

# Public Comments Oral Communications



*July 13, 2020  
City Council Meeting*

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**From:** Wright, Shelby on behalf of City Manager  
**Sent:** Wednesday, June 24, 2020 3:57 PM  
**To:** Brooks, Elizabeth  
**Cc:** Public Comment  
**Subject:** FW: Point of interest

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**From:** Nick's Seashore Restaurant [mailto:nicksrockaway@yahoo.com]  
**Sent:** Wednesday, June 24, 2020 3:38 PM  
**To:** City Manager <cmoffice@ci.pacifica.ca.us>  
**Subject:** Fw: Point of interest

**[CAUTION: External Email]**

Nick's Seashore Restaurant  
100 Rockaway Beach Ave  
Pacifica, CA 94044  
(650) 359-3900

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

**From:** Nick's Seashore Restaurant <nicksrockaway@yahoo.com>  
**To:** [cmoffice@pacifica.ca.us](mailto:cmoffice@pacifica.ca.us) <[cmoffice@pacifica.ca.us](mailto:cmoffice@pacifica.ca.us)>  
**Cc:** [martind@ci.pacifica.ca.us](mailto:martind@ci.pacifica.ca.us) <[martind@ci.pacifica.ca.us](mailto:martind@ci.pacifica.ca.us)>; [beckmeyers@ci.pacifica.ca.us](mailto:beckmeyers@ci.pacifica.ca.us) <[beckmeyers@ci.pacifica.ca.us](mailto:beckmeyers@ci.pacifica.ca.us)>; Sue Vaterlaus <[vaterlauss@ci.pacifica.ca.us](mailto:vaterlauss@ci.pacifica.ca.us)>; [biern@ci.pacifica.ca.us](mailto:biern@ci.pacifica.ca.us) <[biern@ci.pacifica.ca.us](mailto:biern@ci.pacifica.ca.us)>; o'neillm@ci.pacifica.ca.us <[o'neillm@ci.pacifica.ca.us](mailto:o'neillm@ci.pacifica.ca.us)>  
**Sent:** Wednesday, June 24, 2020, 03:32:39 PM PDT  
**Subject:** Point of interest

Mayor, City Council and City Manager,

Just a point of interest. Not sure what in lieu fees will cost the developer but you need to know because of past councils and planning commissions decisions to allow in lieu fees over many objections from my family. The parking in Rockaway Beach is a mess. The promises made to provide more parking or a second deck structure were never kept. My point is don't screw up the parking in Sharp Park like the city has in Rockaway. By the way why can't you let RV's park in the old sewer treatment building area. Parking is another issue in Rockaway.

Thank you for your time,

Chuck Gust

**Nick's Seashore Restaurant**

100 Rockaway Beach Ave

Pacifica, CA 94044

(650) 359-3900

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**From:** Bill [REDACTED]  
**Sent:** Thursday, July 2, 2020 4:01 PM  
**To:** Public Comment  
**Subject:** 225% Pool Fee Increase

**[CAUTION: External Email]**

July 2, 2020

Dear Councilmembers:

I may have missed your approval of the 225% increase in pool fees by Rec and Park. (Or did staff decide on their own?)

Do you know of any other enterprise - airlines, sports teams, universities, museums, restaurants - that are charging their customers extra to "make up" for their loss of revenue during the virus pandemic? Pacifica is!

Not only are pool users charged fees that price out many Pacificans, but swimmers are expected to pay more for less: limited duration in the pool, swim by appointment, locker rooms/showers unavailable.

Apparently, senior discounts, whether for residents, or nonresidents, are gone.

Believe it or not, Pacifica is not honoring the cards many purchased with unused swims on the card at the time of the March shutdown.

Bill Collins

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**From:** Bill [REDACTED]  
**Sent:** Thursday, July 2, 2020 4:44 PM  
**To:** Public Comment  
**Subject:** Fwd: All Access Membership Reimbursements  
**Attachments:** Letter to All Access Swimmers 7-2-2020.pdf

**[CAUTION: External Email]**

Please include this forwarded letter with the letter I emailed to City Council this afternoon. Thanks  
Bill Collins

----- Forwarded message -----

From: **Schrive, Anthony** <[schrivea@ci.pacifica.ca.us](mailto:schrivea@ci.pacifica.ca.us)>  
Date: Thu, Jul 2, 2020 at 4:31 PM  
Subject: All Access Membership Reimbursements  
To: Schrive, Anthony <[schrivea@ci.pacifica.ca.us](mailto:schrivea@ci.pacifica.ca.us)>

Hello All Access Member,

Please see attached letter of what the City of Pacifica has decided to reimburse you for you All Access Membership. Thank you for understanding and talk to you soon.

Please disregard this message if you are not an All Access Member.

Sincerely,

Anthony Schrive

Recreation Coordinator, Aquatics

City of Pacifica

Parks, Beaches & Recreation Department

[schriviera@ci.pacifica.ca.us](mailto:schriviera@ci.pacifica.ca.us)

650-738-7461

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Scenic Pacifica  
Incorporated Nov. 22, 1957

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## CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506  
[www.cityofpacifica.org](http://www.cityofpacifica.org)

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**MAYOR**  
Deirdre Martin

**MAYOR PRO TEM**  
Sue Beckmeyer

**COUNCIL**  
Sue Vaterlaus  
Mary Bier  
Mike O'Neill

All Access Members,

Due to COVID-19 and the restrictions that are required, we will be temporarily raising our prices in order to recover operational costs during this pandemic. With the uncertainty of this pandemic and the constant change of restrictions, the City of Pacifica has decided to refund you the pro-rated dollar amount of what your pass was worth.

For example: If you bought a yearly pass on January 1<sup>st</sup> 2020, and we were closed March 12<sup>th</sup> – July 6<sup>th</sup> (72 days closed out of 365 days open = 293 valid days) and your adult pass cost \$792.00 (\$792/365 days = \$2.17/day) the City of Pacifica will be reimbursing you (\$2.17 X 293 days) \$635.81 by check for your annual pass.

We will not be reimbursing you with individual swims for the amount of days we owed you as previously planned. You will need to use unused punch pass cards or purchase a day pass to swim for \$10.00.

We apologize about any inconveniences we may have caused you.

Please email me your full name, what type of pass you bought, (Senior yearly, quarterly, and monthly or Adult, yearly, quarterly, monthly) an address of where you would like us to send you the check, and a picture of your All Access Pass if you have not already done so.

Thank you for your understanding during these unprecedented times.

Sincerely,

*Anthony Schriver*

Anthony Schriver  
Recreation Coordinator, Aquatics  
City of Pacifica  
Parks, Beaches & Recreation Department  
[schrivera@ci.pacificaca.us](mailto:schrivera@ci.pacificaca.us)  
650-738-7461

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**From:** Wayne Niland [REDACTED]  
**Sent:** Friday, July 3, 2020 11:15 AM  
**To:** Public Comment  
**Subject:** Pool price extortion

**[CAUTION: External Email]**

A customer will now have to pay \$600 for 60 swims in a month which they could have done comfortably and when they desired, (Drop in at any time with all access pass) for \$72 a month, not even including applicable senior discounts. This is outrageous! There will be no showers meaning people will undoubtedly go into the parking lot and shower like surfers do using bottles of water: that or drive away covered with chlorine, cold, and susceptible to flus or colds. Definitely not desirable for our elderly. A Corona virus waiver will have to be signed but I seriously doubt, this covers gross negligence. Did anybody think this out? Was the city council even informed. Does not the city of Pacifica collect enough taxes to cover this loss leader service which should and must be made available to it's citizens; especially in these trying times when we all need a break.

Very concerned,  
Wayne Niland

Sent from my Samsung Galaxy smartphone.

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**From:** bdonatt . [REDACTED]  
**Sent:** Saturday, July 4, 2020 11:08 PM  
**To:** Public Comment  
**Cc:** Schriver, Anthony  
**Subject:** letter in response to all access pool pass Letter of A Schriver  
**Attachments:** johnmeyerpoolletter.pdf

**[CAUTION: External Email]**

attached to this note please find a letter to the Pacifica City Counsel and to Anthony Schriver please contact me back at this email address or call me at [REDACTED]

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**The law Office of**  
**DONALD E. BLOOM**

50 California St. SUITE 1500  
SAN FRANCISCO, CA 94111

email [REDACTED]

cell [REDACTED]

July 2, 2020

Anthony Schriver  
City of Pacifica  
[schriver@ci.pacifica.ca.us](mailto:schriver@ci.pacifica.ca.us)

Dear Mr. Schriver and the City,

Please accept this letter as a response to your recent letter regarding the All Access Pass for my client John Meyer. John has been using an All Access Pass for years as Pacifica resident and he feels very slighted by the response he and other loyal Pacifica Pool swimmers have received. As you should be fully aware your offer to reimburse the unused portion of the pass is a total breach of contract.

Prior to the pool closure on March 13, John bought a three month pass for 90 days of swimming. On the date the pool closed he had 43 days left to go and he should when the pool opens get 43 days of access to the pool to honor his contract with the city. Instead the letter you sent out says he gets his unused money back and he has to pay the new inflated price for swimming at \$10 a swim. So, he gets \$2.17, times 43 days for a refund of \$93.31. Then to swim that time frame he would have 39 swims out of his 43 days, since you are closed Sundays. That means he pays \$390 for what he had already paid out in full. In short, he has to pay out nearly \$300 out of pocket for what he had already paid. How anyone could think this is a fair result is hard to imagine.

If a person purchased 3 oil changes for \$90 in advance and only got one before the station closed he should get two more when the station is restored. If the station changed its price to \$100 an oil change it would not be right to give him back \$60 and charge him \$200. That would be a breach of contract and the same applies to your pool pass.

John is a devoted swimmer since he needs to swim to be able to walk. He has a bad back and swimming is the one exercise he can do to stay fit and keep his back from getting worse. When the pool closed, he had to buy a wet suit to swim in the bay. He was happy to hear your pool was going to reopen and expected to be fairly treated. It hurts him emotionally how cold and unfeeling the city is treating him. He is a senior citizen, disabled and a long-time loyal pool user and resident of Pacifica. The new policy of the city regarding the price of the pool gives him no breaks at all. \$10 a day makes the pool absurdly high priced.

You are treating residents the same as non-residents and seniors the same as others. Monthly cost for a person like John will be about \$270 to \$250 a month which makes the

yearly cost \$3240 to \$3000. For that fee John gets no showers, a cold pool, no locker-room and limited time in a lane of only 45 minutes. There is no reason for a person that swims over 20 days a month not to just join a good gym or private health club. On top of this there is the fact that you set up a sign up computer system and after people signed up you revealed the massive fee increase. That action actually shows an intent to take advantage of people that relied on you to be fair.

John is not crazy and is not desperate and is not going to be abused like this. He has talked to several other swimmers that used the Pacifica Pool and they are also very upset. I am looking into bringing a class action case against the city for breach of contract as this decision is taking \$200 to \$600 of value from each swimmer with an All Access Pass with unused days on it. John would like to avoid conflict and is not asking for anything beyond what he is entitled to. He simply wants the city to honor the 43 days of swim time that he should get under his contract. If you give him that he would take no further action against the city. If you do not, we will consider all legal options to undo the injustice you are trying to force upon him and the rest of the Access Pass holders. You can do the right thing, or you can pursue the course outlined in your letter. We hope you choose wisely.

Sincerely yours,

Donald Bloom

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**From:** Lori Chelemedos [REDACTED]  
**Sent:** Saturday, July 4, 2020 11:28 PM  
**To:** O'Neill, Mike; Beckmeyer, Sue; Bier, Mary; Vaterlaus, Sue; Martind@ci.pacifica; Public  
**Subject:** Comment  
Well...

**[CAUTION: External Email]**

Can we now revisit banning fireworks...It is now 11:25p and all of us are wide awake hoping our houses do not burn down as fireworks are still going off non-stop...

**At least 12 fires tonight in Pacifica and it's only 11:00 pm.** Full assignment response 1322 POPLAR AV ,PCF Trash fire 1901 OCEANA BLVD ,PCF Full assignment response 308 MONTEREY RD ,PCF Landscape fire MANZANITA DR/VIEW WY ,PCF Full assignment response 1327 TERRA NOVA BLVD ,PCF Structure fire 1323 POPLAR AV ,PCF Full assignment response 1901 OCEANA BLVD ,PCF Landscape fire 1161 SHEILA LA ,PCF Grass fire 601 CRESPI DR ,PCF Grass fire 916 YOSEMITE DR ,PCF Landscape fire COLLEGE NORTH ENTR DR/SHARP PARK RD ,PC Landscape fire 1283 TERRA NOVA BLVD ,PCF

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**From:** Wright, Shelby on behalf of City Manager  
**Sent:** Wednesday, July 8, 2020 11:10 AM  
**To:** Clements, Chris; Glasgo, William  
**Cc:** Public Comment  
**Subject:** FW: Fireworks should be illegal in Pacifica

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**From:** shimmylyn@[REDACTED]  
**Sent:** Wednesday, July 8, 2020 9:53 AM  
**To:** City Manager <cmoffice@ci.pacifica.ca.us>  
**Subject:** Fireworks should be illegal in Pacifica

**[CAUTION: External Email]**

I am a homeowner in Pacifica right across from Frontierland Park where there was a grass fire July 4 due to fireworks. There were at least 12 fires July 4 all from fireworks. I request to be sent the Zoom link to July meeting to address this serious hazard in our beautiful city.

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**From:** Wright, Shelby on behalf of City Manager  
**Sent:** Friday, July 10, 2020 10:40 AM  
**Cc:** Public Comment  
**Subject:** FW: Covid testing

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**From:** Micaalysia@h[REDACTED]  
**Sent:** Friday, July 10, 2020 8:47 AM  
**To:** City Manager <cmoffice@ci.pacifica.ca.us>  
**Subject:** Covid testing

**[CAUTION: External Email]**

Hi Deirdre! Hope to find you well. I have a concern about the covid testing for San Mateo county which has been nearly impossible to schedule. I work in the emergency dept, live in Pacifica, but through project baseline, there are no more appointments For testing and I have been checking multiple days, multiple testing sites. San Francisco county is doing much better. Is there any way to contact the county or can Pacifica do something independently for its residents ?

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**From:** Ben Samson [REDACTED]  
**Sent:** Monday, July 13, 2020 1:29 PM  
**To:** Public Comment  
**Subject:** Meeting for July 13th as well as 15th - Unhoused in Pacifica Motorhome Permit Parking Pilot Program

**[CAUTION: External Email]**

Dear City Council members,

This comment is in regards to the following:

Unhoused in Pacifica Motorhome Permit Parking Pilot Program and Recreational Vehicle Loading/Unloading Permit Pilot Program

It has come to my attention that the city council will be reviewing recommendations from the city manager to move forward with a permit program for unhoused RV parking on city streets throughout various neighborhoods here in Pacifica.

Although I comment the effort and ability to think outside the box for a solution to this growing problem I just don't believe that all options have been exhausted which would provide the least impact on all involved. Our fellow neighborhood and community members as well as the unhoused.

As a home owner in East Fairway I firmly oppose this in the East Fairway neighborhood as well as all others outlined below.

**1-2 spaces West side of Lundy Way, near Highway 1 pedestrian tunnel underpass. Golf Course/ East Fairway.**

1 space West side of Francisco Boulevard near the North Coast County Water District facility at 2400 Francisco Boulevard.

2 spaces West side of Oceana Boulevard, west of the City of Pacifica Public Works Department Building at 151 Milagra Avenue. 24 Hour Fitness.

2 spaces West side of Francisco Boulevard near the Sharp Park Golf Course.

2 spaces North side of Sea Bowl Lane. Bowling alley & Pacifica Brewery.

2 spaces West and East sides of Roberts Road, between Ohlone Drive and Fassler Avenue. Roberts Road condos.

Speaking specifically of East Fairway we already have an issue with a homeless encampment on the North East side of the Sharp Park golf course as well as people using the toilet facilities at the Little League fields. Also, not to mention the consistent people using the Little League field parking lots to do burnouts and doughnuts at all hours of the day and night without any regard for the children or neighbors who back up to the fields. I believe this will only increase this ongoing issue.

Once again, I am firmly opposed to this portion of the plan. If you would like to discuss further I am more than willing to chat and have included my contact info below.

Sincerely,

Home Owner - Current Tax Payer - Voter

Ben Samson  


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**From:** Bruce Osterhout [REDACTED]  
**Sent:** Monday, July 13, 2020 2:33 PM  
**To:** Public Comment  
**Subject:** Council Meeting 7/13/2020  
**Attachments:** RV LETTER 07 12 2020.pdf

**[CAUTION: External Email]**

Please see the attached letter that I would like to have read at the City Council Meeting on July 13, 2020.

The subject is: "Unhoused in Pacifica Motorhome Permit Parking Pilot Program"

Thank you.

Bruce Osterhout  
[REDACTED]

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# BRUCE OSTERHOUT

Pacifica, CA 94044

July 12, 2020

## Addressees:

Ms. Sue Beckmeyer, Pacifica City Council (beckmeyers@ci.pacifica.ca.us)  
Ms. Mary Bier, Pacifica City Council (bierm@ci.pacifica.ca.us)  
Mr. Don Horsley, San Mateo County Board of Supervisors (dhorsley@smcgov.org)  
Ms. Michelle Marchetta Kenyon, Pacifica City Attorney (mkenyon@bwslaw.com)  
Ms. Deidre Martin, Pacifica City Council (martind@ci.pacifica.ca.us)  
Mr. Mike O'Neill, Pacifica City Council (o'neillm@ci.pacifica.ca.us)  
Ms. Anita Rees, Director, Pacifica Resource Center (anita@pacresourcecenter.org)  
Mr. Daniel Steidle, City of Pacifica Chief of Police (steidled@pacificapolice.org)  
Ms. Sue Vaterlaus, Pacifica City Council (vaterlauss@ci.pacifica.ca.us)  
Mr. Kevin Woodhouse, Pacifica City Manager (woodhousek@ci.pacifica.ca.us)

Subject: Unhoused in Pacifica Motorhome Permit Parking Pilot Program (Staff Report 3335)

Dear Addressee:

I have had an opportunity to read Mr. Woodhouse's recent announcement of the Special City Council Meeting to be held on July 15, 2020, concerning the Unhoused in Pacifica Motorhome Permit Parking Pilot Program. I have a few observations and comments to share.

The attachments are quite an impressive collection of documents addressing this very complex health and safety situation facing the City of Pacifica. The City staff and volunteers who have obviously spent many hours researching the issues and compiling these reports are to be commended.

The document identified as Attachment C to the meeting notification is the Parking Permit Pilot Program proposed by the Resource Center. My comments and observations:

1. First of all, this pilot program **must be administered and enforced by the City of Pacifica**. The non-profit Resource Center (PRC) has no enforcement authorization if any issues develop with their clientele. However, the PRC is apparently qualified to handle determination of eligibility for the pilot program as well as outreach and engagement services.
2. If it is decided to allow the PRC to administer this pilot program, **the PRC must be required to provide the City with the following:** (a) a certificate of liability insurance in the amount of multiple millions of dollars assuring that no liability will be incurred as a consequence of the pilot program; (b) a performance bond assuring the City that the PRC is capable of managing a program of this nature; and (c) a hold harmless agreement to avoid the possibility of any lawsuits naming the City as a consequence of the actions of the PRC or the participants (permittees) in this pilot program.
3. The pilot program needs a **stated expiration date**, "say," 3 months to establish the viability of such a program and the ability of the PRC to manage it successfully.
4. The proposal is to issue 20 permits for the pilot program. **What about the remaining RVs with the unhoused?** Do they stay where they are, continuing to pollute our City environment and waterways with trash and sanitary waste?
5. The proposal indicates that **10 of these permits will provide parking in "church or other private lots."** Has anyone asked the residents of the neighborhoods where those houses of worship are located if they want this exposure in their neighborhoods? By and large, the people who attend these houses of worship do not live in the neighborhoods where they are located.
6. If it is determined that the permittees will be parked in "church" parking lots, **then each of those facilities need to provide** each residential property within a 1,500 foot radius of their location with the following: (a) a multi-million dollar certificate of insurance covering the actions and possible damage caused by the RV residents; and (b) a hold

harmless agreement for the protection of the neighborhood residents. They also **need to be staffed 24/7** by PRC supervisory employees *and* church parishioner volunteers. Do they need a use permit?

7. If the City and County are serious about addressing this issue, they need to “have some skin in the game.” **The 20 permittees should be parked in City or County public parking lots** (e.g., the lots at Rockaway Beach, at Linda Mar Beach, at the Community Center, at the former sewage treatment plant site, at the Sanchez Art Center, at the open lot behind the Sanchez Library, at San Pedro Valley Park, etc.). Also, to be considered are the two unused Pacifica Schools (Oddstad and Fairmont).
8. The **proposed fees for this pilot program are way too low**. It costs \$1,600±/month to park an RV at the Treasure Island RV Park on El Camino. The US Census data for Pacifica indicates that the 2018 median household income was \$115,602 (30% = \$34,681 = \$2,890/month; 50% = \$57,801 = \$4,817/month; and 80% = \$92,482 = \$7,707/month). Any household at, or near the 50% or above margin, should be able to afford substantially higher permit fees for the use of our taxpayer funded streets, garbage removal, grey water dumping, potable water, and parking lots, etc. In fact, at 50%, or greater, they should be able to afford to park at the Treasure Island RV Park (\$19,200±/year + utilities). How much is the proposed fee if income is more than 80%?
9. There is **no provision to determine the value of any tangible or intangible assets** that these unhoused persons may own (e.g., real estate, bank accounts, stocks, bonds, retirement accounts, collectibles, etc.). That needs to be considered as well as income.
10. The permittees apparently would be allowed to run generators until 10 PM, 7 days per week. I'm sure that the neighbors of any church parking lot would love to hear that noise day and night. Wouldn't you? The **PRC needs to provide electrical service for any/all units in their pilot program**.
11. There is **no indication that the permittees will be adequately vetted** for outstanding warrants or citations. Further, there seems to be **no requirement that they have a valid California driver's license** to operate the RV on public streets.
12. Item 9 of the PRC agreement states that “participants *should not* loiter in other areas ....” That **needs to be changed to WILL NOT LOITER** elsewhere, especially for those who may be in residential neighborhoods.
13. Item 6 states that the “Vehicle **must be registered and insured within 29 days of participation**.” My understanding of the California State Vehicle Code is that any vehicle that is parked or operated on public streets—at any time, including the time prior to being admitted to this pilot program—must be registered and insured. If these vehicles are currently on our streets without registration or insurance, they must be cited immediately and/or impounded for violation of this State law. If you, or I, had a vehicle without registration or insurance we would be cited today. **Any/all unregistered and uninsured vehicles occupied by the unhoused on our streets need to be reported to the Police Department and/or to the CHP now**. This is failure to enforce the laws that apply to the rest of us is absolutely unacceptable.

Aside from the RVs that are used as residential units by those persons classified as the “unhoused,” I see two other common examples of oversized vehicle parking on our streets. One, are the persons who occupy residences here and have RVs that have been parked on the public streets rather than in RV storage lots (e.g., the unit on Rosita Road, east of Perez Drive, and the unit on Peralta Road between Bower and Dell roads). The second, are those units (RVs and work vans) that are used as work week housing by persons occupied in the region who prefer not to commute daily from their permanent residences elsewhere and have no apparent intention in securing a permanent residence here (e.g., reportedly, the 2 large motorhomes that take up 6 parking spaces in the Rockaway Beach parking lot).

A recent disgusting example of the extent of the “unhoused” problem was the picture printed on Page A-2 of the *Pacifica Tribune*’s week of July 8, 2020 edition showing the sewage discharge from an occupied RV on the street. In time it is likely this discharge will find its way into the storm water runoff system ultimately arriving in a local waterway or the ocean. Absolutely, totally unacceptable behavior that disrespects our wonderful beach community and its residents.

In conclusion, you are all acutely aware that the majority of the taxpaying citizens of Pacifica are not happy about the current health and safety problems associated with the parking of motorhomes (aka, recreation vehicles or RVs), whether with the unhoused, or not, on the public streets and parking lots within the City. This has been going on for years. It is way past time for meaningful resolution.

**DO THE CITIZENS OF PACIFICA WANT OVERSIZE VEHICLES ON ANY OF THEIR STREETS? COULD WE PUT THIS TO A VOTE AND LET THE CITIZENS DECIDE?**

Respectively submitted,

Bruce Osterhout

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**From:** ROSANNE MASSIMINO [REDACTED]  
**Sent:** Monday, July 13, 2020 2:59 PM  
**To:** Public Comment; Woodhouse, Kevin; Martin, Deirdre; Vaterlaus, Sue; Bier, Mary; Beckmeyer, Sue; O'Neill, Mike  
**Cc:** Sherman Frederick; mark stechbart; Alexandre; Lavonda Williams  
**Subject:** Re: ORAL COMMUNICATIONS - APRIL 13

**[CAUTION: External Email]**

City Manager, Mayor and Councilmembers:

This public comment will follow-up my voluminous previous communications to Mayor, Councilmembers and City Manager regarding RV parking in Pacifica.

By now, you have most probably received 100s of emails from the People of Pacifica in adamant opposition of any RV program that would house RVs on the city streets and neighborhoods of Pacifica. The hundreds of comments on [NextDoor.com](https://www.NextDoor.com) can absolutely not be ignored. Even as City Manager, Mayor and City Council, you must do the right thing and listen to the people who: 1) Pay Your Salary; 2) voted you in Office; and 3) gave their absolute confidence and trust in you to make the correct decisions for our City. We expected you to put our City and the tax paying supporters in the forefront.

It is clear that we all want to help the down and out, but the idea of living in RVs on city streets with no human amenities only came into being within the last 6 or so years. You have heard all the obvious reason why this does not work. Just because it is a tin roof over someone's head does not mean it is a resolution to the homeless problem and therefore is humane. It is not.

The solution is to go back to basics as we have always done. The state and city has money allocated for this. The PRC has funds and contributions allotted for this. Let's form a real task force and gets some solutions on the board. I'm willing to get it going. Stop the encampments. Stop the RV parking. If we say NO, people from other states and cities will stop coming and we can help the people who really belong in Pacifica. We need to get these people housed and medical help. No one should be sleeping on the street.

The City of Pacifica does not want RVs and encampments in our city.

Listen to the People. Mr. Woodhouse, you will retire earlier than most with your grand government pension and City Council, you will term out. Do not make the wrong decisions for our City that will last longer than you will all be in the positions.

Rosanne Massimino

Terra Nova Blvd.

On Mon, Apr 13, 2020 at 11:59 AM ROSANNE MASSIMINO [REDACTED] wrote:  
Dear Mayor and Councilmembers:

This public comment will follow-up my previous email to Mayor, Councilmembers and City Manager. I ask that Terra Nova Blvd. be included on the list of restricted streets for RV parking where parking of vehicles over six feet is prohibited.

While I have great empathy for the less fortunate, allowing RV parking on Terra Nova, particularly where there is no access to electricity and plumbing, is not the answer. Moving the homeless issue back in the valley is not going to fix this problem but will only have negative consequences on our vibrant family community. With two schools, a public library, senior housing, daycare, place of worship, shopping center, and nearly 300 townhomes with not enough parking for the residents there alone, it is unconscionable that a thought would be given to designate Terra Nova Blvd. for RV parking.

In the midst of COVID-19, having a well thought out plan to control and/or eliminate the extreme health and sanitation problems that come with moving the homeless on our street(s) should be first and foremost. This is not the answer. There are other options that actually make sense.

The petition of hundreds of resident signatures, social media communications and the dozens of communications directly sent to Mayor, councilmembers and the City Manager to include Terra Nova on the RV Street ban list can't be ignored. Please, do not ignore the people of the City of Pacifica that put their trust in you, and believed that you cared about Pacifica and its citizens, when you asked for their vote.

Thank you.

Rosanne Massimino

Terra Nova Blvd., Pacifica, CA

--

***Rosanne Massimino***

Cell: 6

Fax: (or better yet - email me a pdf)

--

***Rosanne Massimino***

Cell:

Fax: (or better yet - email me a pdf)

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# Public Comments Agenda Item # 14



*July 13, 2020  
City Council Meeting*

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**From:** Sunil Bhat [REDACTED]  
**Sent:** Wednesday, June 17, 2020 8:23 PM  
**To:** \_City Council Group; Coffey, Sarah; Brooks, Elizabeth  
**Subject:** Re: Information for appeal of UP-96-18

**[CAUTION: External Email]**

Members of the City Council,

I apologize, but I would like to retract the previous email and attachments from the record for the appeal hearing. While all of the information provided was accurate, I have learned from my legal counsel that due to federal statutes none of this information is pertinent to the actual appeal, and will not be used or cited in the appeal and during the hearing. Therefore maintaining it in the record will only provide confusion during the review and appeal hearing process.

Now that the appeal date has been provided, I will be able to submit the supplemental documents that will actually be cited during the hearing.

I apologize for the error on my part, thank you for your understanding.

Sunil Bhat

On Wed, May 27, 2020 at 9:25 AM Sunil Bhat <[REDACTED]> wrote:

Please see the attached 5\_27 SB UP9618 appeal documents.pdf, which will refer to all rest of the attachments. Ms. Brooks is cc'd to send information to the city attorney.

Thank you

Sunil

--

**Sunil Bhat D.O.**

[Osteopathictouch.com](http://Osteopathictouch.com)

Board Certified Osteopathic Family Medicine

Board Certified Osteopathic Neuromusculoskeletal Medicine

--

**Sunil Bhat D.O.**

[Osteopathictouch.com](http://Osteopathictouch.com)

Board Certified Osteopathic Family Medicine

Board Certified Osteopathic Neuromusculoskeletal Medicine

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**From:** Coffey, Sarah  
**Sent:** Friday, July 10, 2020 2:46 PM  
**To:** Public Comment  
**Subject:** FW: Information for appeal of UP-96-18  
**Attachments:** July 10, 2020.pdf

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**From:** Sunil Bhat [REDACTED]  
**Sent:** Friday, July 10, 2020 2:47 PM  
**To:** Coffey, Sarah <coffeys@ci.pacifica.ca.us>  
**Cc:** kk [REDACTED] \_City Council Group <CityCouncil@ci.pacifica.ca.us>; Brooks, Elizabeth <brookse@ci.pacifica.ca.us>; Wehrmeister, Tina <wehrmeister@ci.pacifica.ca.us>; Murdock, Christian <murdockc@ci.pacifica.ca.us>  
**Subject:** Re: Information for appeal of UP-96-18

**[CAUTION: External Email]**

Sarah,

Thank you for this clarification. Can you please ensure that this point is brought up by staff prior to any discussion of the issue, or If I need to make the statement that it is not part of my 10 minute time limit granted for the appeal presentation?

Also please see the attached letter also regarding CA supreme court ruling on CPUC 7901. Can you make sure that the council gets this for their review.

Thank you

On Thu, Jul 9, 2020 at 5:36 PM Coffey, Sarah <[coffeys@ci.pacifica.ca.us](mailto:coffeys@ci.pacifica.ca.us)> wrote:

Dear Mr. Bhat,

My apologies that the published agenda packet for the 7/13/2020 City Council meeting included the attachment F from your materials submitted on 5/27 when you intended for that section to be retracted. During the agenda item concerning the appeal at Monday's meeting, either staff and/or you can clarify that the points in Attachment F are not a part of the appeal arguments per the request of the appellant. Your 6/17 email can be included in the materials and the written public comments received by email prior to the meeting to Council and posted online for public reference before the meeting.



Best Regards,

Sarah Coffey

\*\*\*\*\*

**Sarah Coffey**

City Clerk

City of Pacifica

(650) 738-7307

[coffeys@ci.pacifica.ca.us](mailto:coffeys@ci.pacifica.ca.us)

**PLEASE NOTE:** Due to this period of local, State and National emergency, the City will be following County and State orders to shelter in place which requires City Hall and certain other City Facilities to be closed until further notice. While staff will be working remotely, response times will be delayed. For City Clerk related assistance please email [coffeys@ci.pacifica.ca.us](mailto:coffeys@ci.pacifica.ca.us) or call 650-738-7307. For Finance related assistance please email [tioyaos@ci.pacifica.ca.us](mailto:tioyaos@ci.pacifica.ca.us) or call 650-738-7395. For any other services please leave your name, number, email, and reason for calling. We will be checking voicemail periodically throughout closure. For the quickest response, please email [cmoffice@ci.pacifica.ca.us](mailto:cmoffice@ci.pacifica.ca.us). **Please Note: Due to these closures and reduced City staffing, responses to public requests, including public record requests, may be delayed. Additionally, submissions for any applications relating to a land use entitlement must be submitted through an appointment with the Planning Department and will not be accepted electronically during this period of local emergency.**



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**From:** Sunil Bhat <[REDACTED]>

**Sent:** Thursday, July 9, 2020 2:52 PM

**To:** \_City Council Group <[CityCouncil@ci.pacifica.ca.us](mailto:CityCouncil@ci.pacifica.ca.us)>; Coffey, Sarah <[coffeys@ci.pacifica.ca.us](mailto:coffeys@ci.pacifica.ca.us)>; Brooks, Elizabeth <[brookse@ci.pacifica.ca.us](mailto:brookse@ci.pacifica.ca.us)>

**Cc:** [kk@\[REDACTED\]](mailto:kk@[REDACTED])

**Subject:** Re: Information for appeal of UP-96-18

**[CAUTION: External Email]**

hello,

i requested on 7/17 that my email from 5/27 be retracted from the appeal case, due to the data not being applicable, however it was still published in the packet today.

If it is going to be published (which it already has been). Why was the follow up email requesting retraction and reasons for retraction not also included??

Please either retract attachment F as requested, or publish the followup email(s) along with it

Sunil Bhat

On Wed, Jun 17, 2020 at 8:23 PM Sunil Bhat <[REDACTED]> wrote:

Members of the City Council,

I apologize, but I would like to retract the previous email and attachments from the record for the appeal hearing. While all of the information provided was accurate, I have learned from my legal counsel that due to federal statutes none of this information is pertinent to the actual appeal, and will not be used or cited in the appeal and during the hearing. Therefore maintaining it in the record will only provide confusion during the review and appeal hearing process.

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Sunil Bhat

On Wed, May 27, 2020 at 9:25 AM Sunil Bhat <[REDACTED]> wrote:

Please see the attached 5\_27 SB UP9618 appeal documents.pdf, which will refer to all rest of the attachments. Ms. Brooks is cc'd to send information to the city attorney.

Thank you

Sunil

--

**Sunil Bhat D.O.**

[Osteopathictouch.com](http://Osteopathictouch.com)

Board Certified Osteopathic Family Medicine

Board Certified Osteopathic Neuromusculoskeletal Medicine

--

**Sunil Bhat D.O.**

[Osteopathictouch.com](http://Osteopathictouch.com)

Board Certified Osteopathic Family Medicine

Board Certified Osteopathic Neuromusculoskeletal Medicine

City Council  
City of Pacifica  
170 Santa Maria Avenue  
Pacifica, CA 94044

July 10, 2020

Dear City Council Members,

California Public Utility Code Sections §7901 and §7901.1 do not prevent local governments from regulating the installation of wireless facilities based upon aesthetics.

The “inherent local police power includes broad authority to determine, for purposes of the public health, safety, and welfare, the appropriate uses of land within a local jurisdiction’s borders.” T-Mobile W. LLC v. City & Cty. of San Francisco, 6 Cal. 5th 1107, 1116 (2019) *quoting* City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc., 56 Cal.4th 729, 738 (2013).

In Sprint PCS Asserts LLC v. City of Palos Verdes Estates, a wireless company argued that Section §7901 of the California Public Utilities Code prevents local governments from regulating the installation of wireless facilities based upon aesthetics.

In rejecting such argument, the United States Court of Appeals for the Ninth Circuit held that:

- (a) The California Constitution authorizes local governments to make and enforce within their limits, all local, police, sanitary and other ordinances not in conflict with general laws,
- (b) The question before the Court was whether or not California Public Utility Code divested the City of its authority to deny applications to install wireless facilities based upon aesthetics, and

- (c) Neither Public Utilities Code §7901 nor §7901.1 conflicted with "the City's default power" to deny a wireless facility application for aesthetic reasons.

Sprint PCS Asserts LLC v. City of Palos Verdes Estates, 583 F3d 716 (2009).

Significantly, before rendering its ruling, in Sprint, the United States Court of Appeals for the Ninth Circuit made a request to the California Supreme Court, asking the Supreme Court to decide whether California Public Utility Code Sections §7901 and §7901.1 permit local governments to restrict the placement of telephone equipment in public rights-of-way based upon aesthetic grounds.

The California Supreme Court denied the Federal Court of Appeal's request that the Supreme Court decide such issue, and concomitantly, the Federal Court of Appeals rendered its own ruling in the absence of same. A reading of the Court's decision in Sprint suggests that, in the Federal Court's view, local governments in California retain "default" power to regulate wireless facilities in public rights of way.

Similarly in T-Mobile W. LLC v. City & Cty. of San Francisco, the Court reviewed Section §7901 language to "determine the scope of the rights it grants to telephone corporations and whether, by granting those rights, the legislature intended to preempt local regulation based on aesthetic considerations." T-Mobile W. LLC, 6 Cal. 5th at 1117.

The Court in T-Mobile W. determined that:

State statute providing that telephone corporations could construct lines and erect equipment along public roads in ways and locations that did not 'incommode the public use of the road' did not preempt local regulation allowing city to condition permit approval for telephone line construction on aesthetic considerations; city's inherent police power to determine appropriate uses of land included authority to establish aesthetic conditions for land use, to 'incommode' could include various impacts disturbing quiet enjoyment, ordinance did not require a company to obtain any local franchise, and statute said nothing about aesthetics or

appearance of telephone lines.

Id.

For the forgoing reasons, California Public Utility Code Sections §7901 and §7901.1 do not prevent local governments from regulating the installation of wireless facilities based upon aesthetics.

Sincerely,

Sunil Bhat, [REDACTED], Pacifica, CA  
Tierra Tanner, [REDACTED], Pacifica, CA  
Lena Koenig, [REDACTED], Pacifica, CA  
Heiko Ritter, [REDACTED], Pacifica, CA  
Linda Prisajni, [REDACTED], Pacifica, CA  
Alexandre Prisajni, [REDACTED], Pacifica, CA  
Rick May, [REDACTED], Pacifica, CA  
Maria Lunardi, [REDACTED], Pacifica, CA  
Lisa Tresca, [REDACTED], Pacifica, CA  
Jack Tanuwidjaja, [REDACTED], Pacifica, CA  
Cal Coast for Responsible Tech

---

**From:** aprisajni@[REDACTED]  
**Sent:** Monday, July 13, 2020 12:34 PM  
**To:** Public Comment  
**Subject:** Item 14 Public Hearing  
**Attachments:** TNHSpole.docx

**[CAUTION: External Email]**

Please add my comments to the record. Thank you.

**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.

Dear members of City Council,

I first heard of 5G technology and equipment a few months ago when I received a notification for an antenna install. Until that time I had never been involved in City works, being long consumed with Terra Nova townhomes improvements. Everything I learned I had to cram in about five days before the planning meeting where the antenna was approved.

Since then I've had the leisure of a bit more time to study and discern the applicable information available. I remain concerned that a higher level of radiation, not tested, can increase risk that is as yet not understood. This valid concern, coupled with the negative aesthetics, is shared by enough people, that property values are absolutely impacted if a person's home is within a half-mile, and severely impacted if within 1000 feet of an antenna, as mine is. Absent studies, health hazards cannot be confirmed, but what has been confirmed is the proximity impact on home prices and the extremely negative perception of having them installed on school grounds.

The Planning Commission had until September to approve the second antenna location, but chose to go ahead without allowing more public input. One commissioner wanted more information in order to make her decision, and she was denied that chance by a premature motion to approve.

I would appreciate if the city council and planning could use the time on the shot clocks to stretch out and allow public input, rather than shutting us out. The shot clock allows time for public input. The Planning Commission is the one that denied us that, not the shot clock. For that reason and others I ask city council to vote favorably on this appeal.

I have questions I thought would be answered by the files requested by Dr. Sunil Bhat weeks ago, which have still not been received. Since he was not provided that public information, I would ask you now one of my questions: the Redwood Way application, and perhaps the Terra Nova High School one, was submitted, then pulled by the applicant and resubmitted with a change that gave it a better chance of being approved. I would like to know what was that change and who suggested it, and whether it is relevant to this appeal. Files were not released to Dr. Bhat, who I expected to share them with me. Due to this lack of access to public records alone, I would be very alarmed if you would reject this appeal.

City council has a responsibility to reasonably protect citizens from health hazards and property devaluation. Please consider changes to city codes to reflect those priorities and don't let Verizon dictate that these antennas be installed feet away from people's bedrooms, and at their schools. The applicant's "analysis" of alternate spots is completely unconvincing. Looks like they picked the least costly, convenient spots, then had a computer program "grab" several more nearby, and slap them down as less doable. Some of the Redwood Way locations were rejected due to being "between houses," which really makes them no different from the chosen spot. I was also hoping to find more information on the selection of alternative spots, and I plan to, upon the release of the files.

The perceived risks, including of fire, and the aesthetics of the antennas at schools and practically inside of bedrooms devalues properties and makes Pacifica as a whole a less attractive place to live. Initially an



antenna adds about eight feet and bulk to an existing pole. They can increase more height without further zoning approval.

Linda Prisajni

---

**From:** Samuel Anderson [REDACTED]  
**Sent:** Monday, July 13, 2020 3:35 PM  
**To:** Public Comment  
**Subject:** City Council Meeting Date 07/13/20, Agenda Item No. 14

**[CAUTION: External Email]**

I live about 800 feet from the antenna. I have four kids, and my wife and I were looking forward to them walking across the street to attend school. Now with the antenna, they will not be attending. We are against the antenna. Too dangerous.

Thank you,

Samuel J Anderson

[REDACTED]

Pacifica, CA 94044

[REDACTED]

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**From:** Lena Koenig [REDACTED]  
**Sent:** Monday, July 13, 2020 4:35 PM  
**To:** Public Comment  
**Subject:** City Hall Meeting 7/13 Comment Against the Terra Nova Small Cell Facility

**[CAUTION: External Email]**

Dear Pacifica City Hall Counsel members,

I am writing in support of the Appeal of the Terra Nova Small cell tower facility. I am a resident of the sun valley neighborhood next to Terra Nova High school. We drive on Terra Nova multiple times a day and already have to deal with the congestion that occurs during school hours. If this small cell facility is installed it would add to the existing traffic when any maintenance needs to be done by splitting the lane to a one way in and out of the valley. It will also be aesthetically unappealing every time we drive to and from our home having a much larger obstruction in the skyline. In addition, according to research put out by local realtors the value of our home could go down due to our proximity of the small cell facility. We respectfully ask you to support and protect the residents of Pacifica and deny the application of large corporations such as Verizon. We chose to live here for the quite and beauty of the valley away from traffic and congestion and hope you will support us in keeping it that way.

Sincerely,

Ritter Koenig

[REDACTED] Pacifica

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# Public Comments Agenda Item # 15



*July 13, 2020  
City Council Meeting*

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**From:** Coffey, Sarah  
**Sent:** Thursday, July 9, 2020 11:05 AM  
**To:** Public Comment  
**Subject:** FW: Comments for City Council: 1300 Danmann

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**From:** KoppmanNorton, Julia@Coastal [<mailto:julia.koppmannorton@coastal.ca.gov>]  
**Sent:** Thursday, July 9, 2020 9:39 AM  
**To:** Murdock, Christian <[murdockc@ci.pacifica.ca.us](mailto:murdockc@ci.pacifica.ca.us)>; Gannon, Helen <[gannonh@ci.pacifica.ca.us](mailto:gannonh@ci.pacifica.ca.us)>  
**Subject:** Comments for City Council: 1300 Danmann

**[CAUTION: External Email]**

Hi Christian & Helen,

Please add these comments to the record for the upcoming 7/13/2020 City Council hearing on CDP-409-19 for the appeal of the Planning Commission's decision for the project at 1300 Danmann. These comments simply reiterate comments provided to City staff on April 28, 2020, prior to the Planning Commission hearing.

While the applicant's consultant, GeoForensics, reported historic erosion rates in the range of 0.1 to 0.45 ft/yr, other sources (e.g. USGS) report much higher rates. The USGS average historical retreat rate is 1.5 ft/yr, and the highest historical retreat rate for this area that we have found is 2.3 ft/yr. Therefore, bluff erosion hazards through 2100 are largely dependent on which historic erosion rate is used. If higher historic erosion rates are used in the analysis, the setback of the proposed residence may not be adequate for the full design life of the project.

As this project site faces some future hazard from bluff retreat depending on the path of future sea-level rise, we strongly recommend that the City require conditions of approval to include: 1. No future shoreline or bluff protection for this residence, and removal of the structure if and when it is threatened, 2. A requirement for hazards disclosure, and 3. Recorded Deed restriction for the property owner to acknowledge and agree that: the development is located in a hazardous area, or an area that may become hazardous in the future, assumption of risks of injury and damage from such hazards in connection with the permitted development, to unconditionally waive any claim of damage or liability from such hazards, to indemnify and hold harmless the City against any injury or damage due to such hazards, that they have no rights to future shoreline armoring, that sea level rise could render it difficult to provide services to the site, that the boundary between public and private land could shift, and that the structure may eventually be located on public trust lands, which the development approval does not extend to, that any future encroachment on public trust lands must be removed, and that the structure may be required to be removed and relocated if it becomes unsafe. In the absence of these conditions, we strongly recommend increasing the setback from the northern end of the property closest to the bluff edge.

If you have any questions, please feel free to reach out.

Best,  
Julia

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**From:** Coffey, Sarah  
**Sent:** Friday, July 10, 2020 1:31 PM  
**To:** Public Comment  
**Subject:** FW: Agenda Item #15; July 13, 2020; 1300 Danmann  
**Attachments:** 2020 07 10 Letter to City Council.pdf

**Importance:** High

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**From:** William Parkin [REDACTED]  
**Sent:** Friday, July 10, 2020 1:13 PM  
**To:** \_City Council Group <CityCouncil@ci.pacifica.ca.us>  
**Cc:** Coffey, Sarah <coffeys@ci.pacifica.ca.us>; Gannon, Helen <gannonh@ci.pacifica.ca.us>  
**Subject:** Agenda Item #15; July 13, 2020; 1300 Danmann  
**Importance:** High

**[CAUTION: External Email]**

Dear Mayor Martin and Members of the Council:

Please see attached letter regarding the above referenced agenda item.

William P. Parkin  
Wittwer Parkin LLP  
335 Spreckels Drive, Suite H  
Aptos, CA 95003  
(831) 429-4055



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July 10, 2020

**VIA EMAIL**

The Honorable Dierdre Martin and City Council  
City of Pacifica  
City of Pacifica City Hall  
170 Santa Maria Avenue  
Pacifica, CA 94044  
citycouncil@ci.pacifica.ca.us

Re: Agenda Item #15; July 13, 2020  
Consideration of an appeal of the Planning Commission's approval of Site Development Permit PSD-843-19, Coastal Development Permit CDP-409-19, Use Permit UP-118-19, and Sign Permit S-131-19 for construction of a three-story mixed-use building (known as 1300 Danmann) (APNs 023-013-010 and 023-013-020) (File No. 2019-025)

Dear Mayor Martin and Members of the City Council:

This law firm has just been retained by Stephen Clements, the appellant in the above referenced project, and the Pedro Point Community Coalition. We submit this letter on behalf of Mr. Clements and the Coalition regarding the project.

First and foremost, despite the Staff Report's assertions to the contrary, the appeal raises legitimate issues requiring the City Council to deny the project. The Planning Commission erred when it: (1) failed to recognize the merger of the project parcel with that parcel at 277 Kent Road, for which the City Council separately approved a project on June 22, 2020; (2) failed to conduct environmental review since the project is not exempt from the California Environmental Quality Act (CEQA); (3) improperly "piecemealed" or "segmented," in violation of CEQA, the project from the 277 Kent Road project; and, (4) failed to properly consider the erosion rate of the bluff in the project vicinity. For these reasons, the City Council must grant the appeal and deny approval of the Project.

**A. The Project Parcel and the Adjacent Parcel at Kent Road Were Merged Decades Ago; Even if the Parcels Were Not Previously Merged, the Staff Report Improperly Adds Requirements to the City Code that are not in the Plain Language of the Code**

The Staff Report dismisses the appeal regarding the requirement to merge the project parcel with the 277 Kent Road Parcel on the basis that the project parcel historically contained structures. This interpretation is wholly inconsistent with the plain reading of the City Code.



An agency exercises its quasi-judicial power when it interprets and applies local ordinances to a particular set of facts. “Unlike quasi-legislative rules, an agency’s interpretation does not implicate the exercise of a delegated lawmaking power; instead, it represents the agency’s view of the statute’s legal meaning and effect, questions lying within the constitutional domain of the courts.” *MHC Operating Limited Partnership v. City of San Jose* (2004) 106 Cal.App.4th 204, 219. Further, courts exercise their independent judgment when reviewing agency interpretation of local ordinance: “To the extent that the administrative decision rests on the [City’s] interpretation or application of the Ordinance, a question of law is presented for our independent review.” *Id.* “The interpretation of both statutes and ordinances is ultimately a judicial function.” *Id.* “The final interpretation of a statute is a question of law and rests with the courts.” *Department of Water & Power v. Energy Resources Conservation & Development Com.* (1991) 2 Cal.App.4th 206, 220. Court’s independently review the City’s interpretation and application of the City Code, and the City’s interpretation here would not withstand judicial scrutiny.

The California Supreme Court has held: “If the language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend.” *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 617 citing *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157, 165-166. The plain meaning rule regarding statutes is equally applicable to regulations: “If the plain language of a statute or regulation is clear and unambiguous, our task is at an end and there is no need to resort to the canons of construction or extrinsic aids to interpretation.” *Butts v. Board of Trustees of California State University* (2014) 225 Cal.App.4th 825.

The Staff Report states that since there were historical structures on the project parcel decades, the parcels do not qualify for merger. However, that is not the standard in the City Code.

City Code section 10-1.1201(a) states:

At least one of the affected parcels ***is undeveloped by any structure*** for which a building permit was issued, or for which a building permit was not required at the time of construction, ***or is developed only with an accessory structure or accessory structures***, or is developed with a single structure, other than an accessory structure, which is also partially sited on a contiguous parcel or unit.

Nowhere in the Code does it state that the project site was required to be undeveloped at any time in history. The plain meaning of the Code section is that it is undeveloped. The parcel is undeveloped, except for perhaps a small accessory structure. The City cannot graft onto the Code a requirement that the project site had to be undeveloped at any time in history or “historically undeveloped.” It is contrary to the canons of statutory construction to supply words that do not exist in the plain meaning of the code. Furthermore, by interpreting the code as the City does, the interpretation will swallow the rule. Many undeveloped properties may have had

historical structures that no longer exist or that have not existed for decades, or even for more than a century. The point of the merger provision is to consolidate nonconforming lots, without creating undue hardships for owners who may have developed individual properties with multiple structures. However, the project parcel has been undeveloped for decades. Therefore, it clearly qualifies for merger.

Assuming for the sake of argument that the parcel does not qualify for merger with the property at 277 Kent Road, the parcels were already merged in 1985. (See attached recorded notices of merger.) The City and the applicant cannot undo what was already done by recordation. Therefore, the City Council must deny approval of the project because the project parcel was merged with the parcel at 277 Kent Road. Assuming for the sake of argument that the parcels were not already merged, the City Council must deny the project unless and until the project parcel is merged with the Kent Road parcel.

## **B. The Approval of an Exemption from Environmental Review Violates CEQA**

### **1. The Project Exceeds the Scope of the Claimed Exemption**

CEQA mandates that “the long term protection of the environment... shall be the guiding criterion in public decisions.” Pub. Resources Code § 21001(d). The foremost principle under CEQA is that it is to be “interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal. 3d 247. An agency’s action violates CEQA if it “thwarts the statutory goals” of “informed decisionmaking” and “informed public participation.” *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712. The burden is on the City to demonstrate that the exemption applies.

“[A categorical] exemption can be relied on only if a factual evaluation of the agency’s proposed activity reveals that it applies.” (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 386....) “[T]he agency invoking the [categorical] exemption has the burden of demonstrating” that substantial evidence supports its factual finding that the project fell within the exemption. (*Ibid.*)

*Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 710-712.

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. 14 Cal. Code Regs. §15002(k); *Committee to Save Hollywoodland v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185 86; *San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (San Lorenzo Valley) (2006) 139 Cal. App. 4th 1356, 1372-1374. First, if a project falls into an exempt category, no further agency evaluation is required. *Id.* Second, if there is a possibility the project will have a significant

effect on the environment, the agency must perform a threshold initial study. *Id.*; 14 Cal. Code Regs. § 15063(a). If the initial study indicates that there is no substantial evidence that the project may cause a significant effect on the environment, then the agency may issue a negative declaration. *Id.*; 14 Cal. Code Regs. §§ 15063(b)(2), 15070. However, if the project may have a significant effect on the environment, an environmental impact report is required. 14 Cal. Code Regs. § 15063(b); *San Lorenzo Valley, supra*, 139 Cal. App. 4th at 1373-1374. Thus, the analysis begins with whether the claimed exemptions apply.

Categorical exemptions are found in the CEQA Guidelines and include certain classes of projects which are exempt from CEQA based on the California Resources Agency's determination that such projects do not have a significant impact on the environment. Pub. Resources Code § 21084; 14 Cal. Code Regs. §§ 15300 - 15354. However, "[t]he [Resources Agency's] authority to identify classes of projects exempt from environmental review is not unfettered ... '[W]here there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper.'" *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster Azusa* (1997) 52 Cal.App.4th 1165, 1191 (quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 205-206). Indeed, "a categorical exemption should be construed in light of the statutory authorization limiting such exemptions to projects with no significant environmental effect." Remy, et al., *Guide to CEQA* (11th ed. 2006) p. 136.

Where the specific issue is whether the lead agency correctly determined that a project fell within a categorical exemption, the court "must first determine as a matter of law the scope of the exemption and then determine if substantial evidence supports the agency's factual finding that the project fell within the exemption." *California Farm Bureau Federation v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 185-186. A court's initial determination as to the appropriate scope of a categorical exemption is a question of law subject to independent, or de novo, review. "[Q]uestions of interpretation or application of the requirements of CEQA are matters of law. [Citations.] Thus, for example, interpreting the scope of a CEQA exemption presents 'a question of law, subject to de novo review by this court.' [Citations.]" *San Lorenzo Valley, supra*, 139 Cal. App. 4th at 1375, 1382. "Because the exemptions operate as exceptions to CEQA, they are narrowly construed. [Citation.]" *San Lorenzo Valley, supra*, 139 Cal.App.4th at 1382. According to the California Supreme Court, CEQA exemptions must be narrowly construed and "[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language." *Mountain Lion Foundation v. Fish & Game Comm.* (1997) 16 Cal.4th 105, 125; *San Lorenzo Valley, supra*, 139 Cal.App.4th at 1382. see also, *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1148. Erroneous reliance by an agency on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA. *Azusa, supra*, 52 Cal.App.4th at 1192; *Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 705. This office litigated the *Save Our Big Trees* matter on behalf of the prevailing party and, thus, understands the limited scope of exemptions and their application.

The first step in determining whether a categorical exemption can be applied is a facial analysis of the language of the exemption to determine whether the project falls within the “scope” of the activity intended for exemption. *San Lorenzo Valley, supra*, 139 Cal. App. at 1375, 1382. Here, the City has gone beyond the scope of the exemption. The categorical exemption that the City claims (14 CCR 15303–New Construction or Conversion of Small Structures), is inapplicable. Two subsections of 15303 state that the exemption applies to:

- b) A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area....

The City improperly conflates the two separate subsections and claims the exemption. The project consists of six residential units, *and* a 3,050 square foot commercial space. Either of these projects independently may be exempt from environmental review. However, the exemption does not apply to the two types of projects together. In other words, the City cannot add up each of the different categories of development listed in section 15303 to claim the exemption. The exemption only applies to each category alone or separately. The project clearly does not fit within the scope of the claimed exemption, and the City cannot meet its burden to claim the exemption. Therefore, the appeal must be granted, and the project denied.

## **2. The Failure of the City to Consider the Project in Conjunction with the Project at 277 Kent Road Violates CEQA Because the City Piecemealed the Project**

To make matters worse, because the project parcel has been merged or should be merged with the adjacent parcel at 277 Kent Road as discussed *supra*, the City improperly “piecemealed” the project in violation of CEQA.

CEQA requires agencies to analyze “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment... .” 14 Cal. Code Regs. § 15378(a) (emphasis added). CEQA prohibits piecemeal environmental review because when an agency does so, it underestimates the environmental impacts of the overall action since each segment is analyzed in a vacuum without consideration of the other parts of the project that will also be approved. Precedent has long established that the environmental impacts of a project cannot be “submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences.” See, *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592; *Bozung v. Local Agency*

*Formation Com. (Bozung)* (1975) 13 Cal.3d 263, 274, 283-284; *Orinda Ass'n v Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171. .] “It is, of course, too late to argue for a grudging, miserly reading of CEQA . . . . [The] Legislature intended CEQA ‘to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’” *Bozung, supra*, 13 Cal.3d at 274, 283-284.

A project is defined broadly to maximize environmental protection. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452; *McQueen v. Board of Directors of the Mid peninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, 1143 (disapproved on other grounds). A project must be defined and accurately described to ensure an “intelligent evaluation of the potential environmental effects of a proposed activity.” *Burbank Glendale Pasadena Airport Auth. v. Hensler, supra*, 233 Cal.App.3d at 592 (citing *McQueen v. Bd. of Directors, supra*, 202 Cal.App.3d at 1143 44). “A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole.” *Id.* “Only through an accurate view of the project may affected outsiders and public decision makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal and weigh other alternatives in the balance.” *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171.

“Whether an act constitutes a “project” within the purview of CEQA “is an issue of law which can be decided on undisputed data in the record on appeal,” and thus presents no question of deference to agency discretion or review of substantiality of evidence. [Citation.]” *Association for a Cleaner Environment v. Yosemite Community College Dist.* (2004) 116 Cal.App.4th 629, 637 (citing *Kaufman & Broad South Bay, Inc. v. Morgan Hill Unified School Dist.* (1992) 9 Cal.App.4th 464, 470). “Stated otherwise, ‘[w]hether a particular activity constitutes a project in the first instance is a question of law.” *Association for a Cleaner Environment v. Yosemite Community College Dist.*, *supra*, 116 Cal.App.4th at 637 (citing *Black Property Owners Assn. v. City of Berkeley* (1994) 22 Cal.App.4th 974, 984). Therefore, this case is to be decided as a question of law with no deference owed to the agency.

Because the project was reviewed in piecemeal fashion and did not consider the 277 Kent Road project in conjunction with this project means that CEQA’s purposes and environmental review were thwarted. Indeed, if the project was considered along with the 277 Kent Road project, it would be even more clear that the categorical exemption under CEQA Guidelines section 15303 does not apply. This is because the project actually includes seven residential units, one of which does not qualify for the multi-family exemption because it is a single-family dwelling. *See* 14 Cal. Code Regs. § 15303(a), which limits application of the exemption to three single-family residences in urban areas.

### **C. The City is Underestimating the Rate of Bluff Erosion at the Project Location**

The Staff Report relies on the applicant's geotechnical investigation to conclude that the project will satisfy the City's 100-year design life requirement. However, as the record indicates, the Coastal Commission questions the assumptions in the geotechnical investigation and believes that other conditions must be imposed on this project, including an increased setback. The City must independently verify the conclusions of the applicant's investigation. Indeed, if the City had conducted the required environmental review, it would be able to test the veracity of the applicant's assertions and members of the public would have had the ability to comment on the environmental review.

The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." [Citation]. Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citation]. ***The EIR process protects not only the environment but also informed self-government.***

*Laurel Heights Improvement Assn. v. Regents of the University of California, supra*, 47 Cal.3d at 392, emphasis added; see also *Citizens of Goleta Valley v. Board of Supervisors, supra*, 52 Cal.3d at 554; 14 Cal. Code Regs. § 15003.

Finally, Pursuant to Public Resources Code § 21167(f), I am requesting that the City forward a Notice of Exemption to this office if the Project is finally approved. That section provides:

If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

For the foregoing reasons, the City Council must grant the appeal and deny the Project. Thank you for your consideration.

Mayor Martin and City Council  
Re: 1300 Danmann  
July 10, 2020  
Page 8

Very truly yours,  
WITTWER PARKIN LLP

A handwritten signature in blue ink, appearing to read 'W. Parkin', with a long horizontal flourish extending to the right.

William P. Parkin

Encl.

cc: Sarah Coffee, City Clerk (coffeys@ci.pacifica.ca.us)  
Helen Gannon, Assistant Planner (gannonh@ci.pacifica.ca.us)

RECORDER'S OFFICE OF SAN MATEO COUNTY

Recorded at the request of  
and when recorded return to:

City of Pacifica Planning Department  
170 Santa Maria Ave.  
Pacifica, CA 94044

RF	
LN	
MF	
AF	
✓	

85115971

RECORDED AT REQUEST OF

*City of Pacifica*

NOV 4 10 37 AM '85

MARVIN CHURCH, RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

CITY OF PACIFICA  
Community Development and Services Department  
Planning Division

NOTICE OF MERGER

Pursuant to Government Code Section 66451.19

Notice is hereby given that the real property described below and on Exhibit A  
attached hereto and made a part hereof has merged pursuant to Section 66451.19 of  
the Government Code and Section 9-4.3002 of the City of Pacifica Municipal Code.

Property Description

The above described property constitutes 1 lot(s) as shown on Exhibit A \_\_\_\_\_.

According to public records, the above described property is owned by:

Frances Christen  
1405 Lenolt St.  
Redwood City, Ca. 94063

Pursuant to Government Code Section 66451.19, the above described owner was given  
30 days prior notice of the City of Pacifica's intent to record this Notice and  
was given an opportunity to present evidence as to why this Notice should not have

85115971



PLAN MAPS DO NOT BE RECORDED

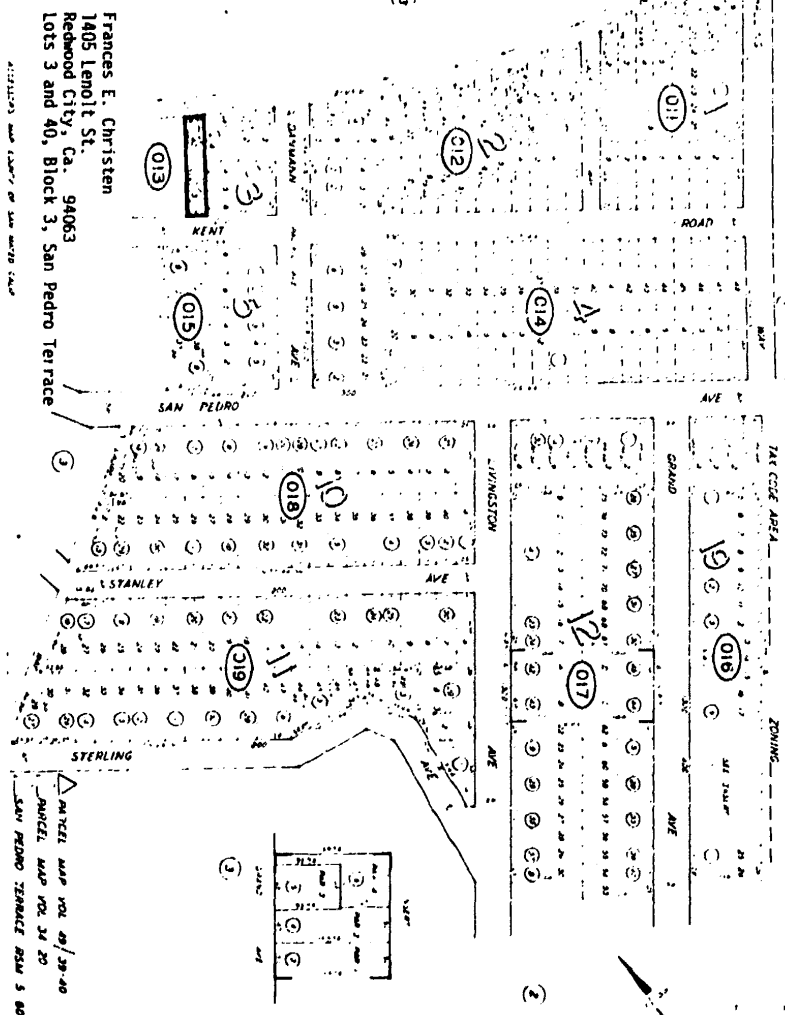


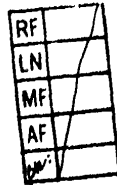
EXHIBIT "A"

This property is considered  
to be one (1) lot.

RECORDER'S OFFICE OF SAN MATEO COUNTY

Recorded at the request of  
and when recorded return to:

City of Pacifica Planning Department  
170 Santa Maria Ave.  
Pacifica, CA 94044



85115972

RECORDED AT REQUEST OF

*City of Pacifica*

NOV 4 10 37 AM '85

MARVIN L. HUGHES, RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

CITY OF PACIFICA  
Community Development and Services Department  
Planning Division

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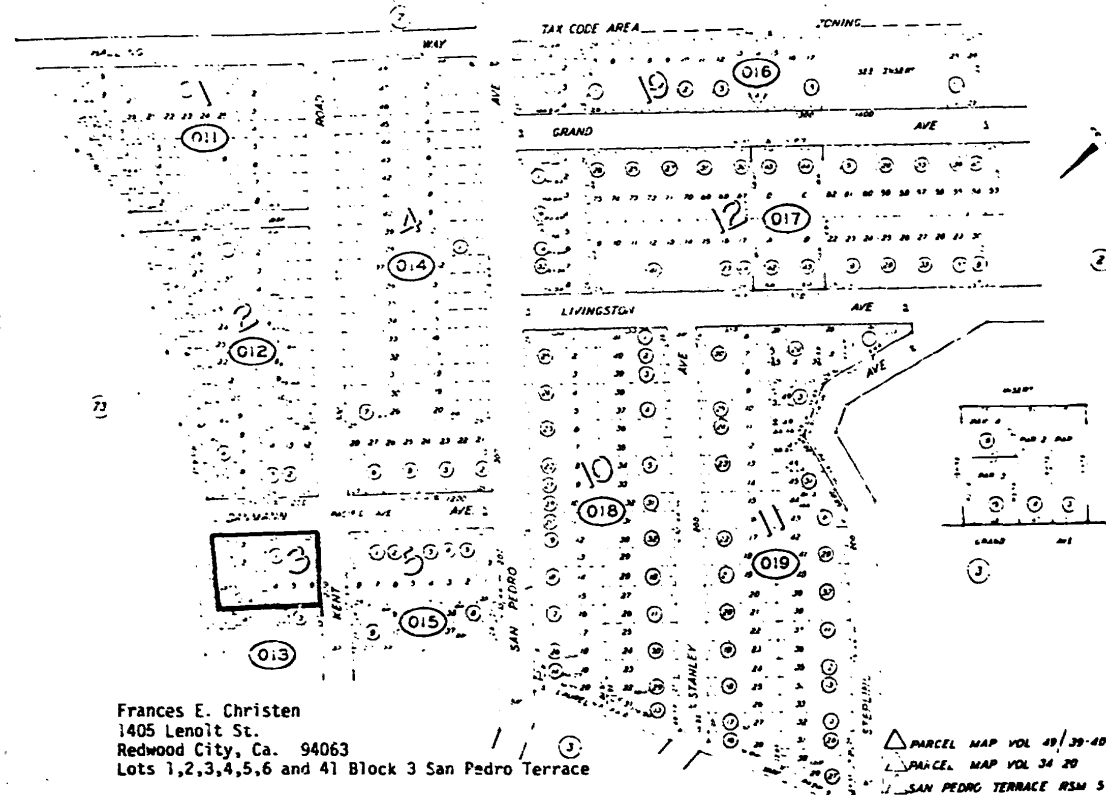
Pursuant to Government Code Section 66451.19, the above described owner was given  
30 days prior notice of the City of Pacifica's intent to record this Notice and  
was given an opportunity to present evidence as to why this Notice should not have  
been recorded.

Signed: *Wendy L. Coyle*  
Wendy L. Coyle, Planning Administrator  
City of Pacifica

Date: 11/1/85

85115972

85115972



Frances E. Christen  
1405 Lenolt St.  
Redwood City, Ca. 94063  
Lots 1,2,3,4,5,6 and 41 Block 3 San Pedro Terrace

ASSISTED BY MAP COUNTY OF SAN MATEO CALIF

PARCEL MAP VOL 49/39-40  
PARCEL MAP VOL 34 20  
SAN PEDRO TERRACE RSM 5 86

# EXHIBIT "A"

This property is considered  
to be one (1) lot.

RECORDED IN OFFICE OF SAN MATEO COUNTY

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**From:** Clifford Knollenberg [REDACTED]  
**Sent:** Sunday, July 12, 2020 4:06 PM  
**To:** Public Comment  
**Subject:** Agenda Item #15 of the July 13, 2020 Meeting

**[CAUTION: External Email]**

July 12, 2020

To the Pacifica City Council,

Regarding Agenda Item #15 of the July 13, 2020 Meeting: Consideration of an appeal of the Planning Commission's approval with conditions of Site Development Permit PSD-843-19, Coastal Development Permit CDP-409-19, Use Permit UP-118-19, and Sign Permit S-131-19 for construction of a three-story mixed-use building (known as 1300 Danmann) consisting of ground floor commercial space and six residential apartments located at the north quadrant of the intersection of Kent Road and Danmann Avenue in the 1200 block of Danmann Avenue (APNs 023-013-010 and 023-013-020) (File No. 2019-025); and finding the project exempt from the California Environmental Quality Act (CEQA).

My complaints regarding this proposal:

- 1) A large structure with a large asphalt parking lot and very little landscaping does not fit with the neighborhood.
- 2) The structure is not set back from the sidewalk. (If I wanted to live in a commercial warehouse district, I would move to Princeton-by-the Sea.)
- 3) Parking is already tight in the neighborhood, it would be better to have a structure that does not draw so many cars to the neighborhood.
- 4) A 3-story tall structure would block the beach and surf views of many uphill residences (a rare and hence valuable view in California).
  - a. This will make the occupants of impacted up-hill residences **very** unhappy.
  - b. This will decrease the resale value of the homes affected.

I don't object to new construction, but this is "let's build the biggest building we can," not "build a structure that fits the site and neighborhood." What would be even better is "let's build a structure that takes advantage of this site's unique potential," namely its commanding view north along the beach, and its prominence to people driving south on Highway 1.

Regards,

Clifford Knollenberg

[REDACTED]

Pacifica, CA 94044

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**From:** erica greulich [REDACTED]  
**Sent:** Sunday, July 12, 2020 5:36 PM  
**To:** Public Comment  
**Subject:** City Council 07.13.20 Meeting Agenda Item #15  
**Attachments:** Letter re City Council 07.13.20 Meeting Agenda #15.docx

**[CAUTION: External Email]**

Please see attached comment regarding Item #15 of the agenda for the July 13, 2020 City Council meeting.

Sincerely,  
Erica Greulich

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Erica Greulich

Pacifica, CA 94044

July 12, 2020

Pacifica City Council  
1800 Francisco Blvd.  
Pacifica, CA 94044-2506

Ref.: July 13, 2020 City Council Meeting Agenda #15  
File No. 2019-025 For Site Development Permit PDS-843-19, Coastal Development Permit CDP-409-19,  
Use Permit UP-118-19 and Sign Permit S-131-19

Dear City Council,

I am a resident and homeowner in Pedro Point, near the proposed development at 1300 Danmann Avenue. Although I support development of this parcel I am strongly opposed to the specific proposal circulated in the July 2, 2020 notice.

- The proposed structure is out of scale with the surrounding neighborhood. Both the height and footprint are excessive relative to nearby homes, particularly the small one- or two-story single-family residences on the south side of Kent Road and to the south along Danmann Avenue. The project's size will block light to nearby homes.
- The proposed mixed-use construction is more generally inconsistent with the overwhelmingly single-family residential neighborhood surrounding it.
- The project plans reflect almost no setback from and absolutely minimal landscaping along Danmann Avenue, Kent Road and adjacent property. The lack of setback from Danmann and Kent creates traffic and pedestrian safety concerns. These are of particular importance due the project's proximity to the Pedro Point playground which is well used by young children and their families including mine.
- To the extent that the proposed parking fails to meet residents' and visitors' needs, parking in the immediate surrounding area is already highly impacted due to events at the Pedro Point firehouse and residents, beachgoers and other visitors parking along neighborhood streets.
- The bluff north of this project continues is subject to substantial erosion and it is my understanding that this project is incompatible with 100 year Coastal Commission standards. It could become a public burden.
- The proposed structure would be the largest in Pedro Point and would detrimentally impact views throughout the neighborhood. I understand Pacifica residents have no legal entitlement to a view. However, the view is the reason I moved here.

Thank you for your consideration.

Sincerely,  
Erica Greulich

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**From:** Coffey, Sarah  
**Sent:** Monday, July 13, 2020 9:37 AM  
**To:** Public Comment  
**Subject:** FW: Subject: Agenda item 15: Appeal of proposed development of 1300 Danmann (CDP-409-19, UP-118-19, PE-185-19 and S-131-19)

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**From:** Joanne Gold [REDACTED]  
**Sent:** Sunday, July 12, 2020 9:20 PM  
**To:** Beckmeyer, Sue <beckmeyers@ci.pacifica.ca.us>; Vaterlaus, Sue <vaterlauss@ci.pacifica.ca.us>; Bier, Mary <bierm@ci.pacifica.ca.us>; O'Neill, Mike <o'neillm@ci.pacifica.ca.us>; Martin, Deirdre <martind@ci.pacifica.ca.us>  
**Cc:** Murdock, Christian <murdockc@ci.pacifica.ca.us>; Coffey, Sarah <coffeys@ci.pacifica.ca.us>  
**Subject:** Subject: Agenda item 15: Appeal of proposed development of 1300 Danmann (CDP-409-19, UP-118-19, PE-185-19 and S-131-19)

**[CAUTION: External Email]**

Dear City Council Members,

We are concerned residents and homeowners in Pedro Point. We're writing to convey our opposition to the proposed development known as 1300 Danmann Ave. (CDP-409-19, UP-118-19, PE-185-19 and S-131-19). This project should be rejected and is unacceptable for a number of reasons, including:

- The project did not follow an appropriate CEQA review process.
- It is insufficiently setback from a bluff which has known erosion Coastal Erosion Hazards.
- The project asks for no setbacks, citing the Pedro Point Firehouse as precedence, but the Firehouse was built before the city was incorporated and no building standards existed at that time.
- A project of this scale and impact should have sought broad-scale community input in advance of being presented to the Planning Commission.
- The project's height and scale are dramatically out of character for the neighborhood. And despite assertions made by Planning Commissioner Bigstych, simply painting it a different color won't address those issues.

We could go on, but since you've already received detailed comments submitted by appellant Stephen Clements and his legal counsel, as well as from many other Pedro Point residents, we will let their more detailed statements suffice.

As Pacifica City Council Members, your primary duty is to act as informed and responsible representatives and decision-makers, working in the best interests of the community. And you are quite fortunate to represent such a jewel of a city. In the entire country, there is just a tiny percentage of communities that can count a beautiful coastline and other environmental assets among their city's resources.




As Pacifica City Council Members, you have the opportunity to make decisions that will allow Pacifica to thrive, by setting the bar high and helping our city live up to it's potential as a charming coastal community and eco-tourism destination. Or you can set the bar really low - and then grant exemptions and disregard coastal protections to set the bar even lower - and ensure Pacifica ends up being indistinguishable from Fremont or Bakersfield.

You've heard from countless citizens who have stated their opposition to this proposed development. We are asking you to set the bar higher and do what's **best** for the community. Please don't turn a deaf ear.

Please have the courage to see a bigger vision.

Please approve the appeal and don't accept this terribly flawed, out-of-scale, and totally inappropriate project.

Sincerely,  
Joanne and Ed Gold  
 Pacifica

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**From:** Joanne Gold [REDACTED]  
**Sent:** Monday, July 13, 2020 3:18 PM  
**To:** Beckmeyer, Sue; Vaterlaus, Sue; Bier, Mary; O'Neill, Mike; Martin, Deirdre; Murdock, Christian; Coffey, Sarah; Public Comment  
**Cc:** Ed Gold  
**Subject:** Agenda item 15: 3333 : An Appeal of Planning Commission Action on 1300 Danmann Avenue

**[CAUTION: External Email]**

Dear Council Members,

Although I already sent you a message in support of the Appeal on the Planning Commission's action on the 1300 Danmann project, it just came to my attention that the letter I had originally submitted to the Planning Commission regarding this project had NOT been included in your packets as a reference for tonight's appeal. I am therefore additionally submitting a copy of my letter sent to the to the Planning Commission on May 3, 2020:

Dear Planning Commissioners:

Thank you for your continued service to the community residents during the ongoing Covid-19 crisis. We are concerned residents of Pedro Point writing to convey our opposition to the proposed development on the 1200 block of Danmann (CDP-409-19, UP-118-19, PE-185-19 and S-131-19).

This project should be entirely rejected and is unacceptable for a number of reasons:

**Conflicts with Community Character, Scale:** Pedro Point is overwhelmingly a residential neighborhood of single-family homes. This new development would be by far the largest building in Pedro Point. The size and scale of it will eclipse all other buildings in the neighborhood and is dramatically out of character for this small, historic coastal community. **Therefore, this project should be rejected.**

**Conflicts with General Plan:** This project is not consistent with the City of Pacifica General Plan Goals. Page 12 of the General Plan states: *"Fundamental to the City's character are the traditional neighborhoods. It is the goal of the City to protect the social mix, variety and fundamental character which now exists in each of these neighborhoods by providing for necessary community services and facilities, and for the safety and welfare of all residents equally, but with a sensitivity for the individual neighborhood."* **Therefore, this project should be rejected.**

**Conflicts with Coastal Act directives:** According to the California Coastal Act - Chapter 3. Coastal Resources Planning and Management Policies - ARTICLE 6. Development [30251]: *"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 proposed new development would obliterate protected scenic views and is NOT compatible with this coastal act policy in any way. **Therefore, this project should be rejected.**

**Coastal Erosion Zone Hazards:** A most serious concern is that this site sits directly above Shoreline Drive which is prone to coastal erosion and landslides. It is in a documented slope failure-coastal erosion zone as indicated in the city’s own LCLUP map. There is erosion activity in this area on a regular basis - five feet of earth and fencing fell from one of the adjacent backyards the past two months. An EIR is required and any new development would be in immediate risk. **Therefore, this project should be rejected.**

**Conflicts with LCLUP:** According to the city’s own LCLUP policies to address coastal resilience, any new development shall: “*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*” (section 6.4, p. 6-12). **Therefore, this project should be rejected.**

**Arbitrary and Capricious City planning directives:** Planning decisions must be evaluated based on existing conditions, regardless of zoning. There has never been any historical commercial use (or any development, period) of these two lots other than storage of two pet lamas; The standard use of this property has only ever been an undeveloped field with scenic views and natural charm. **Therefore, this project should be rejected.**

**Arbitrary and Capricious Exemption Requests:** Adding insult to injury, and with complete disregard for community residents and the neighborhood character, the applicant is requesting:

**a) No setbacks:** the applicant claims that because the historic Pedro Point Firehouse has no setbacks, they are entitled to no setbacks as well. Please note that the historic Firehouse was BUILT BY VOLUNTEERS for the purpose of protecting the community in 1949 - before the city was incorporated. City building standards did not exist at that time. The applicant’s project is NOT EXEMPT from city’s standard codes. Their request should not be considered, and **this project should be rejected.**

**b) Parking exemptions:** This neighborhood is at a breaking point for street parking resulting from the many parking exemptions already recently granted by the planning commission. There is literally no more room for more cars along Danmann Ave., Kent Road or San Pedro Ave. And since most of Shoreline Dr. has fallen into the ocean due to coastal erosion, there is no parking available there for residents, either. A parking exemption should not be considered, and **this project should be rejected.**

**Cumulative Negative Impact:** The impact of this proposed new commercial/residential development must be considered in context of many other multi-unit Housing and Hotel/Motels developments recently approved (and pending approval) in this small coastal neighborhood. We’re already at a breaking point and there have been increasing significant negative impacts including:

**a) Increased vehicular traffic;** with one single-lane road in and out of The Point, our community was simply not intended nor designed to support commercial traffic volume.

**b) Increased street parking congestion:** our narrow streets are already choked with parked cars from increased commercial, residential and beach tourism parking demands.

**c) Increased pedestrian safety hazards;** most of the streets in Pedro Point have no sidewalks, and none have crosswalks. Increased street parking and vehicular traffic obstructs the only pedestrian routes, creating severe safety hazards and putting residents and their pets increasingly at risk.

We cannot urge you strongly enough to fundamentally reject this proposed new development project for the many reasons cited above. **Please don't let it be your legacy to have failed to protect this coastal treasure of a community.**

Sincerely,  
Joanne and Ed Gold  
[REDACTED] Pacifica

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**From:** Cherie Chan [REDACTED]  
**Sent:** Monday, July 13, 2020 10:03 AM  
**To:** Public Comment  
**Cc:** Joanne Gold  
**Subject:** Fwd: Subject: Agenda item 15: Appeal of proposed development of 1300 Danmann (CDP-409-19, UP-118-19, PE-185-19 and S-131-19)

**[CAUTION: External Email]**

Wanted to make sure that this was submitted as an official Public Comment per tonight's agenda instructions. Thank you for all you do to create a sustainable Pacifica.

----- Forwarded message -----

**From:** Joanne Gold [REDACTED]  
**Date:** Sun, Jul 12, 2020 at 9:20 PM  
**Subject:** Subject: Agenda item 15: Appeal of proposed development of 1300 Danmann (CDP-409-19, UP-118-19, PE-185-19 and S-131-19)  
**To:** [beckmeyers@ci.pacifica.ca.us](mailto:beckmeyers@ci.pacifica.ca.us) <[beckmeyers@ci.pacifica.ca.us](mailto:beckmeyers@ci.pacifica.ca.us)>, [vaterlauss@ci.pacifica.ca.us](mailto:vaterlauss@ci.pacifica.ca.us) <[vaterlauss@ci.pacifica.ca.us](mailto:vaterlauss@ci.pacifica.ca.us)>, [bierm@ci.pacifica.ca.us](mailto:bierm@ci.pacifica.ca.us) <[bierm@ci.pacifica.ca.us](mailto:bierm@ci.pacifica.ca.us)>, [o'Neillm@ci.pacifica.ca.us](mailto:o'Neillm@ci.pacifica.ca.us) <[o'Neillm@ci.pacifica.ca.us](mailto:o'Neillm@ci.pacifica.ca.us)>, Deirdre Martin <[martind@ci.pacifica.ca.us](mailto:martind@ci.pacifica.ca.us)>  
**Cc:** City of Pacifica <[murdockc@ci.pacifica.ca.us](mailto:murdockc@ci.pacifica.ca.us)>, Sarah Coffey <[coffeys@ci.pacifica.ca.us](mailto:coffeys@ci.pacifica.ca.us)>

Dear City Council Members,

We are concerned residents and homeowners in Pedro Point. We're writing to convey our opposition to the proposed development known as 1300 Danmann Ave. (CDP-409-19, UP-118-19, PE-185-19 and S-131-19). This project should be rejected and is unacceptable for a number of reasons, including:

- The project did not follow an appropriate CEQA review process.
- It is insufficiently setback from a bluff which has known erosion Coastal Erosion Hazards.
- The project asks for no setbacks, citing the Pedro Point Firehouse as precedence, but the Firehouse was built before the city was incorporated and no building standards existed at that time.
- A project of this scale and impact should have sought broad-scale community input in advance of being presented to the Planning Commission.
- The project's height and scale are dramatically out of character for the neighborhood. And despite assertions made by Planning Commissioner Bigstych, simply painting it a different color won't address those issues.

We could go on, but since you've already received detailed comments submitted by appellant Stephen Clements and his legal counsel, as well as from many other Pedro Point residents, we will let their more detailed statements suffice.

As Pacifica City Council Members, your primary duty is to act as informed and responsible representatives and decision-makers, working in the best interests of the community. And you are quite fortunate to represent such a jewel of a city. In the

entire country, there is just a tiny percentage of communities that can count a beautiful coastline and other environmental assets among their city's resources.

As Pacifica City Council Members, you have the opportunity to make decisions that will allow Pacifica to thrive, by setting the bar high and helping our city live up to it's potential as a charming coastal community and eco-tourism destination. Or you can set the bar really low - and then grant exemptions and disregard coastal protections to set the bar even lower - and ensure Pacifica ends up being indistinguishable from Fremont or Bakersfield.

You've heard from countless citizens who have stated their opposition to this proposed development. We are asking you to set the bar higher and do what's **best** for the community. Please don't turn a deaf ear.

Please have the courage to see a bigger vision.

Please approve the appeal and don't accept this terribly flawed, out-of-scale, and totally inappropriate project.

Sincerely,  
Joanne and Ed Gold  
[REDACTED] Pacifica

--  
Cherie Chan  
[REDACTED]

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**From:** Robert Vercoe [REDACTED]  
**Sent:** Monday, July 13, 2020 11:13 AM  
**To:** Public Comment  
**Cc:** Beckmeyer, Sue; Bier, Mary; Vaterlaus, Sue; O'Neill, Mike; Martin, Deirdre; Murdock, Christian; Coffey, Sarah; stephen clements  
**Subject:** Agenda item 15: 3333 : An Appeal of Planning Commission Action on 1300 Danmann Avenue

**[CAUTION: External Email]**

Hello City Officials and Planners,

We are writing you again in an attempt for our concerns to be heard regarding proposed developments in the Pedro Point neighborhood that present a risks to residents including the proposed developments mentioned below.

Our family lives at San Pedro Ave. We strongly oppose the 1300 Danmann project and support our neighbor, Stephen Clement's appeal. Our concerns include:

- The project did not follow an appropriate CEQA review process.
- It is insufficiently setback from a bluff which has known erosion Coastal Erosion Hazards. *During my walks to the beach*, I have observed the profound erosion just north of the property and along the bluff adjacent to the property.
- There is a seasonal spring South of the property along Kent running behind the Firehouse.
- There are no setbacks to the project from the sidewalk, citing the Pedro Point Firehouse as precedence, but the Firehouse was built before the city was incorporated and no building standards existed at that time.
- This will create traffic and pedestrian safety concerns, and a proper traffic and intersection study was not completed.
- This project is set to not only impact traffic but create further parking issues in an already impacted area.
- This increase will intensify the trash litter on the street by the influx of more visitors.
- The height of the buildings is out of character with the neighborhood.
- The project will excessively block light in the neighborhood and shade neighbor homes
- A project of this scale should have reached out for community input in advance of going to Planning Commission.
- The Planning Commission should have allowed additional time for review, not just 3 days from posting drawings, in consideration of the covid crisis.
- Relationship of the project to the Firehouse and playground across the street was not addressed in the presentation.
- The project is insufficiently setback from the bluff which has known erosion and doesn't clear the 100- year standard according to the Coastal Commission. As such it could become a public burden.

In light of these concerns, this project as-is should be rejected.

Thank you for consideration  
Rob Vercoe

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**From:** John Peterson [REDACTED]  
**Sent:** Monday, July 13, 2020 12:21 PM  
**To:** Public Comment  
**Cc:** Beckmeyer, Sue; Bier, Mary; Vaterlaus, Sue; O'Neill, Mike; Martin, Deirdre; Murdock, Christian; Coffey, Sarah; [REDACTED]  
**Subject:** 1300 Danmann Ave / Comments from a neighbor down the street

**[CAUTION: External Email]**

Hello Council,

I agree with my neighbors that this project is so out of place and must be downsized to comply with land use and neighborhood sanity. It's too close to the end of the road (no direct turnaround or thoroughfare) and the cliff is also too close.

Why did this project not follow an appropriate CEQA review process?

Why don't the developers engage with the neighborhood? I built my mixed use project and did just that at a meeting at the Firehouse with the locals before I brought it to planning. It's a great way to start!

Please...use some common sense and be sensitive to neighborhood concerns. It's possible to do something acceptable...but definitely not this beast!

Thanks for listening.

John Peterson  
[REDACTED]

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**From:** Cherie Chan [REDACTED]  
**Sent:** Monday, July 13, 2020 12:22 PM  
**To:** Public Comment  
**Subject:** Fwd: [PedroPointField] Letters Needed by 4 pm: Seven Residences and a 3,000 Ft. Business at the Llama Field: Council Meeting Tonight  
**Attachments:** 1300 Danmann.eml

**[CAUTION: External Email]**

Wanted to make sure you got this one too.

----- Forwarded message -----

**From:** Breck Hitz [REDACTED]  
**Date:** Mon, Jul 13, 2020 at 11:54 AM

FYI

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Thank you for caring about our smart, science-based planning, our neighborhood, and open space.  
To unsubscribe from this group, send email to [pedropointfield+unsubscribe@googlegroups.com](mailto:pedropointfield+unsubscribe@googlegroups.com)  
View this message at <https://groups.google.com/d/msg/pedropointfield/topic-id/message-id>

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You received this message because you are subscribed to the Google Groups "PedroPointField" group.  
To unsubscribe from this group and stop receiving emails from it, send an email to [pedropointfield+unsubscribe@googlegroups.com](mailto:pedropointfield+unsubscribe@googlegroups.com).  
To view this discussion on the web visit <https://groups.google.com/d/msgid/pedropointfield/5249cd31-427b-9bcd-0b3a-3b3394d1748e%40breckhitz.com>.

--

Cherie Chan  
[REDACTED]

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**From:** Breck Hitz [REDACTED]  
**Sent:** Monday, July 13, 2020 11:53 AM  
**To:** Beckmeyer, Sue; Vaterlaus, Sue; Bier, Mary; Martin, Deirdre; O'Neill, Mike  
**Subject:** 1300 Danmann

To the Honorable Pacifica City Council

I write to oppose the proposed development at 1300 Danmann. As I'm sure you're aware, the Pedro Point neighborhood has come together in an attempt to prevent this project. Our reasons include the project's failure to follow the CEQA review process, the danger of erosion, and the very significant impact the project will have on traffic and parking on streets that were never intended to handle such such loads.

My family has lived on Pedro Point for 30 years, and we have observed the steady, worrisome increase in cars, pedestrians, pets, and surfboards on the neighborhood streets. It's not unusual for neighbors to have to ask visitors not to part on narrow streets because it blocks access by emergency vehicles. the project at 1300 Danmann, if carried to completion, will only make an existing problem much worse.

Thank you for your consideration,  
Breck Hitz  
[REDACTED]

---

**From:** Breck Hitz [REDACTED]  
**Sent:** Monday, July 13, 2020 11:53 AM  
**To:** Beckmeyer, Sue; Vaterlaus, Sue; Bier, Mary; Martin, Deirdre; O'Neill, Mike  
**Subject:** 1300 Danmann

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Thank you for your consideration,  
Breck Hitz  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, July 13, 2020 1:34 PM  
**To:** Public Comment  
**Subject:** Pedro Point Development

**[CAUTION: External Email]**

City Officials and Planners:

I am writing again to strongly voice my dissent with the current plan for development at 1300 Danmann as it is currently proposed. That is too large and too dense for the area.  
The project did not follow an appropriate CEQA review process.  
There is significant coastal erosion in this area.  
There are no setbacks and it is a significant concern with pedestrian safety concerns since this is a frequent walking route to the ocean for all Pedro Point residents.  
Traffic and parking are already an issue in the area with beach parking continuing to fill low lying streets with out of area beach goers taking up most street parking even after beach parking lots re-opened.

There are multiple other reasons to reject this proposed development, but since I just learned that it will be revisited again today, I wanted to get this in to you.

Please, after having lived here for over 30 years, you are urged to take your current residents into consideration. I urge you to reject this project.

Thank you for the taking this into further consideration.  
Sincerely,  
Marianne Hipona

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**From:** Hanna Steinbach [REDACTED]  
**Sent:** Monday, July 13, 2020 3:30 PM  
**To:** Public Comment  
**Cc:** Beckmeyer, Sue; Vaterlaus, Sue; Bier, Mary; O'Neill, Mike; Martin, Deirdre; Murdock, Christian; Coffey, Sarah; stephen clements  
**Subject:** Agenda item 15: 3333 : An Appeal of Planning Commission Action on 1300 Danmann Avenue

**[CAUTION: External Email]**

Our family lives at [REDACTED] Stanley Avenue. We strongly oppose the 1300 Danmann project and support our neighbor, Stephen Clement's appeal.

Our concerns include:

- The project did not follow an appropriate CEQA review process.
- It is insufficiently setback from a bluff which has known erosion Coastal Erosion Hazards and doesn't clear the 100- year standard according to the Coastal Commission. As such it could become a public burden. During my several morning runs over the past 3 years, I have personally observed the profound erosion just north of the property
- There is a seasonal spring South of the property along Kent running behind the Firehouse.
- There are no setbacks to the project from the sidewalk, citing the Pedro Point Firehouse as precedence, but the Firehouse was built before the city was incorporated and no building standards existed at that time.
- This will create traffic and pedestrian safety concerns, and a proper traffic and intersection study was not completed. In fact, even without this project there is already a problematic lack of visitor parking which leads to safety concerns as beach visitors regularly park on my personal property.
- The height of the buildings and the general architectural design is out of character with the neighborhood.
- The project will excessively block light in the neighborhood and shade neighbor homes.
- A project of this scale should have reached out for community input in advance of going to the Planning Commission.
- The Planning Commission should have allowed additional time for review, not just 3 days from posting drawings, in consideration of the covid crisis.
- Relationship of the project to the firehouse and playground across the street was not addressed in the presentation.
- Insufficient time was allowed for the Planning Commission to review comments from neighbors which calls into question whether comments have been read at all. This is a serious process gap and shows a lack of diligence during the approval process and an almost intentional disregard of concerns of impacted neighbors.

In light of these concerns, this project as-is should be rejected.

Thank you for consideration

Hanna Steinbach, Esq.

[REDACTED]

Pacifica, CA 94044

C: ([REDACTED])

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**From:** Harman, Sheila A [REDACTED]  
**Sent:** Monday, July 13, 2020 3:32 PM  
**To:** Public Comment  
**Cc:** Beckmeyer, Sue; Vaterlaus, Sue; Bier, Mary; O'Neill, Mike; Martin, Deirdre; Murdock, Christian; Coffey, Sarah; stephen clements  
**Subject:** Pedro Point  
**Attachments:** City of Pacifica,.pdf

**[CAUTION: External Email]**

July 11, 2020

Dear Planners of the City of Pacifica,

I trust all is working smoothly with the meetings and agenda items. I wrote last month about my concerns with the proposed development in the llama field on Pedro Point (1300 Danmann) and I am now writing again.

It is clear that Pedro Point was not considered for the latest LCP as a unique area and separated as an area. It offers all the special considerations that should put it in this category such as historical features (Tobin Station, firehouse, railroad), sensitive and critical habitat (ESHA noted CA Red Legged Frogs), coastal erosion, commercial development potential and recreational areas which includes public access to the coast. As a result I feel as if it is our responsibility to address any and all development on the Point going forward, particularly something that has seven residential units and 3,000 feet of business space.

I have lived here on San Pedro Ave many years and have seen firsthand the signs of the future for us during our recent beach closures and parking lot closures during the pandemic. This alarms me and causes me to speak out about some issues which seem to ignore the parking and other demands created, in part, by our city's *proposed design to develop new trails on Pedro Point Headlands* without considering the need for increased parking and roadway safety.

The project does little to *protect, preserve, and enhance Pacifica's natural and scenic resources*. What I notice is that the 1300 Danman project lacks normal setbacks from the bluff and the street. I also notice that there are already patches of landslides above the berm and often there are pipes and building material exposed in this area. I feel this is hazardous for future pedestrians, and all forms of transportation.

I see that the project will impact the already unregulated parking areas and pathways used by visitors to the beach and the rocky coast for surfing and fishing. I saw private resident only parking signs placed on Danmann for months and many other official Shelter in Place signs which were ignored. I fear residents will be asked to police our own streets.

I think the height of the building is excessive and will comprise views or at least the viewshed. Large buildings are not in keeping nor in harmony with the surrounding setting.

For these reasons I suggest you consider how to minimize the impact of such a project by not allowing the building (s) and in this space in such a manner. There should be a design that is smaller in scope and more

suitable for the sensitive area. Your visionary decisions are needed now to minimize adverse impacts in the future.

Sincerely,

Sheila Harman  


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Dear Planners of the City of Pacifica,

July 11, 2020

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It is clear that Pedro Point was not considered for the latest LCP as a unique area and separated in the planning. It offers all the special considerations that should put it in this category such as historical features (Tobin Station, firehouse, railroad), sensitive and critical habitat (ESHA noted CA Red Legged Frogs), coastal erosion, commercial development potential and recreational areas which includes public access to the coast. As a result I feel as if it is our responsibility to address any and all development on the Point going forward, particularly something that has seven residential units and 3,000 feet of business space.

I have lived here on San Pedro Ave many years and have seen firsthand the signs of the future for us during our recent beach closures and parking lot closures during the pandemic. This alarms me and causes me to speak out about some issues which seem to ignore the parking and other demands created, in part, by our city's *proposed design to develop new trails on Pedro Point Headlands* without considering the need for parking.

What I notice is that the 1300 Danman project lacks normal setbacks from the bluff and the street. I also notice that there are already patches of landslides above the berm and often there are pipes and building material exposed in this area. I feel this is hazardous for pedestrians, and all forms of transportation and it does little to *protect, preserve, and enhance Pacifica's natural and scenic resources*.

I see that the project will impact the already unregulated parking areas and pathways used by visitors to the beach and the rocky coast for surfing and fishing. I saw private parking signs places and many official city signs ignored. I fear residents will be asked to police our own streets.

I think the height of the building is excessive and will comprise views or at least the viewshed. Large buildings are not in keeping nor in harmony with the surrounding setting.

For these reasons I suggest you consider how to minimize the impact of such a project by not allowing the building (s) and in this space in such a manner. There should be a design that is smaller in scope and more suitable for the sensitive area. Your visionary decisions are needed now to minimize adverse impacts in the future.

Sincerely,

Sheila Harman

A solid black rectangular box used to redact the signature of Sheila Harman.

Pacifica, CA 9404

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**From:** Philroth64 [REDACTED]  
**Sent:** Monday, July 13, 2020 3:39 PM  
**To:** Public Comment  
**Subject:** Agenda item 15: 3333 : An Appeal of Planning Commission Action on 1300 Danmann Avenue

**[CAUTION: External Email]**

Our family lives at [REDACTED] Stanley Avenue in the Pedro point districts of Pacifica. We strongly oppose the 1300 Danmann project and support our neighbor, Stephen Clement's appeal. Our concerns include:

- The project did not follow an appropriate CEQA review process.
- It is insufficiently setback from a bluff which has known erosion Coastal Erosion Hazards. *During my XX walks/while surfing over the past XX years*, I have observed the profound erosion just north of the property
- There is a seasonal spring South of the property along Kent running behind the Firehouse.
- There are no setbacks to the project from the sidewalk, citing the Pedro Point Firehouse as precedence, but the Firehouse was built before the city was incorporated and no building standards existed at that time.
- This will create traffic and pedestrian safety concerns, and a proper traffic and intersection study was not completed.
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- Relationship of the project to the Firehouse and playground across the street was not addressed in the presentation.
- The project is insufficiently setback from the bluff which has known erosion and doesn't clear the 100- year standard according to the Coastal Commission. As such it could become a public burden.

In light of these concerns, this project as-is should be rejected.

Thank you for consideration

Philippe Roth

[REDACTED]  
Pacifica, CA 94044

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