

City of Pacifica
Local Coastal Land Use Plan Update

Meeting 3

Listening & Answer Session

Community Questions & Alternative Modifications Discussion

March 2, 2024

Agenda

- Introductions & Meeting Overview
- Case Studies & Frequently Asked Questions (FAQ) Responses
- 1st Public Q&A

- Lunch Break

- Alternative Modifications
- Council Discussion/Q&A
- 2nd Public Q&A and Public Comment
- Responses to Public Questions
- Council Deliberation & Direction



Introductions

- City staff
- Meeting facilitator



Meeting Overview

- This meeting is for YOU
 - Inform – Listen – Answer
 - For the community
- No decisions made today
- Be open minded to hear new information and perspectives



Meeting Overview

- Goal
 - Leave meeting with a better understanding of LCLUP Update and reasons the City is pursuing the update
 - Effectively comment to City Council



Introductions & Meeting Overview

- Group Agreements
 - Be respectful
 - Allow space for alternative viewpoints
 - Engage in the process genuinely, with an openness to learn





Brief Background

What is an LCLUP?

- Two parts to Local Coastal Program (LCP)
 - Local Coastal Land Use Plan (LCLUP)
 - Implementation Plan (IP)
- LCLUP the “General Plan for Coastal Zone”
- IP is the zoning and other policies to implement the IP

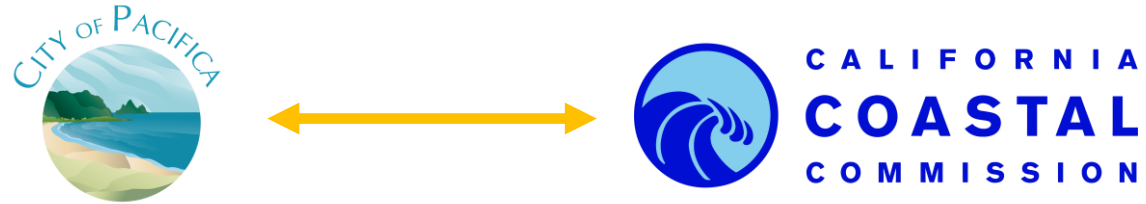


LCLUP Update Process

- Update process ongoing for almost 15 years
- City Council approved Certification Draft LCLUP in Feb 2020
- Requires certification by California Coastal Commission (CCC)
- CCC issued suggested modifications in early 2023



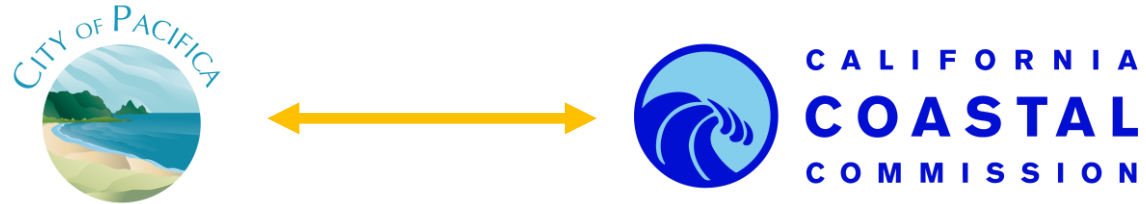
LCLUP Certification



- Requires CCC certification
- Also requires City Council approval
- A balancing act between agencies
- Final say is with City: to accept or reject the LCP as certified

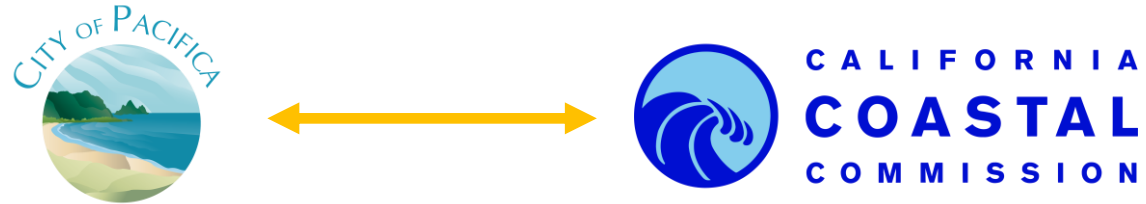


LCLUP Certification



- An updated LCLUP will have many benefits for the City
 - Better informed decision making (updated maps and other info)
 - Enhanced environmental protections
 - Land uses to meet our needs (economic development, housing & affordable housing)
 - Support for grant applications to fund implementation projects
 - Aligned with 2040 General Plan

LCLUP Certification



- Without update, 1980 LCLUP remains in effect
 - Not reflective community's needs
 - Doesn't acknowledge or respond to climate change and Sea Level Rise
- Critical to find a way forward to CCC certification and City acceptance

Alternative Modifications

- One way forward is alternative modifications proposed by City to CCC
- Alternative modifications developed through extensive staff-to-staff coordination since March 2023
- Address key sticking points between agencies
- Compromise approach, moderating some of the CCC's most impactful provisions
- City Council strategic plan priorities to certify LCLUP and improve relationship with CCC





Case Studies

Disclaimers

- Summary of key policies – other policies may apply
- More detail in staff report
- Not addressing any specific property's development potential
- Site-specific consideration is needed based on analysis of a particular development proposal



Substantial Structural Modification (SSM) Definition

- Key definition for application of several policies in LCLUP
- Determines when a project crosses critical threshold to be considered “new” development
- Imposes additional obligations on proposed development



SSMs – In Sum

- Removal of nonconformities
- Technical analysis of hazards in CVZs
- Safe design – Site plan to avoid hazards
- No shoreline protection – existing or new
- Existing shoreline protection reevaluated when SSM occurs
- Recorded acknowledgement addressing
 - No shoreline protection
 - Removal and restoration plan, including bonding for large projects, to avoid future shoreline protection structures or project failure
- Different approach in Special Resilience Areas (SRAs)
 - Can rely on existing shoreline protection
 - Nonconformity removal focused on applicable hazards



SSM Definition

Any physical improvement which modifies an existing structure in any of the following ways:

- i) Alteration, removal or replacement of 50 percent or more of the linear length of the exterior walls, or other major structural components (including but not limited to floor, roof, and foundation structures), whether or not the floor area or building footprint is expanded; or
- ii) An addition that includes new floor area equal to 50 percent or more of the structure's total existing floor area; or
- iii) An increase of the existing building footprint equal to 50 percent or more;

But excluding :

- i) Removal, replacement, or maintenance of nonstructural exterior components such as decorative siding, shingles, and windows.

Incremental changes that cumulatively amount to replacement of 50 percent or more over time shall also be considered a SSM.



SSM Definition

Any physical improvement which modifies an existing structure in any of the following ways:

- i) Alteration, removal or replacement of 50 percent or more of the linear length of the exterior walls, or other major structural components (including but not limited to floor, roof, and foundation structures), whether or not the floor area or building footprint is expanded; or
- ii) An addition that includes new floor area equal to 50 percent or more of the structure's total existing floor area; or
- iii) An increase of the existing building footprint equal to 50 percent or more;

But excluding :

- i) Removal, replacement, or maintenance of nonstructural exterior components such as decorative plywood roof sheathing, underlayment, siding, shingles and other roof materials, and windows, and other exterior waterproofing/weatherproofing materials and replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610 of the Public Resources Code.

Incremental changes that cumulatively amount to replacement of 50 percent or more over time shall also be considered a SSM.



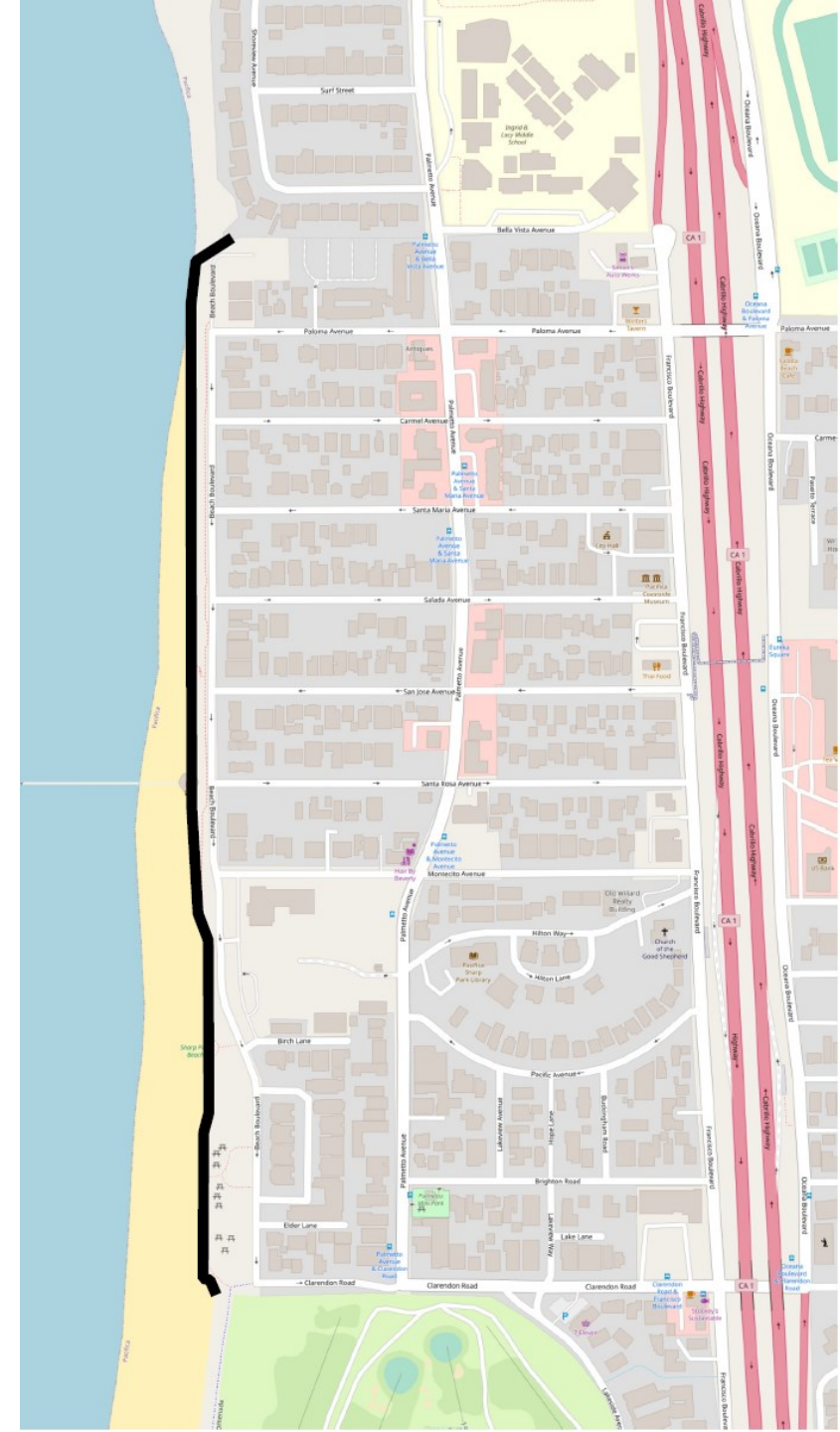
Special Resiliency Areas

- Alternative policies applicable in two neighborhoods
 - Rockaway Beach
 - West Sharp Park
- Recognize existing public-owned shoreline protection, public infrastructure, and coastal access in these areas
- Standard LCLUP policies would apply differently in SRAs



Special Resiliency Areas

- Hazard analysis can show protection from existing shoreline protection structures
- City to implement Shoreline Management Plan
 - Visitor amenity enhancements throughout City
 - Explore opportunities to remove/modify shoreline protection throughout the City
- Effective in 5-year increments, subject to CCC review



Case Study #1

Basic Residential Maintenance

- Allowed in all LCLUP versions
- City Alternative Modification would further clarify various roof components can be replaced (shingles, underlayment, plywood sheathing)
- Does not count toward Substantial Structural Modification (SSM)
- More extensive work *could* count toward SSM



Case Study #2

Residential Addition Non-SSM

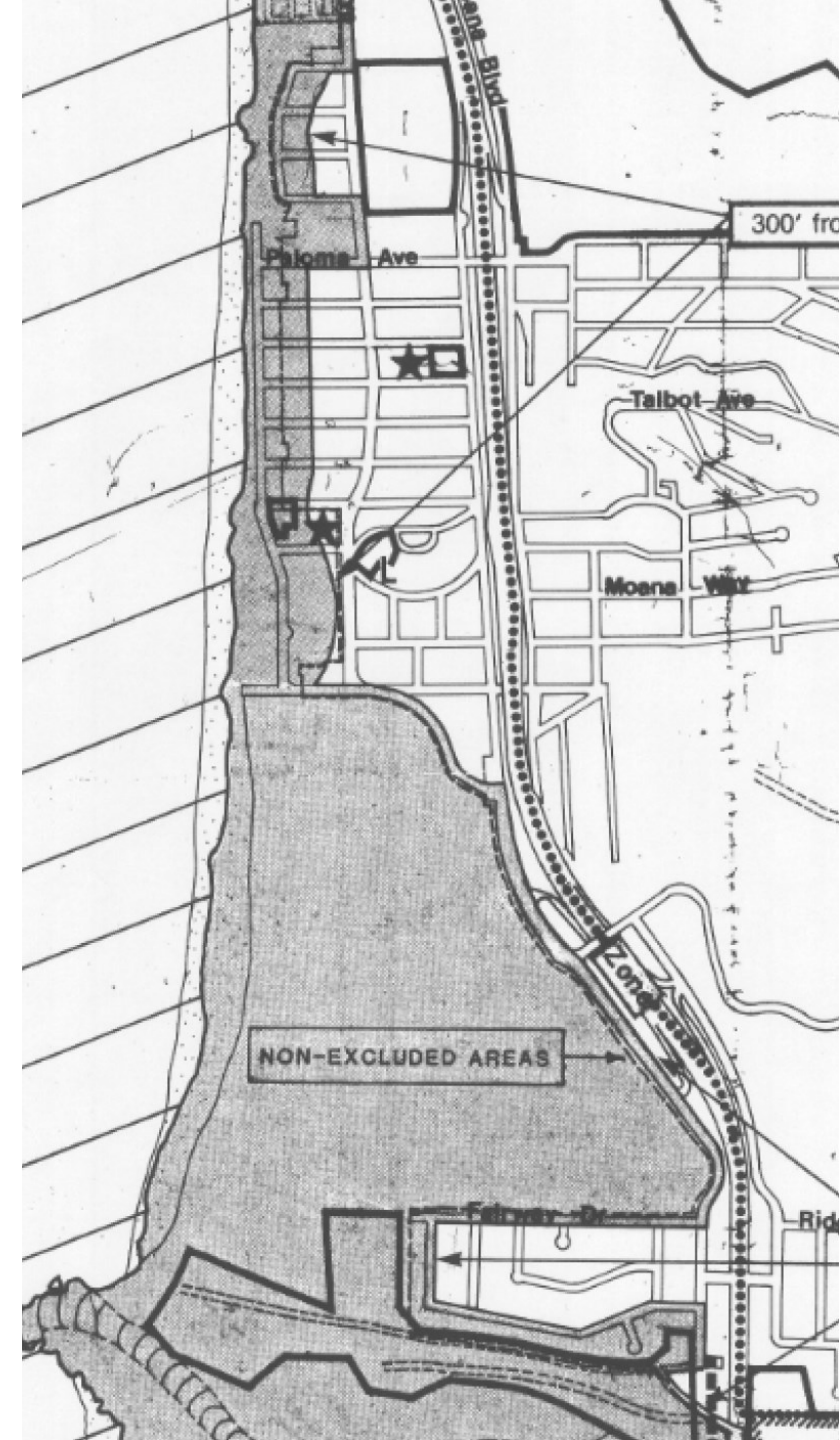
- Minor projects may be exempt from Coastal Development Permit (CDP) in all LCLUP versions
 - Policies would not apply – building permit only
- CDP projects require compliance with all policies
 - Hazard analysis required in Coastal Vulnerability Zones (CVZs)
 - Site outside of hazard areas for anticipated life (75-100 years)
 - Nonconformities can remain
 - Waiver of rights to shoreline protection/assumption of liability
- Special Resiliency Areas (SRAs)
 - Hazard analysis can consider existing shoreline protection
 - Reduces hazard area, increases development potential



Case Study #2

Residential Addition Non-SSM

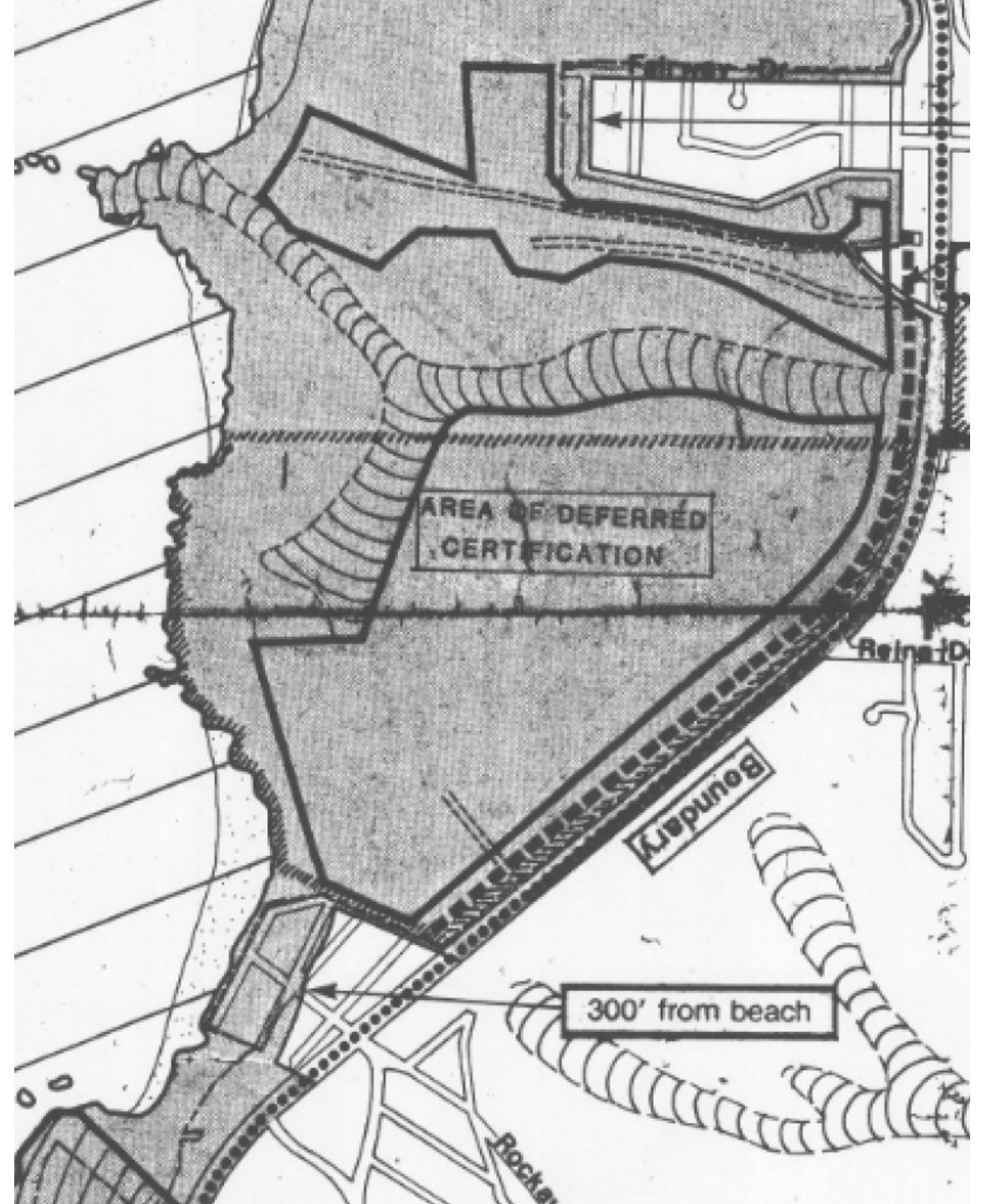
- 1980 LCLUP less restrictive in some respects
 - No deed restriction or waiver of rights to shoreline protection
- CCC policies *de facto* in effect for much of Pacifica
 - CCC Appeal Jurisdiction



Case Study #2

Residential Addition Non-SSM

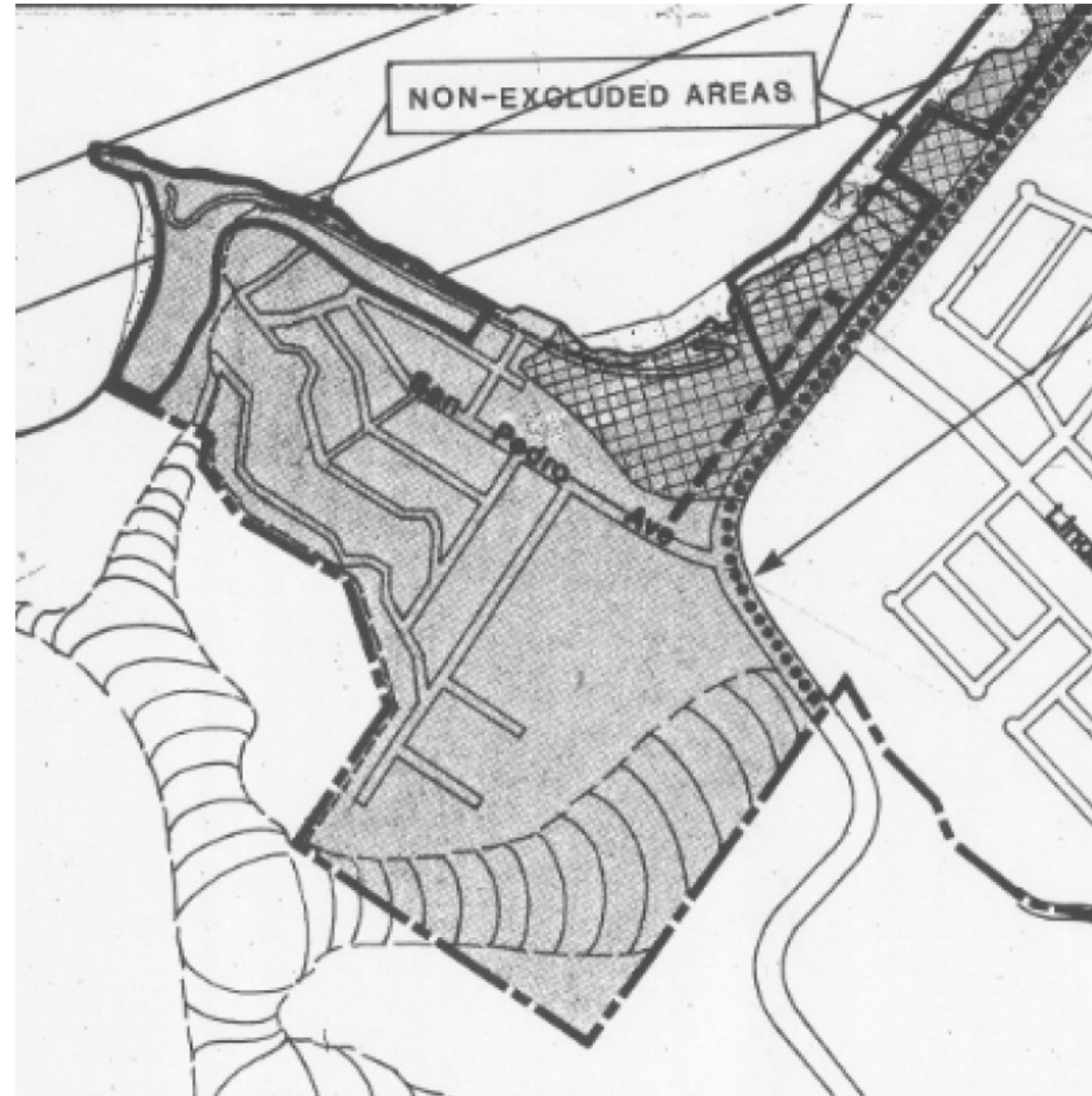
- 1980 LCLUP less restrictive in some respects
 - No deed restriction or waiver of rights to shoreline protection
- CCC policies *de facto* in effect for much of Pacifica
 - CCC Appeal Jurisdiction



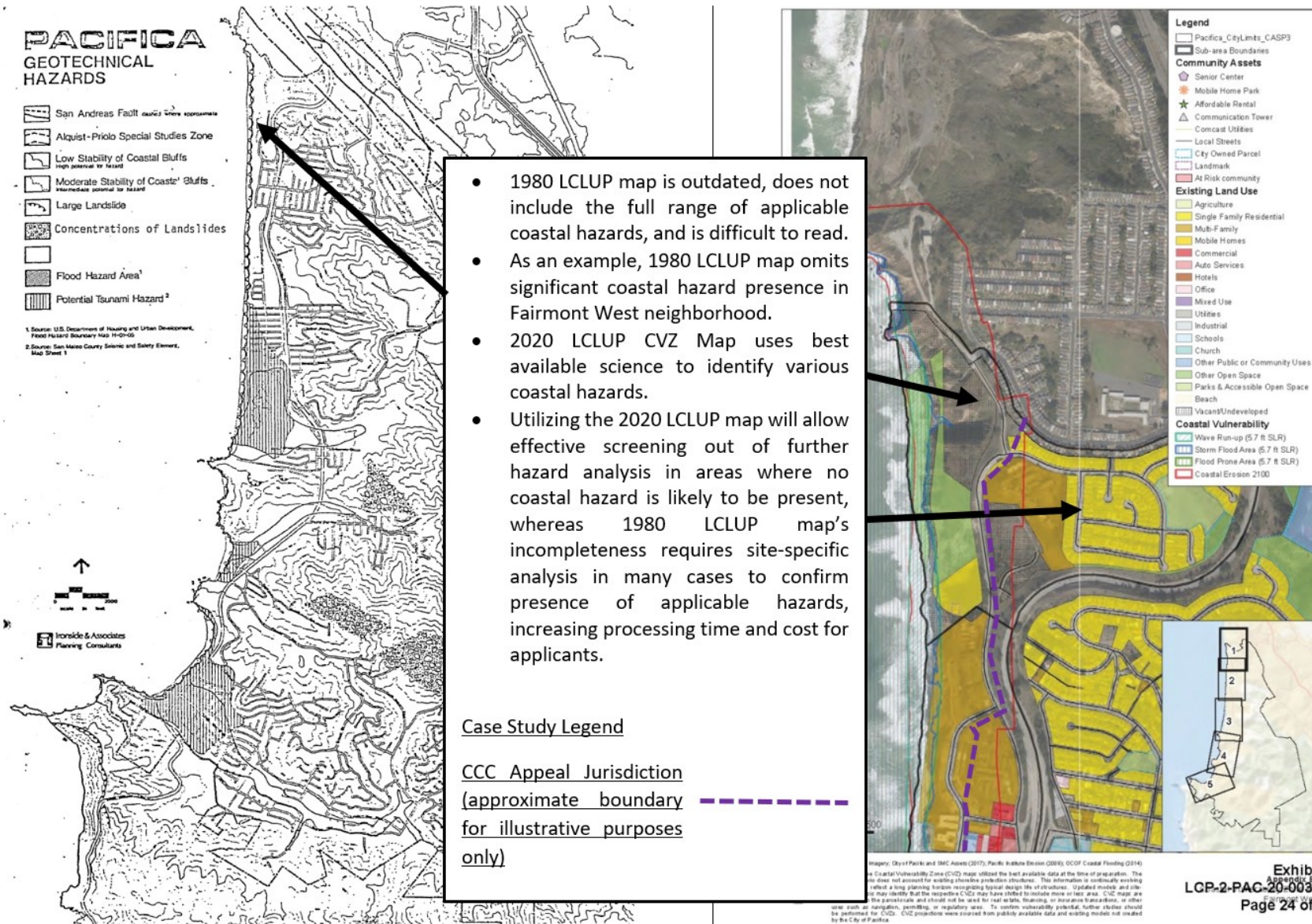
Case Study #2

Residential Addition Non-SSM

- 1980 LCLUP less restrictive in some respects
 - No deed restriction or waiver of rights to shoreline protection
- CCC policies *de facto* in effect for much of Pacifica
 - CCC Appeal Jurisdiction



Case Study #2: Residential Addition (non-SSM)



- 1980 LCLUP map is outdated, does not include the full range of applicable coastal hazards, and is difficult to read.
- As an example, 1980 LCLUP map omits significant coastal hazard presence in Fairmont West neighborhood.
- 2020 LCLUP CVZ Map uses best available science to identify various coastal hazards.
- Utilizing the 2020 LCLUP map will allow effective screening out of further hazard analysis in areas where no coastal hazard is likely to be present, whereas 1980 LCLUP map's incompleteness requires site-specific analysis in many cases to confirm presence of applicable hazards, increasing processing time and cost for applicants.



Case Study #3

Residential Addition

SSM/New Development

- CDP required – compliance with all policies
 - Hazard analysis
 - Site outside of hazard areas for anticipated life (75-100 years)
 - Waiver of rights to shoreline protection/assumption of liability
- SSM Policies
 - Removal of nonconformities including existing structures



Case Study #3

Residential Addition

SSM/New Development

- Special Resiliency Areas (SRAs)
 - Hazard analysis can consider existing shoreline protection
 - Reduces hazard area, increases development potential
 - Nonconformity removal only related to applicable hazards

Case Study #3: Residential Addition SSM/New Development

- Property within the CVZ (in this example, storm flooding hazard) must assess applicable hazards and modify existing and proposed development to mitigate the hazard.
- Both CCC Suggested Modifications and City Alternative Modifications versions support flood mitigation, meaning development can be approved.
- 1980 LCLUP does not specifically require retroactive modifications to existing development if an SSM were to occur, although the new development proposed would need to mitigate applicable hazards.
- However, the CCC Suggested Modifications (including policies requiring all on-site development to be modified to mitigate hazards) are *de facto* in effect in the CCC Appeal Jurisdiction for projects that are appealed to the CCC (which happens frequently in Pacifica).
- Properties located outside the CVZ do not need to modify existing development to mitigate hazards even if an SSM is proposed.

Case Study Legend

CCC Appeal Jurisdiction
(approximate boundary for illustrative purposes only)

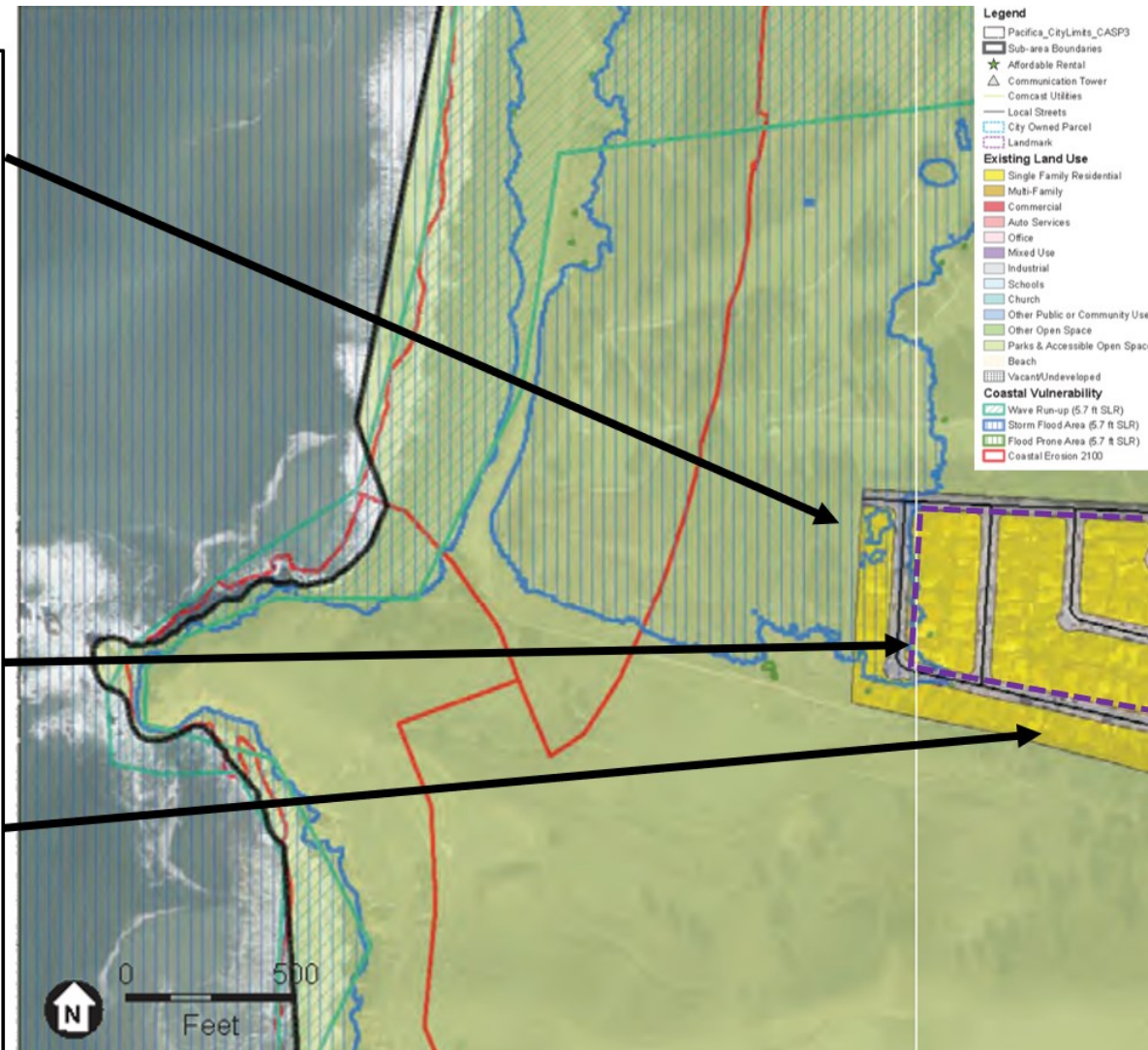


Figure 2: Excerpt from 2020 LCLUP, Appendix B-3 “Coastal Vulnerability Zone Map: Sharp Park, West Fairway Park, and Mori Point”

Case Study #3: Residential Addition SSM/New Development

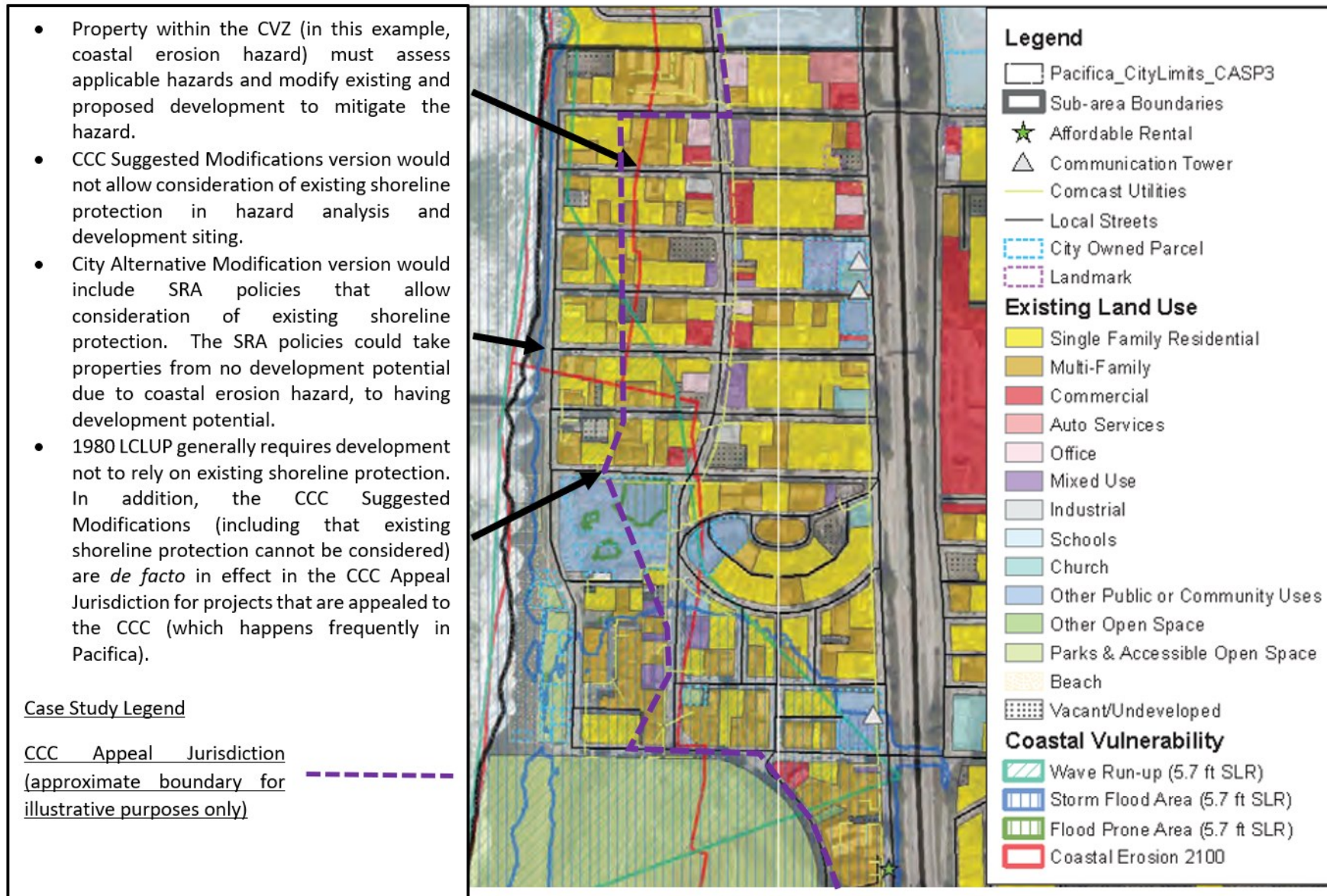
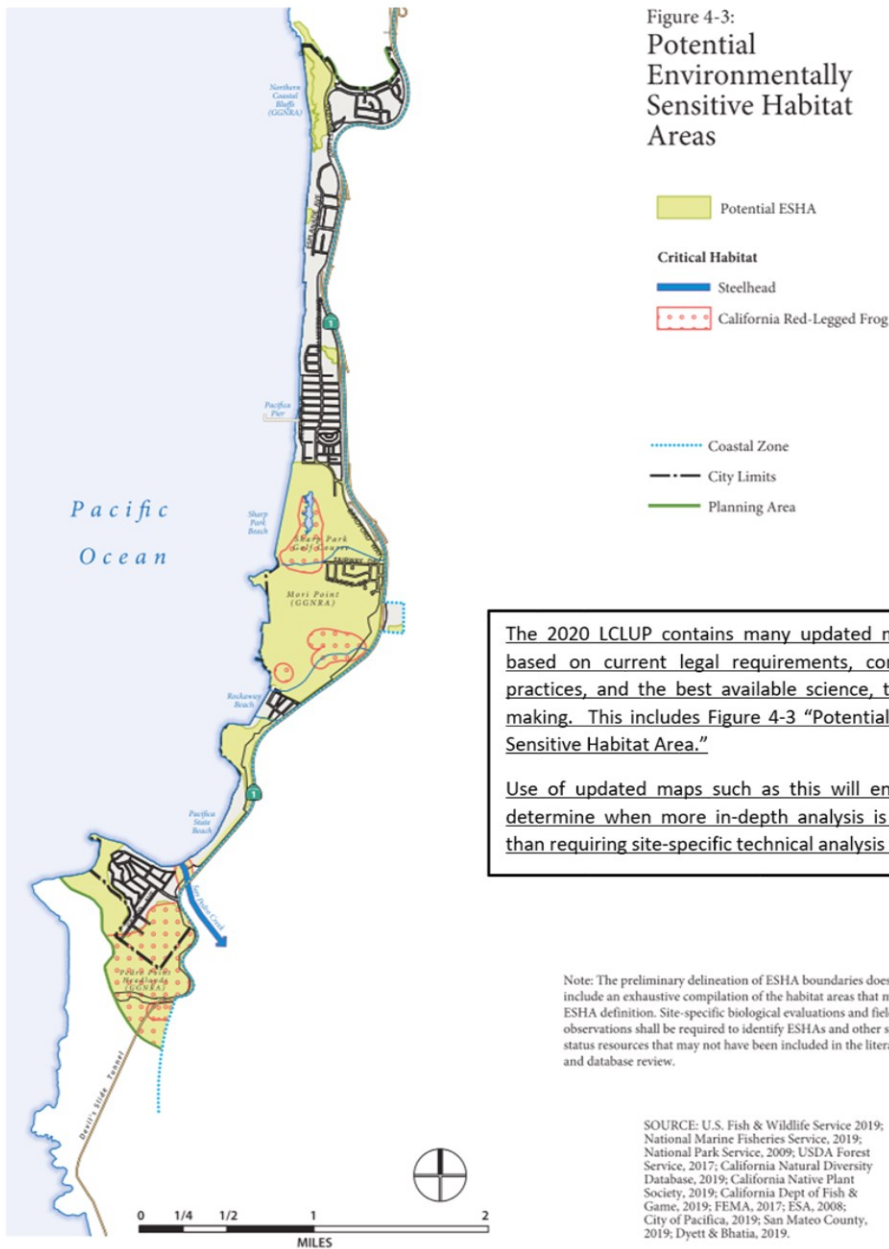


Figure 3: Excerpt from 2020 LCLUP, Appendix B-3 "Coastal Vulnerability Zone Map: Sharp Park, West Fairway Park, and Mori Point"



The 2020 LCLUP contains many updated maps and figures based on current legal requirements, contemporary best practices, and the best available science, to guide decision making. This includes Figure 4-3 "Potential Environmentally Sensitive Habitat Area."

Use of updated maps such as this will enable the City to determine when more in-depth analysis is required, rather than requiring site-specific technical analysis for every project.

Note: The preliminary delineation of ESHA boundaries does not include an exhaustive compilation of the habitat areas that meet the ESHA definition. Site-specific biological evaluations and field observations shall be required to identify ESHAs and other special status resources that may not have been included in the literature and database review.

SOURCE: U.S. Fish & Wildlife Service 2019; National Marine Fisheries Service, 2019; National Park Service, 2009; USDA Forest Service, 2017; California Natural Diversity Database, 2019; California Native Plant Society, 2019; California Dept of Fish & Game, 2019; FEMA, 2017; ESA, 2008; City of Pacifica, 2019; San Mateo County, 2019; Dyett & Bhatia, 2019.

Case Study #4

Development on Parcel with No Sensitive Environmental Resources

- No special requirements
- Development reviewed consistent with Case Study #2 and #3
- LCLUP Update includes new maps to identify areas where more analysis is needed
- 1980 LCLUP has no comparable maps

Figure 4: 2020 LCLUP, Figure 4-3, "Potential Environmentally Sensitive Habitat Areas"

Case Study #5

Development on Parcel With or Adjacent to Sensitive Environmental Resources

- Restricted in all LCLUP versions
 - Site-level biological resources assessment often required
- 1980 LCLUP has fewest specific policies
 - Leads to uncertainty and required analysis for more projects
 - CCC policies *de facto* in effect in CCC Appeal Jurisdiction
- Updated LCLUP includes modern maps
 - Reduces need for site-level assessment for many sites
 - Studies required within 300 feet of sensitive resources
- City Alternative Modification would provide more flexibility in buffers around resources
 - CCC: Usually 100 feet, 50 feet minimum
 - City: Less than 50 feet OK based on qualified biologist's opinion



Case Study #5: Development on Parcel With or Adjacent to Sensitive Environmental Resources

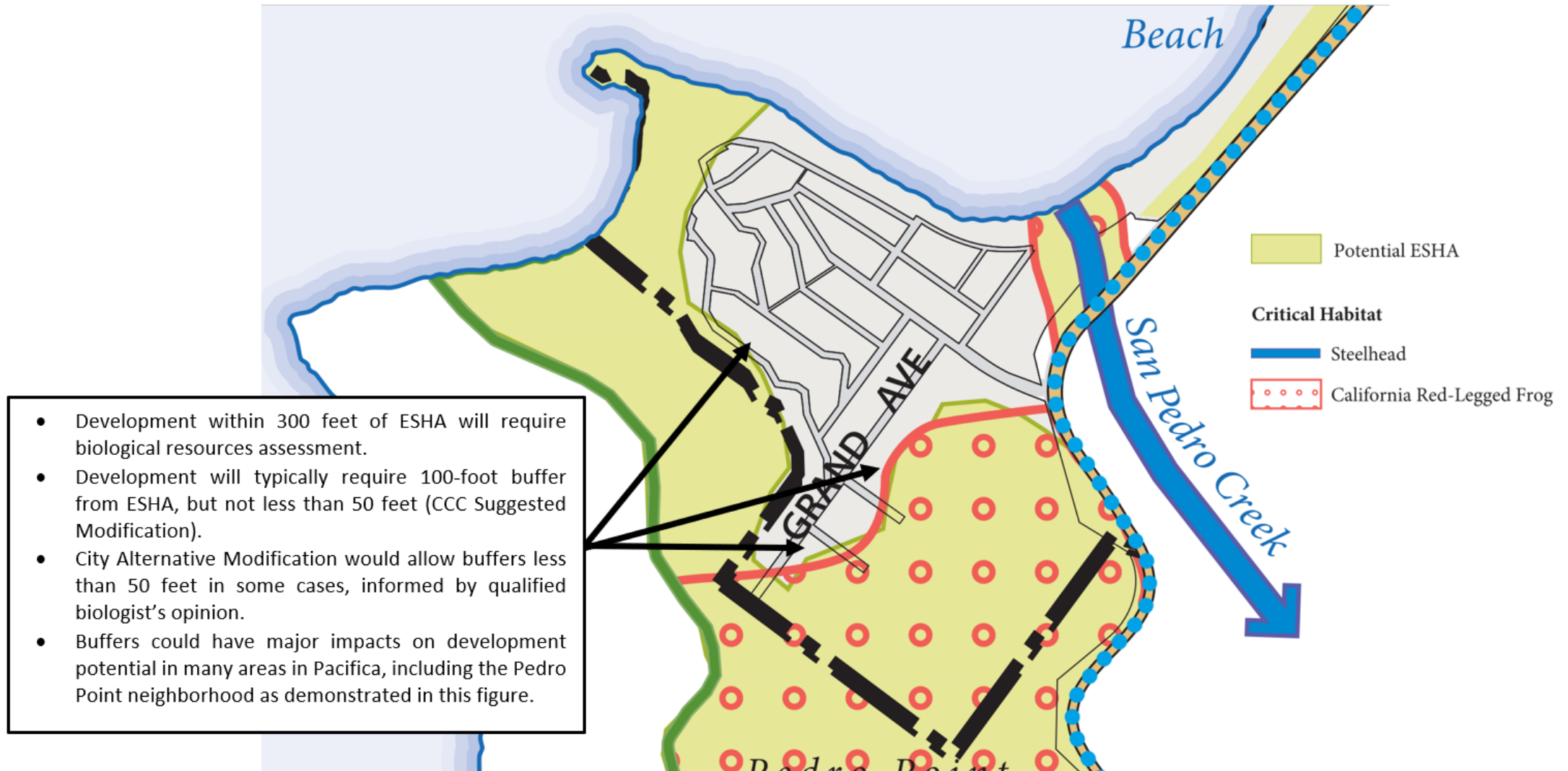


Figure 5: Excerpt from 2020 LCLUP, Figure 4-3 "Potential Environmentally Sensitive Habitat Areas"



Case Study #6 New/Replacement Shoreline Protection Structures

- Shoreline protection allowed to protect existing development in all LCLUP versions
- CCC defines existing development as present prior to January 1, 1977
- Most cases, approval decision is with CCC



Case Study #6 New/Replacement Shoreline Protection Structures

- Must mitigate adverse impacts on sand supply/beaches, other impacts
- 50% threshold for repair and maintenance before considered “new” protection that requires CDP approval
- SSM definition may result in some properties losing “existing development” designation, eligibility for shoreline protection

Case Study #7: New/Replacement City Infrastructure or Service

- New development policies generally apply
- Specific infrastructure policies
 - 100-150 year hazard setback
 - Capacity only for development allowed in LCLUP
- 1980 LCLUP has fewest specific policies
 - Creates uncertainty for City projects/investments
 - CCC policies *de facto* in effect in CCC Appeal Jurisdiction



Case Study #7: New/Replacement City Infrastructure or Service

- City Alternative Modifications needed to meet City's infrastructure needs
 - Capacity for development outside Coastal Zone
 - SRA Policies (100-150 feet setback not required)



Case Study #7: New/Replacement City Infrastructure or Service

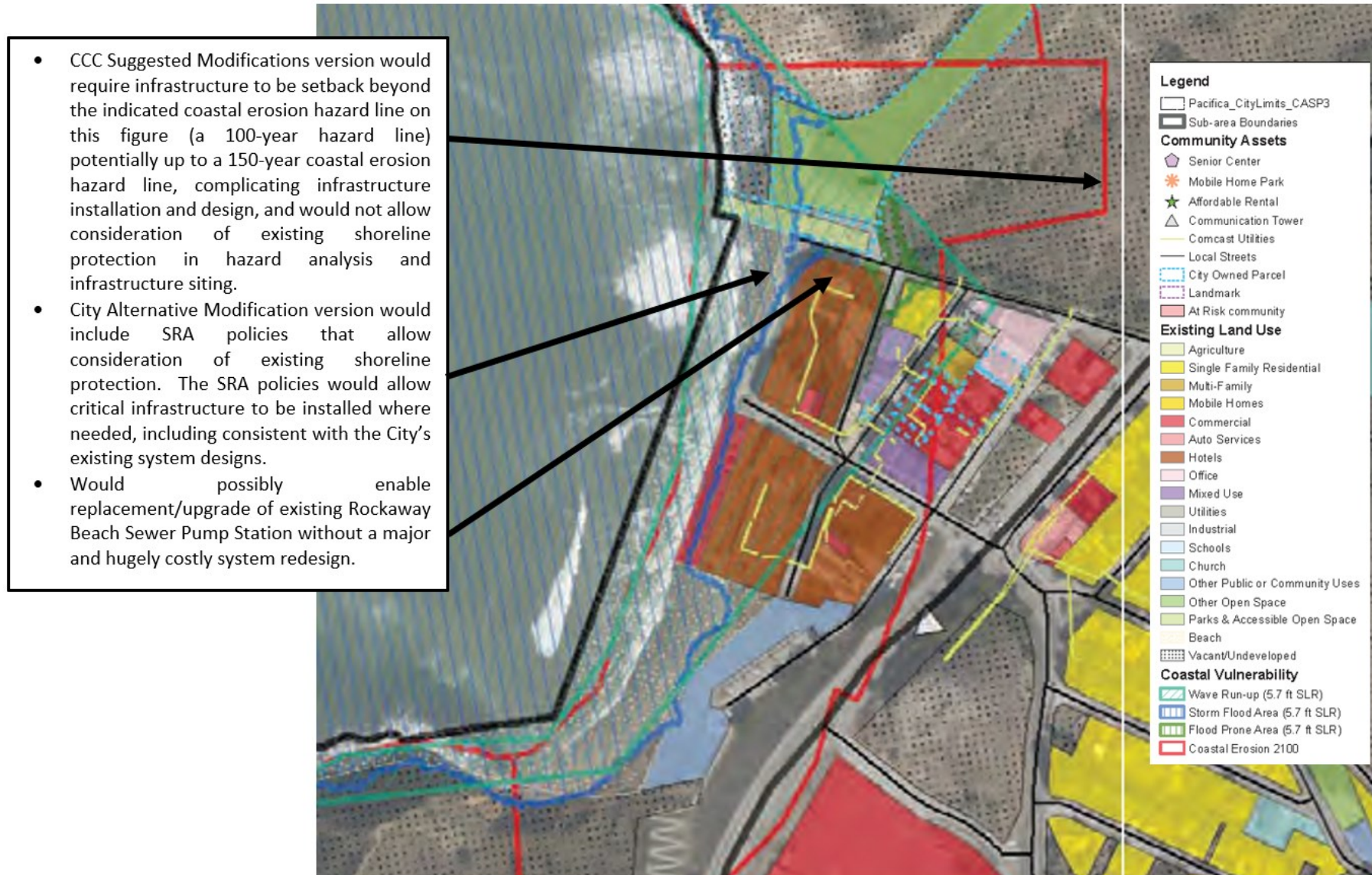


Figure 6: Excerpt from 2020 LCLUP, Appendix B-3 "Coastal Vulnerability Zone Map: Rockaway Beach, Quarry, and Headlands"



Case Study #8 and #9 Rebuild After Substantial Damage

- No major differences between policies based on coastal hazard vs. non-coastal hazard damage
- Different outcomes may result for complete destruction vs. partial damage
- Partial damage subject to SSM
 - Rebuild subject to hazard analysis
 - Nonconformity removal differs in/out of CVZ
- CCC Suggested Modification deleted reference to Public Resources Code section 30610(g) in the SSM definition



Case Study #8 and #9 Rebuild After Substantial Damage

- Public Resources Code section 30610(g)
 - Authorizes the replacement of any structure, other than a public works facility, destroyed by a disaster.
 - “Disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
 - The replacement structure shall conform to applicable existing zoning requirements
 - Same use as the destroyed structure
 - Shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent
 - Sited in the same location on the affected property as the destroyed structure
- A City Alternative Modification would restore this reference

Case Study #8 and #9: Rebuild After Substantial Damage

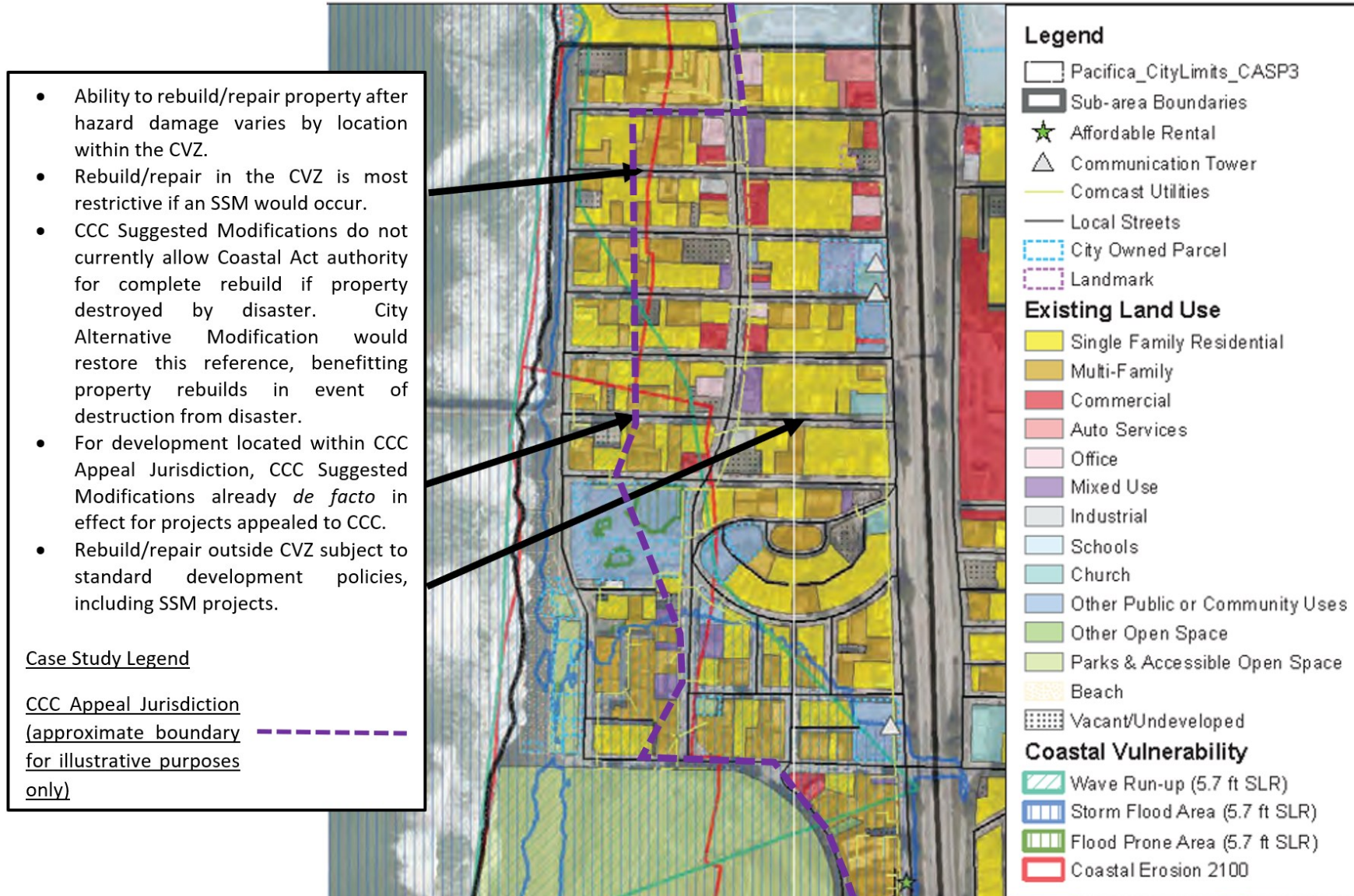


Figure 7: Excerpt from 2020 LCLUP, Appendix B-3 “Coastal Vulnerability Zone Map: Sharp Park, West Fairway Park, and Mori Point”



Case Study #8 and #9 Rebuild After Substantial Damage

- Repetitive Coastal Hazard Damage previously discussed as a policy within SRAs
- Not currently included in SRA policies
- CCC staff recently indicated interest in potentially applying to certain high-risk areas of Pacifica, to be determined at a later date



Case Study #8 and #9 Rebuild After Substantial Damage

- Repetitive Coastal Hazard Damage policy would require development to be modified or removed:
 - after a third coastal hazard damage event resulting in
 - a cumulative total of 25% of the pre-damage appraised value or
 - repairs that trigger the SSM definition
- City staff needs to explore the specific locations further with CCC staff
- Stated here in interest of full disclosure to the public and Council



Frequently Asked Questions

Frequently Asked Questions (FAQs)

- Answer questions received after agenda publication
- Questions received before agenda publication answered in packet – more than 140 questions



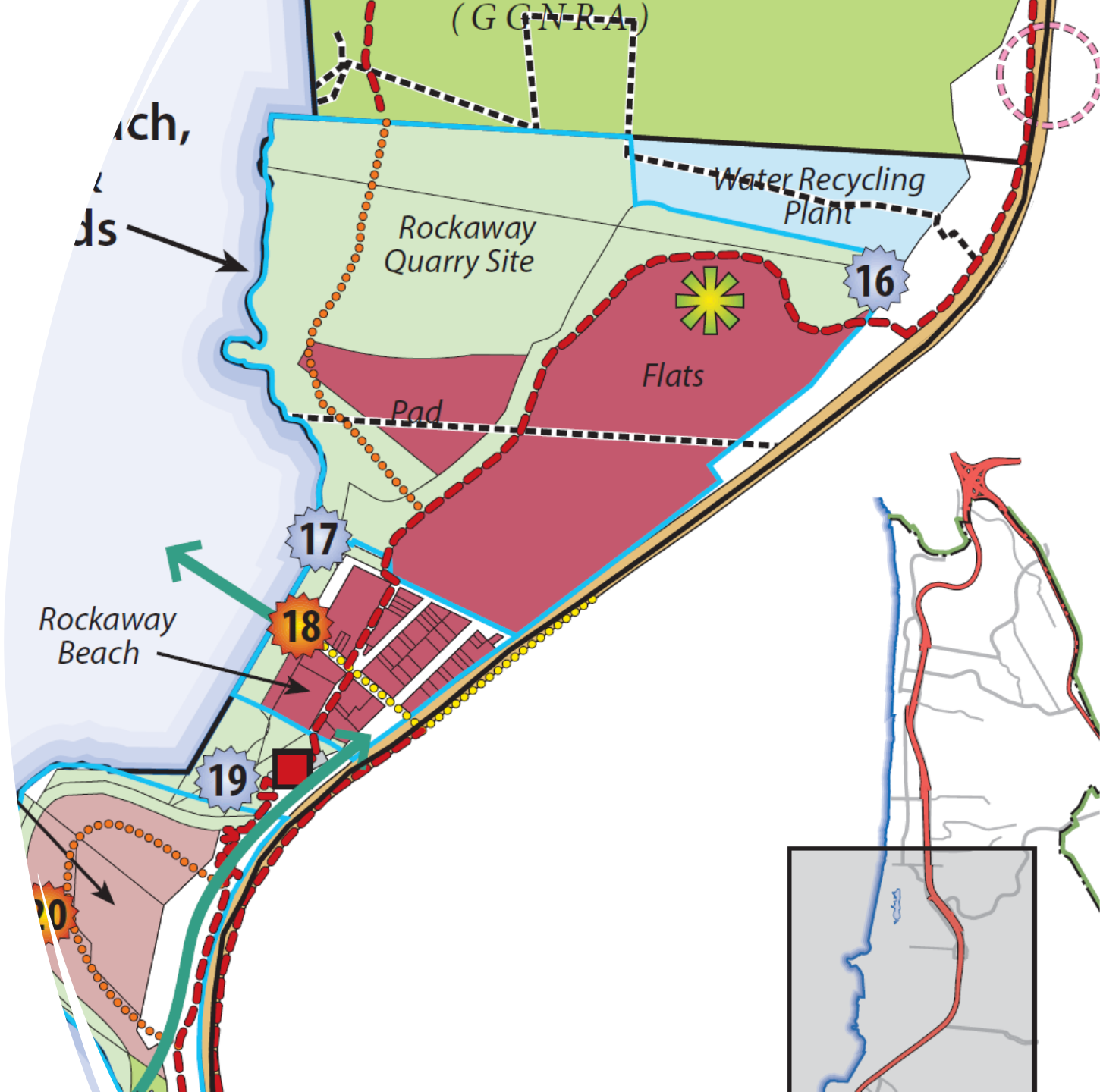
Fiscal Impacts/Economic Vitality

- What will the City do to protect this revenue and challenge the CCC proposal or, alternately, if the coast is not maintained, how does Pacifica plan to fill that potentially enormous budgetary shortfall?
- How will the planned Special Resiliency Area (SRA) impact the economic vitality of our Sharp Park neighborhood?
- How will the SRA impact West Sharp Park home values?
- What are the projections for the SRA with regards to individuals being able to finance and insure their homes and properties?



Development/Open Space

- What is the intent for the City to develop more undeveloped land that is not being used now? How will this impact our City's open space?
- What undeveloped land is going to be at risk now? How can we stop new development?



Responding to CCC Suggested Modifications

Has the City responded to these comments? How is the CCC direction being incorporated into the final LCLUP?

What is the true reason for the CCC changing the LCP that the City of Pacifica so tirelessly worked on to present to them, and that the People of Pacifica agreed to?

Deed Restrictions and SSMs

- To require a deed restriction and the signature of an assumption of risk waiver seems like the CCC is over-reaching and expects Pacifica to enforce this overreach. Has the City Attorney reviewed this proposal and weighed in on the legality of it? What about my 5th Amendment rights as a property owner? Does Pacifica think it is immune to lawsuits in regards to this type of overreach?
- When does the 'clock' start for Substantial Structural Modification? Will it be applied retrospectively to nonconforming home improvements made prior to LCLUP approval?
- What happens when an SSM is "triggered"? Will something happen right away?

Special Resiliency Areas (SRAs) and Post-LCLUP Approval

- Why is the City selling out some neighborhoods to get the SRAs?
- What happens after LCLUP adoption?

Sharp Park Specific Plan, Undeveloped San Pedro Avenue property, and Specific Project Questions

- How does the LCLUP square up with the Sharp Park Specific Plan?

- Questions related to Pedro Point
 - Calson Property

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

A wetland survey conducted according to the requirements of Coastal Commission regulation 13577 (Title 14, California Code of Regulations) is required to delineate potential wetlands on the site as part of the development application and environmental review process. An assessment of potential geotechnical hazards must also be part of the development application and environmental review process, including assessment of the Ocean Shore railroad berm under hazard and vulnerability scenarios consistent with policies in Chapters 5 and 6.

- Questions related to specific shoreline protection projects and impacts

Case Study Questions

- Say a 1,000-square foot (sf) building was built in 1945. Then in 1975 the owner obtained a building permit and the building was legally enlarged to 1,800 sf, which is more than a 50% modification. Does this past action automatically trigger SSM now in 2024?
- Say a 1,000-sf building was built in 1965. Then in 1985, the owner did not get a building permit, but enlarged the property to 1,750 sf. Does this illegal remodel – if discovered now by the City – automatically trigger SSM? Even if the current owner is not making any changes now?
- Say a 1,000-sf building was built in 1970. Then in 1985 the owner obtained a building permit and the building was legally enlarged to 1,200 sf. Now, the current owner proposes to enlarge it again, this time to 1,600 sf. Does this request trigger SSM?

Key Points in LCLUP Update

- Modernization of 40+ year old LCLUP brings new requirements
 - CCC interpretations and application of Coastal Act
 - Updated science and understanding of coastal hazards
- New development cannot rely on new or existing shoreline protection
 - Fundamental Coastal Act principle
 - But compromise is available through SRA policies
- Deed restrictions waiving rights to shoreline protection and assuming risk are the new normal to implement Coastal Act



Key Points in LCLUP Update

- Inconsistency with General Plan will be increasingly challenging over time
- LCLUP Update will support economic development and City infrastructure planning
- An update is required under state law (SB 272) by January 1, 2034
 - Conditions may not be more favorable for update years from now





1st Public Q&A

Public Q&A

- 1 question per person
- Limit question to 1 minute
- Ask additional questions by getting in line again
- Ensure everybody has an opportunity





Lunch Break



Staff Presentation

Alternative Modifications

- 125+ CCC Staff Suggested Modifications
- City must decide how to respond – accept, reject, or modify
- City staff recommends 45 Alternative Modifications to CCC staff Suggested Modifications
 - 29 are substantive and staff recommends detailed consideration (“Greenies”)
 - Remainder are minor in staff’s assessment





Council Discussion/Q&A



2nd Public Q&A/ Public Comment



Responses to Public Questions



Council Direction
