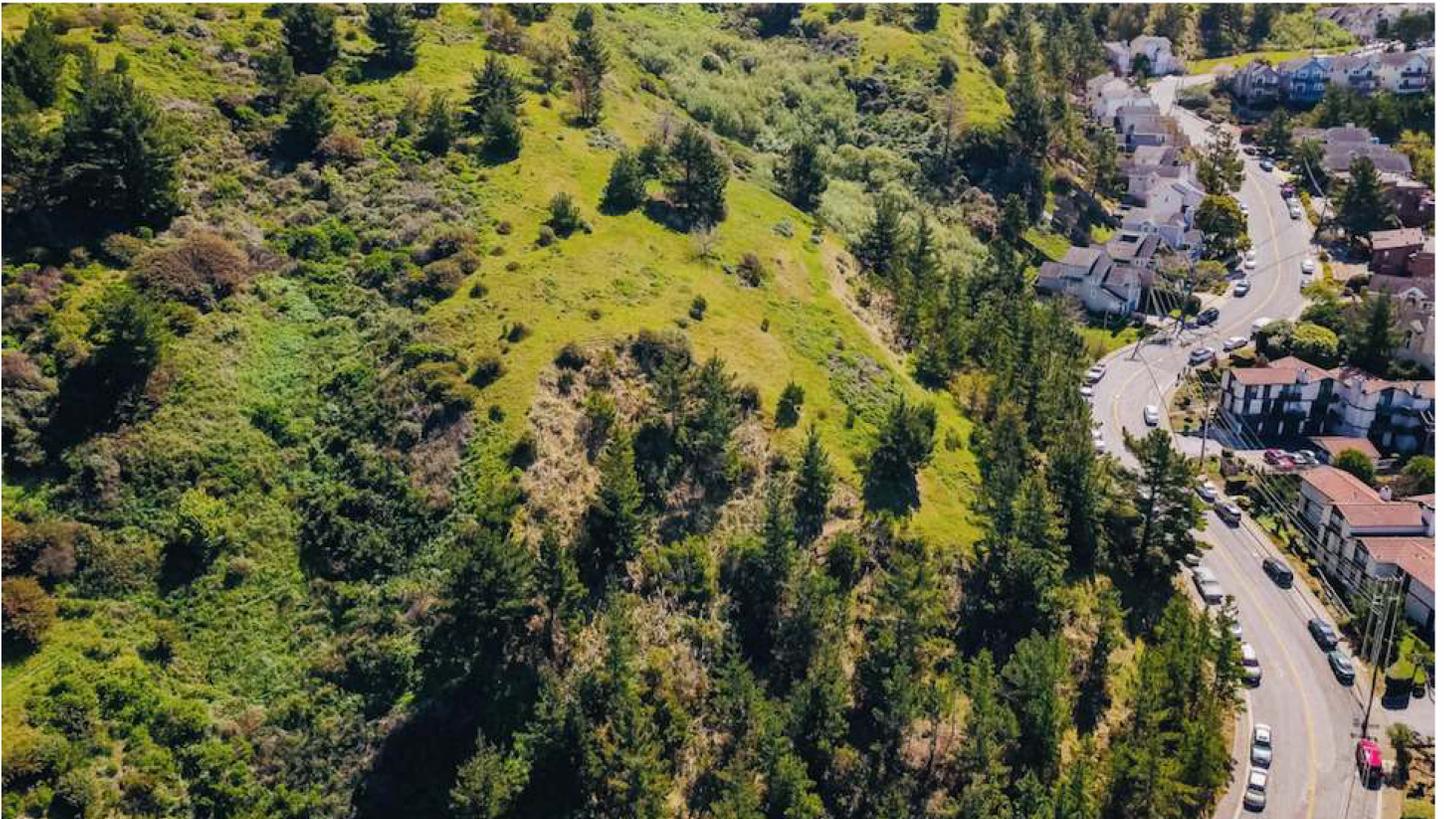


FEATURED

Lawsuit demands general plan review, EIR for Vista Mar

Dec 23, 2020



Opponents to the Vista Mar development say the slope of the land creates potential landslide issues. Photo courtesy Vistamarpacifica.com

Kristin Cramer and a grassroots organization calling itself Coalition of Pacificans for an Updated Plan and Responsible Planning filed a lawsuit on Monday against the city of Pacifica, the City Council and Vista Mar developers.

The plaintiff group formed in response to what it considers a pattern of poor environmental decisions and unsustainable developments in Pacifica, including the Vista Mar development, said member Summer Lee.

Cramer is a Pacifica resident concerned about the Vista Mar development and its potential adverse environmental impacts. She is also concerned about what she calls a lack of general plan provisions designed to protect the environment, according to the complaint.

The Petition for a Writ of Mandate and Complaint for Declaratory and Injunctive Relief seeks no monetary damages, but demands an environmental impact report be completed for the Vista Mar development and seeks a rewrite of the general plan, said the group's attorney, Richard Drury of Lozeau Drury LLP.

City officials could not be reached for comment on the suit by the Tribune's print deadline.

The first cause of action for violation of the California Environmental Quality Act states, by approving the Vista Mar development in Fairmont, Pacifica did not prepare an EIR to analyze project impacts, the baseline conditions of the habitat and waters and wetlands on the site. The Vista Mar condominium development on a 50 percent slope hillside removes 57 trees, excavates 6,453 cubic yards of soil, uses 3,443 cubic yards of fill and has a site history of flooding and landslides, the complaint states. It also suggests the project would pave over a probable wetlands.

Hydrology, biology, air quality and geology experts delivered testimony on behalf of the group at a City Council meeting suggesting an EIR should be completed. Neighbors voiced concerns at several public meetings about these environmental concerns.

The city responded by stating all environmental concerns are addressed in the required mitigation and monitoring measures. City officials say an in-depth geotechnical report will be required at the time of the city building permit, not now in the preliminary phase of development. The city required the developer to provide a water run-off system that would be effective against a 100-year storm event.

But Drury says an EIR is required at this point in the development if there is disagreement among the experts, said Drury.

“That flies in the face of CEQA. That should be done before any harm is done,” he said at a Zoom meeting to announce the lawsuit.

The second cause of action alleges violation of California’s general plan law. Pacifica’s general plan, adopted in 1980, is an out-of-date instrument and inconsistent when it comes to conservation, seismic features, slope stability and safety features, including fire and flood protections, the complaint states. Until that is updated, the Vista Mar development should not be built, the complaint states.

“This would require them to update the general plan within 120 days. They ought to get it done right now. They have known it needs to be done for a long time,” said Drury.

In addition, the complaint alleges the Vista Mar development is inconsistent with the city’s community design elements for hillsides.

Lee said landslides in 1983 were probably the worst in Pacifica's history. The 1980 general plan has not been updated to reflect any new safety measures for landslides or erosion. Bluff erosion off Esplanade Avenue led to the evacuation and demolition of buildings as recently as four years ago, she said.

Lee said 40 years could be the longest general plan update process in California history.

“The vision of our group is for an enlightened Pacifica to understand the warnings of homes falling into the ocean, that the duty of the city of Pacifica is to protect our safety. The city’s job is to ensure our infrastructure — sewage, seawall, drainage and hillsides are safe — and that is the law. The moment of blank block books, landslides occurring where the city say none occur, hiding expert reports with inconvenient data, mysterious rezoning, superficial environmental reviews, all should be left to the days of darkness,” Lee said