



January 8, 2015

Mr. Dan Carl
Deputy Director
Central Coast/North Central Coast Districts
California Coastal Commission
VIA EMAIL TO: Dan.Carl@coastal.ca.gov

Re: San Francisco Recreation and Parks Department's Sharp Park Golf Course Seawall Coastal Development Permit (CDP) Application, No. 2-13-006

Dear Mr. Carl,

On behalf of the Surfrider Foundation's San Francisco and San Mateo County Chapters, I write to express Surfrider Foundation's concerns regarding Coastal Development Permit (CDP) Application No. 2-13-006, for the Sharp Park Golf Course Seawall, in Pacifica, CA. The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. The San Francisco and San Mateo County Chapters are two of Surfrider's 84 volunteer-driven chapters across the United States working towards this mission. As such, the Chapters engage in campaigns and programs on many issues, including coastal preservation and beach access, and have both been very engaged with respect to the San Francisco Recreation and Parks Department's ("SFRPD") activities at Sharp Park golf course.

Surfrider Foundation considers SFRPD's conduct unacceptable and implores Commission staff to act quickly with respect to SFRPD's unpermitted seawall at Sharp Park, which has serious implications on coastal preservation and public beach access.

SFRPD is violating and has been violating the Coastal Act for several years, by constructing and maintaining a rock revetment on the property (which is "development" under the Coastal Act), without a required CDP. Since at least 2013, the Surfrider Foundation has provided repeated notice to the Commission of SFRPD's violation, and in 2013, the Commission investigated and determined that a violation existed, and provided SFRPD with a deadline by which it was required to remedy the violation. Copies of said correspondence are attached here as Exhibits A through J.

To recap, Surfrider Foundation alerted Commission staff regarding the unpermitted rock revetment expansion on March 3, 2013. (See Exhibit A) Subsequently, on March 5, 2013, Commission staff provided notice that the work done at the Sharp Park seawall constitutes development which required an after-the-fact CDP, and

required that a CDP application be submitted no later than March 11, 2013. (See Exhibit B). Commission staff then sent a more detailed notice letter to SFRPD on March 11 reemphasizing the application deadline of March 11, 2013. (See Exhibit C). On March 12, 2013 and April 16, 2013, Surfrider submitted follow-up correspondence to Commission staff regarding the unpermitted seawall. (See Exhibit D). In the interim, on March 14, 2013, SFPRD submitted an incomplete application, lacking several key requirements, including a sufficient project description, project plans, a description of the project and its permitting history, and an appropriate alternatives analysis, among others. On April 12, 2013 [note the letter is incorrectly dated “2012”], Commission staff sent a letter to SFPRD notifying the Department of its incomplete application, and requiring that all additional items be submitted **no later than October 12, 2013**. (See Exhibit E). Thus, SFRPD was ***allowed a six-month extension in which to complete its after-the-fact permit*** for its unpermitted rock revetment. Staff’s April 12, 2013 letter clearly provided, “If all of the above-listed materials are not received within three months, application number 2-13-006 will be considered withdrawn.”

Despite this clear directive, SFRPD did not submit its supplementary application materials. Therefore, in accordance with staff’s April 12, 2013 letter, SFRPD’s application should have been considered withdrawn.

Therefore, when SFRPD later applied for another, different CDP to construct another project at Sharp Park, Surfrider commented on that project (in written comments submitted April 10, 2015 and oral testimony presented April 16, 2015), and again raised the fact that the applicant was already violating the Coastal Act by engaging in unpermitted development of the rock revetment. (See Exhibit F (exhibits to the letter are omitted)). In response, SFRPD finally submitted a written response to the Commission’s April 12, 2013 letter – two years later – on April 13, 2015. (See Exhibit G). And yet, despite the fact that SFRPD’s application should have been considered withdrawn, Commission staff accepted it. Moreover, SFRPD’s supplementary application materials were grossly inadequate.

Surfrider Foundation submitted another letter to Commission staff expressing its concerns regarding the application, on May 1, 2015. (See Exhibit H, for a summary of Surfrider’s concerns). Surfrider Foundation appreciates that Commission staff recognized and agreed with Surfrider’s concerns, and required SFRPD to submit all outstanding application materials; however, Surfrider was disappointed that staff allowed yet ***another six month extension*** for SFRPD to submit these materials. (See Exhibit I). Thus, at this point, SFRPD had been granted ***a two-and-a-half year extension*** in which to submit its after-the-fact CDP application materials.

And yet, SFRPD missed the new November 11, 2015 deadline. Instead, on November 6, 2015, it requested another extension, and in another disappointing decision, on November 17, 2015, Commission staff granted this extension. (See Exhibit J). As noted above, SFRPD had already been allowed two-and-a-half years beyond the initial deadline to submit its after-the-fact CDP application materials.

During two of those years, SFRPD had completely ignored its obligation to submit its application, was nonresponsive to Commission staff, and its application should have been considered withdrawn.

This ***additional*** six-month extension is therefore inappropriate, and contravenes the policies of the Coastal Act. Respectfully, Commission staff's continued allowance of SFRPD's ongoing Coastal Act violation, and repeated extensions, renders the Coastal Act meaningless. At this rate, it appears that staff may merely continue to grant extensions to SFRPD, and take no actions with respect to SFRPD's unpermitted rock revetment.

SFRPD has had more than a fair opportunity to submit its after-the-fact application materials, and continues to violate the Coastal Act every day that its unpermitted rock revetment remains. **This rock revetment is located in one of the most overly-armored areas along California's coastline.** As you are surely aware, coastal armoring greatly exacerbates and accelerates coastal erosion, and thereby risks reduction and total loss of the beach. Therefore, this completely contravenes the Commission's obligations to maximize natural shoreline values and public beach access. Thus, Surfrider respectfully implores you to take action, and enforce the Coastal Act against SFRPD, as Commission staff initially warned SFRPD nearly three years ago, on March 11, 2015. (*See Exhibit C*).

We assert that SFRPD must not be granted any additional extensions of any kind on this application, and that if SFRPD fails to submit all required materials by the May 11, 2016, deadline, that the Commission take enforcement action, **including requiring the removal of all unpermitted development of the revetment, and assessing penalties for each and every day that the unpermitted development has existed, which Surfrider asserts is at least prior to the Commission's initial March 5, 2013 notice, from which time SFRPD has had actual notice of its violation.**

Additionally, we request that you please respond within 30 days to inform us of Commission staff's intentions with respect to this matter and enforcement thereof. Thank you. We greatly appreciate Commission staff's attention to this important issue.

Sincerely,



Staley Prom, Esq.
Legal Associate
Surfrider Foundation