid, including the species identification; since then, his record has been processed and officially incorporated to the state database (**Figure 2**). USFWS staff from the Bay-Delta Regional Office indicated that while they did not have the 2005 record submitted by Dr. Baye available digitally, it was likely that it has been held as a paper file that cannot be accessed readily due to constraints imposed by the current pandemic. Nonetheless, they were not surprised by the contemporaneous observations and were able to provide comments on recent observations from nearby San Pedro Creek²⁷ as well as advise that ESA Section 10 permitting may be necessary and that recommended habitat corridors for CRLF are typically 300 ft, which is consistent with Commission decisions elsewhere along this part of the coast.²⁸

In response to the discovery of CRLF in April 2020 at the drainage channel, the applicant's consultant at Coast Ridge Ecology (2020) has observed that significantly more water appears to be flowing through the drainage now than during their initial assessment in 2015. Notably, 2015 would have been several years into a drought (stage 3: extreme drought) whereas conditions were less severe in 2020 (stage 1: moderate drought), so this might be reasonably expected.²⁹ The consultant speculates that the differences could be a result of supplemental water inputs from nearby residential properties but does not provide any evidence thereof or consider alternative explanations (including relative drought conditions). They also express doubt concerning CRLF's ability to have moved from San Pedro Creek into the drainage and suggest that they may have been "assisted by humans (i.e. planted in the drainage)". They consider the area "isolated" without acknowledging the dispersal range and known movement patterns of the species, particularly in the coastal fogbelt, where culverts connect the drainage channel directly to a City restoration area and ultimately, San Pedro Creek only 300 ft away from the north end of

²⁵ Baye, P. 2005. Letter to United States Fish and Wildlife Service RE: Documentation of California red-legged frog occurrence at Pedro Point, Pacifica, San Mateo County. May 4, 2005.

²⁶ <https://www.drought.gov/historical-information> for January 2017

²⁷ For example: United States Fish and Wildlife Service. Consultation Letter to United States Army Corps of Engineers RE: Formal Consultation on the San Pedro Terrace Project in San Mateo County, California. Reference #08ESMF00-2017-F-1370. April 5, 2018.

²⁸ UC Santa Cruz Marine Science Campus - Coastal Long Range Development Plan. January 2017. 344pp.

²⁹ <https://www.drought.gov/historical-information> for March 2015 and April 2020

the subject parcel. Though these avenues of dispersal are perhaps not the most idyllic, the species is capable of having used any variety of these. Finally, the consultant argues that the location is unlikely to provide “*consistent, stable long-term habitat for [CRLF] over time*” and that it would likely be considered a population sink. However, CRLF is known to use (and require) a mosaic of habitat types across the landscape and we cannot ignore that the species has been documented using this location intermittently for decades, even in the absence of focused study. Moreover, it is not necessary for CRLF to carry out its full life cycle in the drainage for the area to have ecological value for this sensitive species.

In August 2020, I reached out to Dr. Baye to inquire whether he had a copy of his 2005 report to the USFWS, which had been referenced in his 2014 letter. He was able to forward this report to staff, including photos of CRLF, thus providing additional information that had not been otherwise available through standard data searches or inquiries during the pandemic. On May 4, 2005, Dr. Baye reported to USFWS having observed three adult CRLF at the [scour] pool adjacent to San Pedro Avenue on the previous day, at the southern end of the drainage ditch directly adjacent to the subject parcel. He also states that he had observed “*multiple aural detections of diving frogs in April*” and indicates that water turbidity limited visual detections but “*no egg masses were observed within the visible upper 10 cm of water column.*” **Figure 7** is excerpted from Dr. Baye’s report and also appears in his 2014 letter to the City.

In the course of my research, I also sought out the biological assessment report from 2005, which had been referenced in the May 8, 2015 staff letter to the City regarding review coordination for the proposed project. Although such reports are generally considered outdated after five years for the purposes of evaluating current conditions at a site, they can be informative in the context of habitat change as well as documenting patterns of use (or likely use). Where data is limited and/or species may not be readily detected, historical reports can be especially helpful. In this situation, I located not only the biological assessment report (Thomas Reid Associates 2005a) but also discovered a site assessment specifically for CRLF (Thomas Reid Associates 2005b). Both 2005 reports had been intended to inform a different project at the same location, which would have restored habitat over approximately 60% of the subject parcel including the willow thickets and upland areas to be contiguous with the then-planned wetland restoration at San Pedro Creek. Concerning CRLF, while the species was not explicitly confirmed on-site by these two reports, it was regarded that “*there is a high potential for them to be present within proximal aquatic habitats... [including] the drainage ditch adjacent to the property as a traveling corridor or nearby upland areas for aestivation*” and the consultants recommended “*that this report be submitted to the [USFWS]*” for further consultation, though it remains unclear whether it ever was. The proposed restoration was apparently anticipated to benefit CRLF among other species.

The recent repeated daytime observations of multiple CRLF at the roadside end of the drainage indicates that even in the absence of formal surveys, the area has been functioning as habitat for more than an individual transient CRLF. Consideration of this, the multiple reported occurrences of CRLF at the drainage since at least 2005, and the concurrence of information from colleagues at partner resource agencies informs my revised opinion that CRLF occurrence here is not a moderately hypothetical possibility but in fact, a demonstrated pattern of use. Given the connection to San Pedro Creek, including by way of the underground culvert, the observations of CRLF near San Pedro Avenue, wetlands, and evidence of the drainage’s role as a green corridor year-round, the full length of the drainage adjacent to the subject parcel should be considered habitat. In addition, because CRLF requires not only wetted areas but also makes use of upland habitats for foraging, dispersal, and estivation, this habitat is very likely extends to adjacent upland areas on either side of the drainage. Though we cannot presently delineate the full extent of CRLF use in these areas without protocol-level surveys, we can interpret that at a

minimum, the drainage itself constitutes ESHA and is likely functioning as a habitat corridor for this species between San Pedro Creek and upland areas.

Habitat Corridors

The drainage running adjacent to the subject parcel arguably constitutes a habitat corridor for CRLF but additionally, likely supports several other species moving across the landscape as well. As evident from the time-series of aerial imagery (**Figure 4**), the drainage remains relatively green throughout the seasons and as compared to adjacent parcels. It also connects to San Pedro Creek (through culverts), the shore, and the Pacific Ocean in the north; a large open space to the west; historically, to spaces in the east beyond the subject parcel (i.e. the parcel due east of Halling Way, along San Pedro Avenue); and to a major forested area to the south, which again connects to San Pedro Creek, though this connection was somewhat fragmented by recent development.

Despite the more recent encroachments of development, it remains that the drainage provides a connection across the landscape capable of supporting many species including birds and small mammals that may be less affected by some of these interruptions. For example, birds move primarily by line of sight rather than on-the-ground conditions and while raptor nests have not been observed in the trees immediately along the drainage, the forested area to the south is better-suited for such and the large open space just west of the drainage provides excellent conditions for foraging on fossorial rodents and small reptiles; raptors have been regularly observed using the area.³⁰ These same small animals (and others) are likely to find refuge within the drainage relative to sun, wind, and predator exposure where surrounding areas are paved, mowed, or otherwise devoid of vegetation. During my brief roadside visit in March 2019, I observed a duck resting among ponded waters of the drainage (**Figure 3e**) indicating that waterfowl also use the shaded and wetted area at least occasionally. Small mammals such as skunks, raccoons, and coyote would all be likely to make use of the drainage area as well.

In addition, the California Essential Habitat Connectivity Project identifies a major natural landscape block beginning in Pacifica and extending south through the San Mateo and Santa Cruz Counties coast and mountains (**Figure 8**).³¹ It also recognizes “small” natural areas (defined as < 2000 ac), with one of approximately 140 ac occurring some 800 ft south of the project site, in the forested area that has already been discussed (**Figure 9**). All of this emphasizes the especially valuable role of the drainage in facilitating connections across a semi-developed landscape, from the shore and creek mouth to forested areas inland, as well as open spaces that can function as upland habitat and foraging grounds, and I recognize it as a habitat corridor rising to the level of ESHA.

ESHA Delineation & Buffers

The sensitive natural communities of **Arroyo Willow Thickets and Small-fruited Bulrush Marsh both constitute ESHA** in addition to wetlands, as delineated in the November 2019 wetland delineation report. As stated above in the wetlands section, **buffers of 50 ft should be applied to these two areas.**

As a federally-threatened and California Species of Special Concern, the California red-legged frog qualifies for Coastal Act protection under ESHA policies. Thus, the revelation that CRLF does, and has, in fact occurred at this location necessitates consideration of habitat beyond that of the wetlands. With the limited documentation available, it is not possible to precisely delineate boundaries for CRLF habitat but we can observe that there is no

³⁰ eBird records for the area include white-tailed kites, golden eagles, sharp-shinned hawks, red-shouldered hawks, and red-tailed hawks – www.ebird.org

³¹ Spencer, WD, P Beier, K Penrod, K Winters, C Paulmann, H Rustigian-Romsos, J Strittholt, M Parisi and A Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation and California Department of Fish and Game, and Federal Highways Administration. 313 pp.

biological argument that would exclude CRLF from the subject parcel or limit its movement to the narrow drainage immediately adjacent. Provided the species ecology, including dispersal and foraging patterns along the central coast, I expect it will readily use nearby upland areas and move freely with little regard for topography or substrate. Given the USFWS recommendation of providing CRLF with at least a 300-ft dispersal corridor where it is known, we can conclude that even if this width was centered on the drainage, it would extend across and beyond the subject parcel well to the east (**Figure 5**); therefore, **I find that the entire subject parcel constitutes CRLF ESHA and that this extends some yet-to-be-defined distance beyond the parcel. No buffer recommendation is provided since it is irrelevant in the absence of an outer habitat limit from which to apply.**

Habitat corridors are increasingly critical to preserve as natural lands are converted and encroached upon by development; however, their delineation can be challenging since each species will use the space differently. Often, riparian areas are treated as corridors with the outermost extent of riparian vegetation being recognized as the edge, from which buffers are then applied to ensure that wildlife movement in and out of riparian cover is protected for some distance. In this case, it is clear that the drainage adjacent to the subject parcel is part of a larger network connecting different habitats but its boundaries are less well-defined by a canopy than riparian areas and it is likely somewhat more permeable within the landscape mosaic. Because we know that CRLF is almost certainly using the drainage as a corridor but cannot clearly define the bounds of such use with the data available, the same determination must transfer to the EVH-based ESHA – **I find that the subject parcel is part of a general habitat corridor ESHA, which extends some yet-to-be-defined distance beyond the parcel. No buffer recommendation is provided since it is irrelevant in the absence of an outer limit from which to apply.**

In conclusion, 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 both 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 there.

Figure 1a: 505 San Pedro Avenue parcel (approximated in yellow) as situated in the broader surrounding landscape, and **b:** relative to specific features including the adjacent drainage (approximated by dashed white arrow), scour pool (red asterisk), and willow thickets.

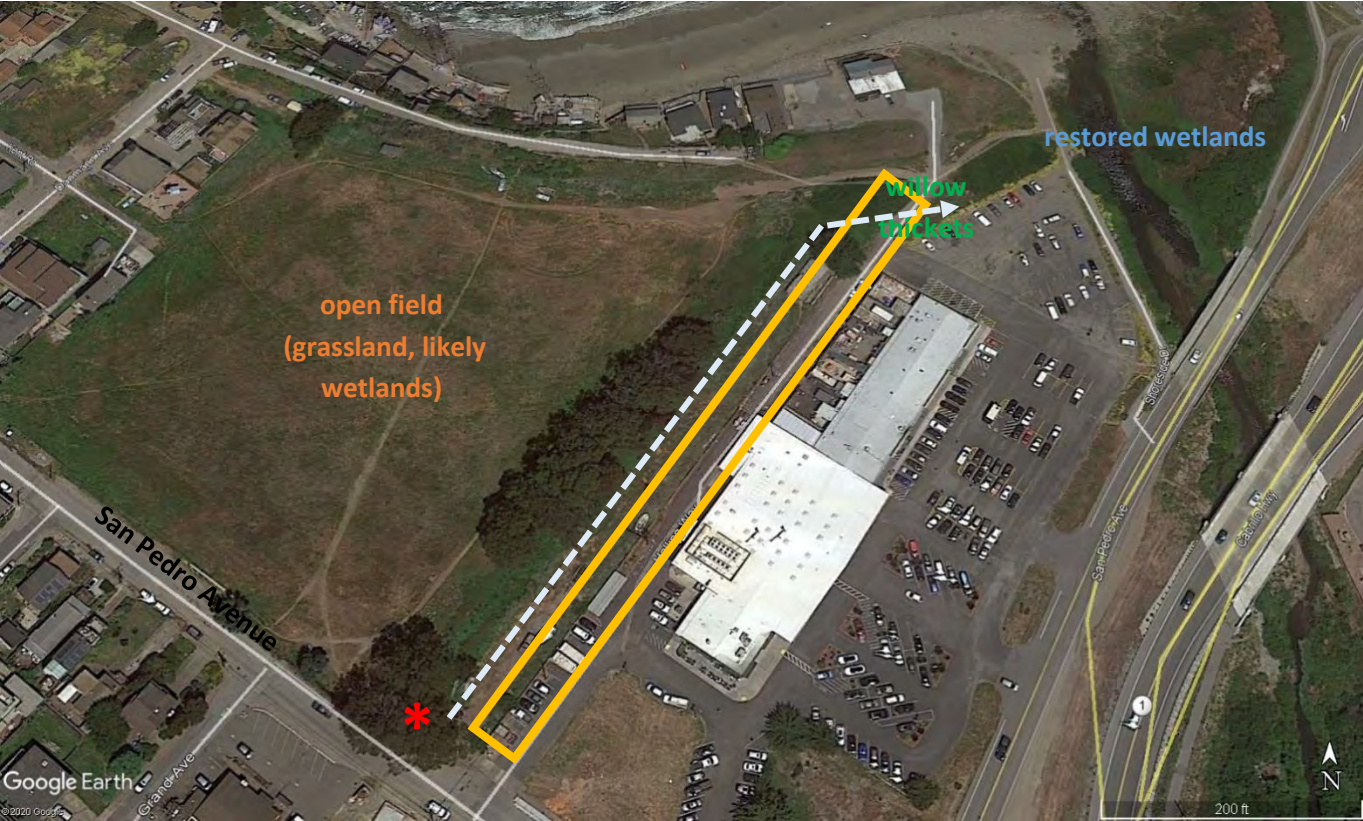


Figure 2: CDFW Biogeographic Information and Observation System (BIOS) Viewer display of the California Aquatic Resources Inventory (CARI) stream layer and California Natural Diversity Database (CNDDDB) records surrounding the subject parcel (yellow box). CARI data shown as blue lines, including the drainage immediately west (left) of the parcel and San Pedro Creek (far right). Red thatching represents areas with known occurrences of California Red-Legged Frog.



Figure 3: Photos from site visits in March and October 2019, showing seasonal variation in drainage conditions – **a-b:** culvert running parallel to San Pedro Avenue, immediately west of the drainage and subject parcel; **c-d:** from San Pedro Avenue, facing north with scour pool in foreground; **e-f:** from San Pedro Avenue, facing north-northwest into drainage (note Eucalyptus wind break on left (west) before open field and subject parcel on right (east), and duck (white circle) using drainage as resting area in e); **g:** from western side of drainage, looking south towards San Pedro Avenue (note continuation of tree canopy into forested area south of San Pedro Avenue).



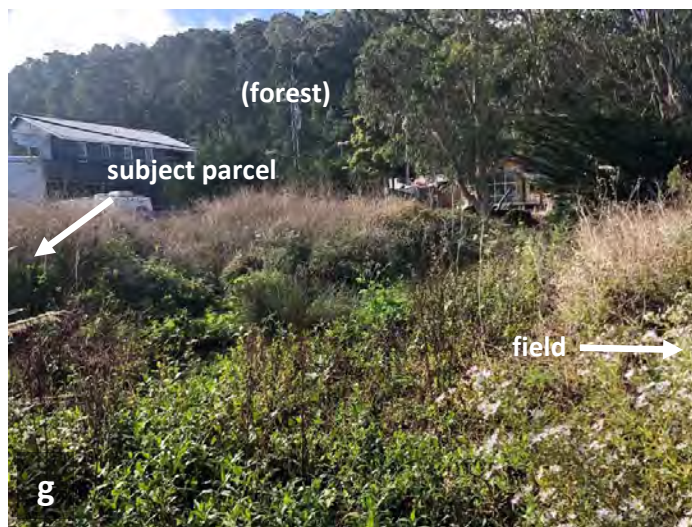


Figure 4: Subset of larger aerial time series (2002-2020) of the subject parcel (yellow box) and the surrounding landscape, showing wet versus dry season patterns of vegetation. Note how the drainage immediately adjacent to the subject parcel consistently provides a green corridor and effectively links San Pedro Creek with the open field to the west while providing a valuable secondary connection to the forested habitat south of the site.







Figure 5: Delineated single-parameter wetlands (solid green lines) and approximate wetland buffers (dashed green lines) relative to proposed project. Note that 50-ft buffer was drawn around the willow ESHA but should also extend slightly further south around some small-fruited bulrush marsh ESHA, which would further overlap with the proposed footprint, even as potentially modified (red lines).

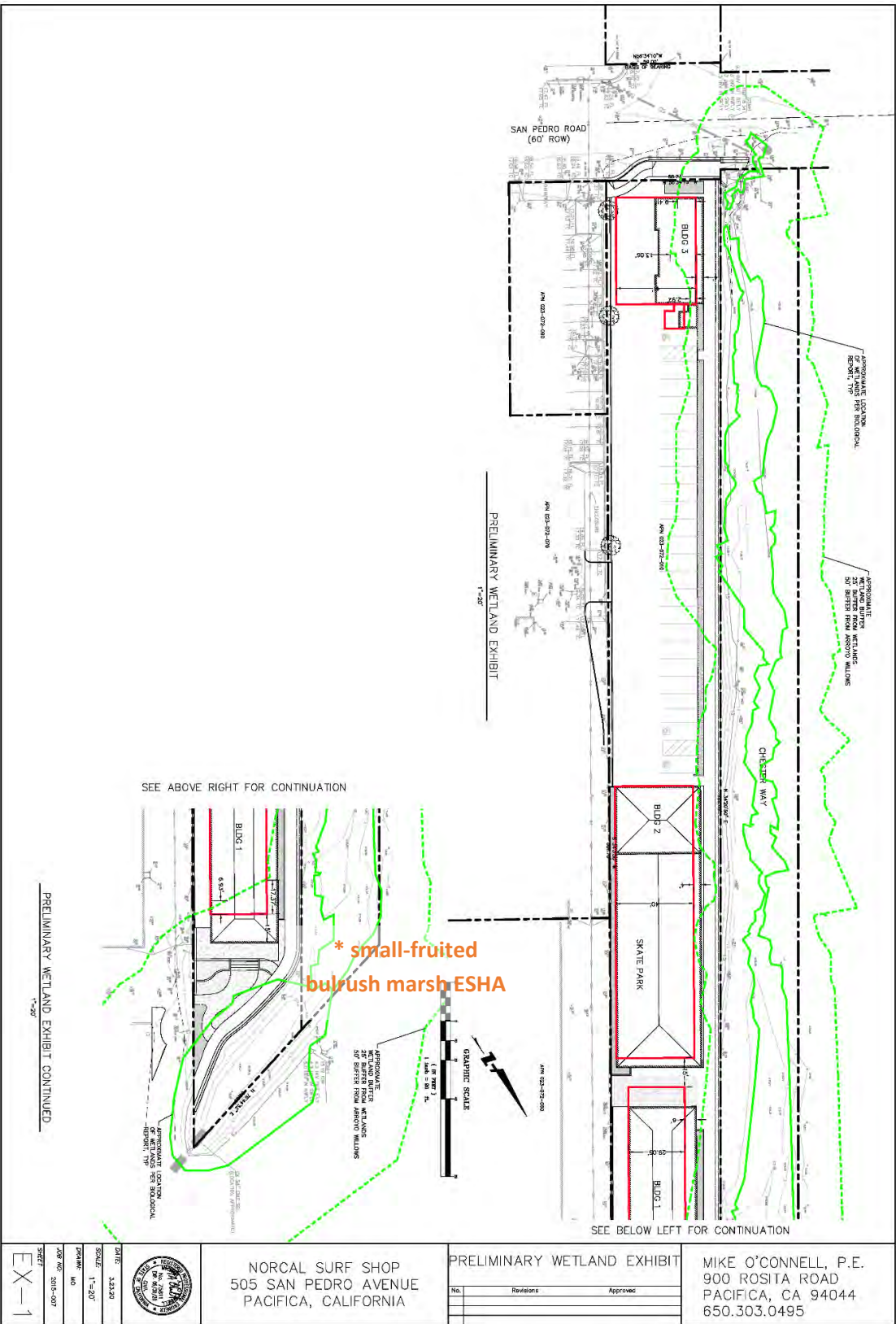


Figure 6a: CRLF as observed at San Pedro Avenue on April 12, 2020 by Michael Vasey, Sheila Harman and Jon Harman (photo credit: Jon Harman); **b-d:** CRLF as observed at San Pedro Avenue on April 23, 2020 by Sheila Harman. Individual CRLF circled in white for visibility.

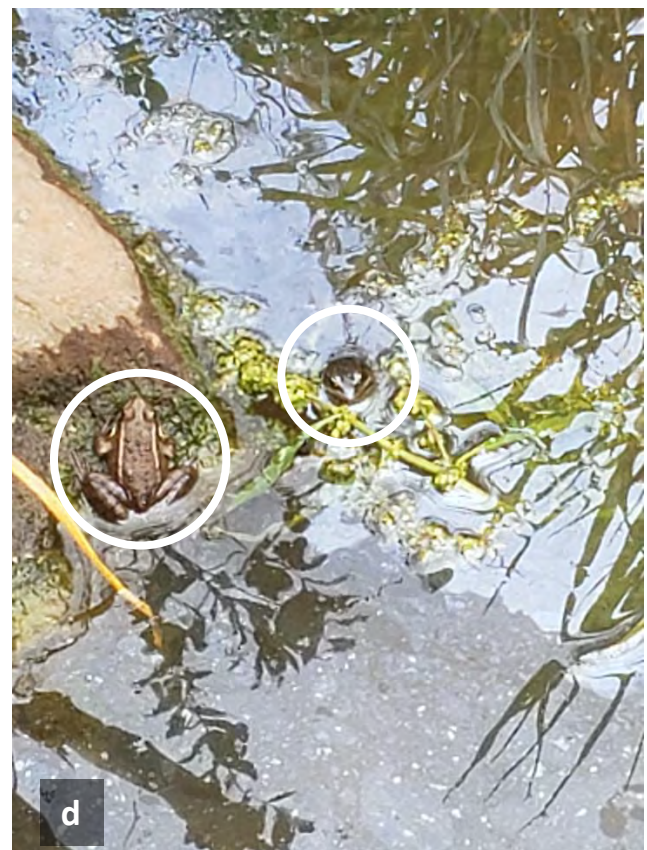
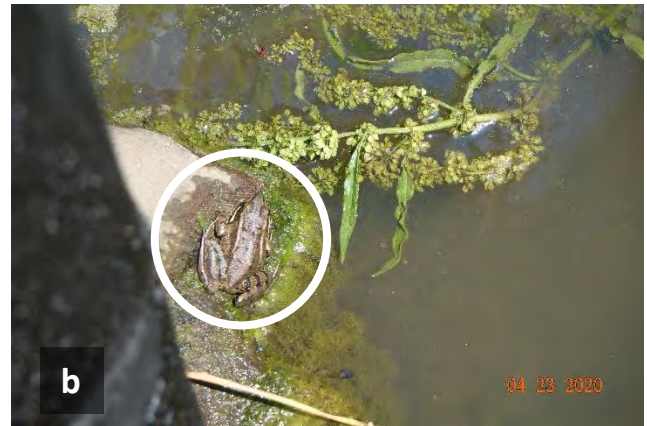


Figure 7a: From San Pedro Avenue, looking northeast, view of scour pool in drainage with subject parcel as grassy area immediately behind the fence, and **b:** CRLF observed in scour pool by Peter Baye. Photos by Peter Baye, as submitted to USFWS in May 4, 2005 letter.



Figure 8: Excerpt from California Essential Habitat Connectivity Project displaying the San Mateo-Santa Cruz Counties coastal corridor (within red box). The project location in Pacifica is approximately located at the black arrow, near the northern edge of the extent. Areas in green represent connected stretches of habitat and the yellow-brown spectrum represents areas that would ideally be added to provide better linkages. The Pedro Point area is among those areas identified as valuable additions to improving connections through this corridor.

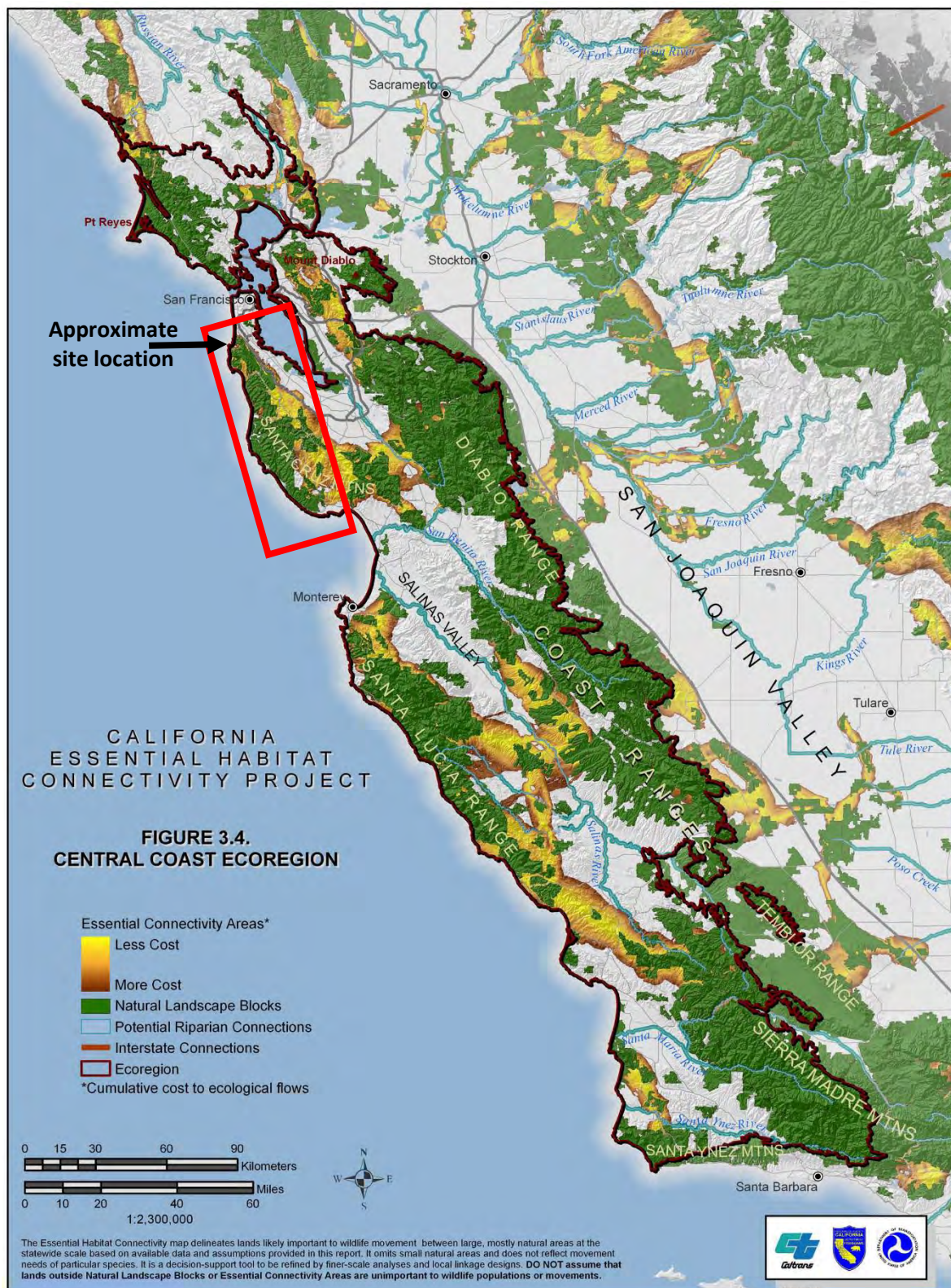


Figure 9: CNDDDB display of the Pedro Point area in Pacifica, with CRLF occurrences observed in thatched red areas and finer-scale features identified as particularly valuable by the California Essential Habitat Connectivity Project in solid green. The proposed project site (yellow bar) is largely covered by the upper two CRLF occurrences and is situated to link multiple habitats across the landscape mosaic, including riparian, wetland, forest, and grassland.

