

CALIFORNIA COASTAL COMMISSION

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November 4,, 2015

Ms. Tina Wehrmeister
Planning Director
City of Pacifica
1800 Francisco Blvd
Pacifica, CA 94044

Subject: *Coastal Development Permit Requirements for Pacific Skies Estates*

Dear Ms. Wehrmeister:

In August 2013 the California Department of Housing and Community Development Agency issued a permit which authorized certain development at the Pacific Skies Estates mobile home park. As part of HCD's approval process, on February 13, 2013, Associate City Planner Lee Diaz signed a Mobile Home or Recreational Vehicle Park Government Agency Approval Form, determining that the proposed work at Pacific Skies Estates would be consistent with local planning requirements. At that time, it appears that the City had determined that the project was exempt from the City's Coastal Development Permit requirements for repair and maintenance activities. As far as Coastal Commission staff is aware, no one appealed or otherwise challenged this determination.

The work at Pacific Skies Estates presents an unusual context for a local agency to evaluate the application of its planning requirements, as the permitting of construction within a mobile home park is processed through the California Department of Housing and Community Development as the permitting agency rather than the City. However, it is our opinion that Pacific Skies Estates' renovation project constitutes a complete redevelopment and cannot be considered a repair and maintenance as contemplated by 9-4.4303(h)(6)(viii) (which itself derives its statutory authority from the Coastal Act and the Commission Regulations). The project does not propose to repair or maintain development in its current legally established form; rather it proposes to change it completely, including installing all new units and infrastructure. Of note, among other caveats, the Commission's regulations state that replacement of 50% or more of a structure is not repair and maintenance, but instead constitutes replacement requiring a CDP (see California Code of Regulations (CCR) Title 14, Section 13252). Similarly, the proposed project does not constitute mere improvements as might be allowed to be exempted from a CDP by CCR Sections 13250 or 13253. Again, this is complete redevelopment of PSE, and the exemptions afforded certain minor improvements under the Coastal Act and the Commission's regulations (and by extension the LCP) simply do not apply. In addition, even if it could be categorized as a form of potentially exemptible development under the Coastal Act, the regulations, and the LCP, the Coastal Act and the regulations do not allow such exemptions for blufftop development.

Finally, the above interpretation is consistent with prior Commission actions in similar situations. The Commission, through past permit actions, has consistently found that replacement of existing manufactured/mobile homes with new manufactured/mobile homes, constitutes "development" and requires a CDP. A particularly apt and recent case comes from out of the South Coast District, namely CDP application number 5-14-1582. That project proposed removal/demolition of an existing 1,440 square-foot and 16-foot high single-story mobile/manufactured home structure and installation of a new 1,248 square-foot and 16-foot high single-story mobile/manufactured home structure, 85 square-foot storage shed, slab on grade concrete patio, 18" high wood seawall, 6-foot tall glass fence, and associated landscaping on an oceanfront mobile home space. This action required a CDP because it was considered "development" for the purposes of Coastal Act Section 30106. The Commission's concerns with that proposed development were that such significant improvements to, including replacement of, existing mobile homes within the park created the potential expectation that the existing revetment seaward of the development may be required to protect any such permitted development, and may require augmentation in the future, raising a series of Coastal Act issues. That case was for a single replacement unit. This project proposes replacement of 93 units, and a complete redevelopment of the park. And, as with that South Coast case, there is an existing armoring structure seaward of the PSE mobile home park that raises a series of similar issues.

For all of the above reasons, we believe that the exemption applied by the City back in 2013 to the proposed renovation at Pacific Skies Estates Mobile Home Park was not applicable and the proposed development required a CDP and any such CDP decision would have been appealable to the Coastal Commission.

I hope that this letter has proven informative, and allows the City to reconsider whether the exemption was in fact accurately applied. In the event the City still disagrees with this interpretation of the Coastal Act, the City could seek a formal ruling from the Commission by exercising its rights under Section 13569 of the Commission's regulations. That section provides a process through which the Coastal Commission may provide definitive guidance as to applicable exemptions. (Cal. Code Regs. tit. 14, § 13569.) If you have any questions regarding these comments or wish to discuss the process under Section 13569 further, please contact me or the Coastal Commission's Planner for the City of Pacifica, Stephanie Rexing, at the above address and phone number.

Sincerely,



Nancy Cave
North Central Coast District Manager