

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

RECORD PACKET COPY



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Staff:  
Staff Report:  
Hearing Date:

SMR-SF  
November 21, 2001  
December 13, 2001

**PROPOSED FINDINGS FOR CEASE AND DESIST ORDER**

<b>CEASE AND DESIST ORDER:</b>	CCC-01-CD-02
<b>RELATED VIOLATION FILE:</b>	V-3-00-029
<b>PROPERTY LOCATION:</b>	329 Indio Drive, Pismo Beach, CA, APN 010-192-011 (Exhibit 1)
<b>DESCRIPTION OF PROPERTY:</b>	The property is an approximately 0.3-acre parcel of land on the south side of Indio Drive in Pismo Beach, CA.
<b>PROPERTY OWNER:</b>	Norman Beko
<b>VIOLATION DESCRIPTION:</b>	Unpermitted 1) construction of a shoreline protective device (seawall, including the central stairway), 2) repair and expansion of seawall and 3) construction of deck. (Exhibit 2)
<b>SUBSTANTIVE FILE DOCUMENTS:</b>	Cease and desist order file No. CCC-01-CD-02 Background exhibits 1 through 16
<b>CEQA STATUS:</b>	Exempt (CEQA Guidelines (CG) §§ 15061 (b) (1) and (3)) and Categorically Exempt (CG §§ 15061 (b) (2), 15307, 15308 and 15321)

## **I. SUMMARY**

The subject property is located at 329 Indio Drive, Pismo Beach California. The subject violation consists of 1) the construction in 1986 of a shoreline protective device (a seawall) that extends along the base of and for the entire length of the seaward facing bluff of the property, 2) the repair and expansion of the seawall in 2000, and 3) the construction of a deck, which is partially supported by the seawall, on the western bluff edge of the property. A more detailed description of the development, including photographs, is provided in Section IV.A of the proposed findings. This development was performed without a coastal development permit (CDP) or CDP waiver.

The Coastal Commission first became aware of the alleged violation in October 2000, when staff received a report that Mr. Beko had constructed a seawall without a permit and was in the process of repairing it. On October 26, 2000 Commission staff telephoned Mr. Beko to inquire about the report of repair work on an allegedly unpermitted seawall. On December 20, 2000 Commission staff sent to Mr. Beko the first of three letters informing him that construction of the seawall and repair/enlargement of the seawall on his property required a CDP, and setting deadlines for either providing evidence of a CDP or submitting a CDP application.<sup>1</sup> On July 20, 2001 a fourth letter was sent to Mr. Beko, memorializing a telephone conversation in which Commission staff informed Mr. Beko of the possible monetary penalties he faced, if a cease and desist order were issued and Mr. Beko subsequently failed to comply with the order. This letter also reiterated the need for Mr. Beko to submit a CDP application.

While researching the alleged violation, Commission staff determined that the deck on the western bluff edge of Mr. Beko's property was also constructed without a CDP. On September 4, 2001, Commission staff sent to Mr. Beko a letter requesting evidence of a permit for the deck. Mr. Beko did not provide any such evidence.

On September 18, 2001 Commission staff delivered to Mr. Beko a notice of intent (NOI) to schedule a public hearing on the issuance of a cease and desist order by the Commission.

As a result of Mr. Beko's failure to obtain a permit or permit waiver for the unpermitted development on the subject property, Commission staff recommends that, pursuant to Coastal Act Section 30810, the Commission issue a cease and desist order to resolve the subject violation.

The cease and desist order requires Mr. Beko to refrain from:

- 1) performing any further development activity at the site without first obtaining a Coastal Development Permit, and
- 2) continuing to maintain any development on his property that violates the California Coastal Act by applying for a Coastal Development Permit to either remove the development or authorize it after-the-fact.

## **II. HEARING PROCEDURES**

The procedures for a hearing on a proposed cease and desist order are outlined in Section 13185 of the California Code of Regulations (CCR), Title 14, Division 5.5, Chapter 5, Subchapter 8. The cease and

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<sup>1</sup> The Commission sent letters on December 20, 2000, February 5, 2001, and February 23, 2001.

desist hearing procedure is similar in most respects to the procedures that the Commission utilizes for permit and LCP matters.

For a cease and desist order hearing, the Chair shall announce the matter and request that all parties or their representatives present at the hearing identify themselves for the record, indicate what matters are already part of the record, and announce the rules of the proceeding including time limits for presentations. The Chair shall also announce the right of any speaker to propose to the Commission, before the close of the hearing, any question(s) for any Commissioner, at his or her discretion, to ask of any other speaker. The Commission staff shall then present the report and recommendation to the Commission, after which the alleged violator(s) or their representative(s) may present their position(s) with particular attention to those areas where an actual controversy exists. The Chair may then recognize other interested persons after which staff typically responds to the testimony and to any new evidence introduced.

The Commission should receive, consider, and evaluate evidence in accordance with the same standards it uses in its other quasi-judicial proceedings, as specified in CCR Section 13186, incorporating by reference Section 13065. The Chair will close the public hearing after the presentations are completed. The Commissioners may ask questions to any speaker at any time during the hearing or deliberations, including, if any Commissioner chooses, any questions proposed by any speaker in the manner noted above. Finally, the Commission shall determine, by a majority vote of those present and voting, whether to issue the cease and desist order, either in the form recommended by the Executive Director, or as amended by the Commission. Passage of a motion, per staff recommendation or as amended by the Commission, will result in issuance of the order.

### **III. MOTION**

**MOTION I:** I move that the Commission issue Cease and Desist Order No. CCC-01-CD-02 pursuant to the staff recommendation.

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in issuance of the cease and desist order. The motion passes only by an affirmative vote of a majority of Commissioners present.

#### **RESOLUTION TO ISSUE CEASE AND DESIST ORDER:**

The Commission hereby issues Cease and Desist Order number CCC-01-CD-02 set forth below and adopts the findings set forth below on grounds that development has occurred without a coastal development permit.

### **IV. PROPOSED FINDINGS**

#### **A. Description of Unpermitted Development**

The alleged unpermitted development consists of a seawall constructed primarily of concrete that has been reinforced with rebar. The structure extends seaward from the base of the bluff in a layer of shotcrete (sprayed concrete) that has been placed over the natural sandstone rocks (**Exhibit 2, Photograph 1**). Concrete steps are built into the center of the seawall (**Exhibit 2, Photograph 2**) and extend seaward from the base of the bluff onto the sandstone terraces (**Exhibit 2, Photograph 3**). A

wood and metal deck is located at the western end of the seawall, resting on top of and partially supported by the seawall (**Exhibit 2, Photograph 4**).

**B. Background and Administrative Resolution Attempts**

On or about October 26, 2000, Commission staff in the Central Coast District Office received a report alleging that repair work was being performed on an unpermitted shoreline protective structure (a seawall) at 329 Indio Drive, Pismo Beach. Unable to locate any record that the Coastal Commission (Commission) or the City of Pismo Beach (City) had permitted a seawall at this location, on that same day Commission staff placed a telephone call to Mr. Norman Beko, the owner of the subject property, and inquired about the repair work. Mr. Beko admitted that he never received a coastal development permit (CDP) for the construction or repair of the seawall. Mr. Beko asserted that he had constructed the seawall in 1986, and that prior to the construction of the seawall, he had contacted the City and the Commission and both had declined to participate in the permitting process for the seawall.

In a letter to Mr. Beko dated December 20, 2000, Commission staff explained that the construction and repair of the seawall on his property constituted "development" in that it involved the placement of a structure or solid material on land, and hence required a CDP (**Exhibit 3**). The letter also notified Mr. Beko that he should immediately stop all work on the property that required a CDP. This letter further stated that if Mr. Beko could not provide evidence of a CDP by January 12, 2001, he and Commission staff needed to discuss what steps Mr. Beko needed to take to comply with the Coastal Act.

Commission staff has researched the Commission's permit tracking system and permit logbook and contacted Mr. Randy Bloom, Community Development Director for the City of Pismo Beach. There is no evidence that the Commission or the City issued a permit, waiver, or exemption for the seawall or otherwise indicated that no permit was required. In fact, the City issued Mr. Beko a Stop Work order on August 15, 2000 to halt the work on the unpermitted seawall (**Exhibit 4**). The City also sent Mr. Beko a letter dated September 6, 2000, memorializing the Stop Work order and stating that Mr. Beko had 10 days from the date of the letter to begin the proper process towards resolution (**Exhibit 5**). Commission staff visited the site in November 2000.

The development described in Section A, above, straddles the Coastal Zone jurisdictional boundary between the City of Pismo Beach and the Coastal Commission. The City has a certified Local Coastal Plan (LCP). However, the Commission retains review authority for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled (20 PRC § 30519(a) and (b)). Lower portions of the seawall and stairway are periodically submerged, as verified by Commission and City staff who visited the site in November 2000. Accordingly, the seawall appears to be located on tidelands and therefore requires a coastal development permit from the Commission. The deck is located on top of the bluff. Although it extends out over the seawall, it is not on the sand or lower portion of the bluff and is not subject to wave action. Therefore, the deck is not located on tidelands and requires a coastal permit from the City.

The City of Pismo Beach Local Coastal Plan (LCP) was adopted by the City Council on January 23, 1981 and certified by the Coastal Commission on April 13, 1984. Coastal Permitting Procedures are contained in Chapter 17.124 of the LCP Zoning Ordinances. Other applicable language is contained in Chapter 17.078, Hazards and Protection (H) Overlay Zone (Drainage, Runoff, Erosion, Slopes, Hillside Regulations, Seismic, Blufftop Development, Shoreline Protection). Commission CDP applications are reviewed for consistency with Chapter 3 of the Coastal Act.

In a facsimile letter to Commission staff dated January 12, 2000 (**Exhibit 6**), Mr. Beko re-stated his earlier contention that prior to the construction of the seawall, the City and Commission were contacted and declined to participate in the permitting process for the seawall. He asserted that during the construction of the seawall he received multiple visits from various City officials but none from Commission staff.

In a letter to Mr. Beko dated February 5, 2001 (**Exhibit 7**), Commission staff extended until March 5, 2001 his deadline to resolve the alleged violation by: either 1) submitting evidence of a valid CDP or CDP waiver for the shoreline protective device constructed in the late 1980s; or 2) submitting a CDP application for both the seawall and any anticipated repairs to the seawall.

On February 18, 2001, Mr. Beko sent to Commission staff a letter in which he stated he was leaving to travel but when he returned on March 4, 2001 he would attempt to discuss with a knowledgeable person about applications or actions deemed appropriate (**Exhibit 8**).

On February 23, 2001, Commission staff responded with a letter notifying Mr. Beko that he must still submit an after-the-fact (ATF) CDP application by March 5, 2001 and enclosed a permit application package for his use (**Exhibit 9**). Mr. Beko failed to submit the application by the specified March 5 deadline.

In a letter dated June 28, 2001, the City of Pismo Beach formally requested that the Commission issue Mr. Beko a cease and desist order (**Exhibit 10**).

On July 12, 2001, Commission staff telephoned Mr. Beko and advised him of the potential monetary penalties he faced, if a cease and desist order were issued and Mr. Beko subsequently failed to comply with the order. In a letter to Mr. Beko dated July 20, 2001 staff memorialized this phone conversation and also informed Mr. Beko that because he still had made no firm commitment to file a CDP application, the Commission intended to initiate formal cease and desist order proceedings against him (**Exhibit 11**). The letter stated that the Commission would be sending him a formal Notice of Intent letter and outlined subsequent steps in the cease and desist order process. On July 27, 2001, Mr. Beko confirmed in a voicemail message to staff that he had received this letter.

While researching the alleged violation, Commission staff determined that the City issued a CDP for Mr. Beko's house on 11/20/85 (Case #52-CP-85 and 52-CZC-85). Neither the approved plans for the house nor the project description included the seawall or the deck. Thus, that permit did not authorize the seawall or deck. Subsequent searches of City and Commission records yielded no evidence of a CDP for the seawall or deck. The Commission has no documentary evidence of when the seawall or deck was built. Mr. Beko has stated that the seawall was built in 1986 and that the deck was built after the completion of the seawall but Mr. Beko does not recall the date.

In a letter to Mr. Beko dated September 4, 2001, Commission staff notified Mr. Beko that unless he provided evidence of a CDP for the deck by September 17, 2001, staff would add the deck to the cease and desist order proceedings (**Exhibit 12**). In a telephone conversation on September 20, 2001, Mr. Beko acknowledged receipt of this letter.

By letter dated September 18, 2001, Commission staff issued a notice of intent (NOI) to conduct cease and desist order proceedings for all unpermitted development on the property, including the deck (**Exhibit 13**). In a telephone conversation on September 26, 2001 Mr. Beko acknowledged receipt of

this letter. By letter dated October 3, 2001, Mr. Beko submitted a Statement of Defense to the allegations in the NOI (**Exhibit 14**).

**C. Resource Impacts**

All of the unpermitted development included in the violation description has been undertaken without a CDP or CDP waiver and without benefit of the Coastal Commission's review of potential impacts that the cited development might have on coastal resources. The unpermitted seawall, which is in the Commission's permit jurisdiction, raises issues with various policies of Chapter 3 of the Coastal Act, including Coastal Act Sections 30235 (Marine Environment) and 30253 (Development), as well as Sections 30251 (Visual Resources/Alteration of Natural Landforms) and 30212 (Public Access/Recreation). The unpermitted deck, which is in the City's permit jurisdiction, raises issues with provisions of the City's certified LCP. Because Mr. Beko has not submitted a complete permit application for the unpermitted development, the Commission lacks sufficient information to determine whether the development is consistent with the Coastal Act. However, the Commission finds that the unpermitted development has the potential for adverse impacts to coastal resources, as discussed more fully below.

**1. Impacts to Shoreline Processes**

Coastal Act Section 30235 states that:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Under this section, the Coastal Commission is required to approve a shoreline protective device only when necessary to protect an existing structure that is in danger from erosion. Further, if the Commission is required to approve a seawall, the seawall must be designed to eliminate or mitigate adverse impacts on sand supply and must be the least environmentally damaging design. The Commission cannot make a complete assessment of the consistency of Mr. Beko's seawall with this section of the Coastal Act without having a complete CDP application. Through the CDP application process the Commission would determine the necessity of the seawall, and would also determine whether the seawall has altered natural shoreline processes, such as the formation and retention of sandy beaches. Seawalls directly impede natural bluff retreat and addition of beach quality sand to the shoreline. No sandy beach exists directly in front of the Beko seawall, but material from the bluff face could contribute to beach formation nearby and mitigation for loss of this material would be considered.

Mr. Beko asserts that the seawall was constructed in response to erosion and was necessary to protect the residence. The only support that Mr. Beko has provided for this assertion is an October 16, 2000 letter from former City engineer, Mr. Harold Halldin, who recalled visiting Mr. Beko's property at the time of the construction of the seawall (**Exhibit 15**). In this letter, Mr. Halldin stated that at the time of the visit, he observed erosion on a neighbor's property (downcoast of the Beko property) caused by a storm drain and asserted that the erosion would expand onto Beko's property. This letter does not establish that Mr. Beko's house was in danger from erosion and that the seawall was necessary to protect the house from that danger. The letter does not provide any details about the extent, rate, or pattern of erosion. Nor does the letter discuss how the erosion might be addressed and what

alternatives there might be for preventing further erosion. If erosion resulted from a problem with the storm drain outlet (this outlet is visible in Photograph 4 of **Exhibit 2**) at the eastern end of the Beko property, this does not by itself establish that the Beko residence was in danger from erosion and required the protection of the seawall that was constructed. Furthermore, the scale of the original seawall and repairs/expansion may also be excessive, as there has been no assessment of whether a less environmentally damaging feasible alternative was possible or considered.

No seawall structure was depicted in the building plans for the Beko residence that were approved by the City of Pismo Beach in 1985. These plans required a minimum bluff edge setback of ten feet and the proposed setback for the residence depicted on the approved plans was 25 feet from the bluff edge. This appears to be the actual distance from the bluff edge of the Beko residence as it exists today. Thus, the setback from the bluff edge by itself does not suggest that the house is in danger from erosion. Finally, Section 30235 would not require the seawall as a means of protecting the deck. The deck was apparently built after the seawall and thus would not have been existing development at the time the seawall was built. Furthermore, the Commission has often interpreted Section 30235 to require the Commission to approve shoreline protection for **principle** structures only. The deck is an accessory structure and the Commission has found that in many instances, protection for such structures under Section 30235 is not required.

Without a permit application, the Commission cannot determine whether a seawall is necessary to protect Mr. Beko's residence. As a result, the unpermitted seawall may be unnecessary, may have adverse impacts on sand supply and may be larger and more environmentally damaging than necessary.

## **2. Impacts to the Bluff**

Coastal Act Section 30253(2) states that:

New development shall assure stability and structural integrity, and 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 that would substantially alter natural landforms along bluffs and cliffs.

The unpermitted seawall is inconsistent with this section because it is apparent that the bluff face and adjacent areas have been substantially altered where the seawall was installed. Refer to **Exhibit 2**, Site Photographs. Photograph 1 shows the unaltered bluff face adjacent to the Beko property, and natural sandstone terrace formations located along the base of and seaward of the bluff. The alteration consists of the bluff face excavation for the seawall, as well as the coverage with shotcrete (concrete that is applied by spraying) of the sandstone terraces in front of the base of the seawall, forming an additional layer of material along the length of the base of the seawall and steps extending seaward from the gated stairway in the middle of the seawall. Photograph 2 demonstrates that the construction of the stairway located in the middle of the seawall involved substantial excavation of the bluff, as evidenced by the extent of original bluff material that can be seen in the left portion of the photograph next to the open wedge that was excavated to form the descending stairway. Photograph 3 provides a closer view of the shotcrete and stairs covering the sandstone terraces. Photograph 5, which is a view looking vertically downward along the western (upcoast) side of seawall, shows that rough steps, evidently for access to the repair work, were cut out of the soil of the bluff face. Further, without additional information concerning the impacts of the seawall, the Commission cannot evaluate whether the seawall is contributing to erosion or geologic instability. When seawalls are required to be permitted under Section 30235, they must be designed to reduce adverse impacts to the surrounding bluff and sand.

Further, the unpermitted deck is subject to the provisions of the certified LCP for the City of Pismo Beach. These provisions establish bluff setbacks for decks and other accessory structures. The deck on Mr. Beko's property is inconsistent with these bluff setback requirements (see Chapter 17.102.140 of the Zoning Ordinance section of the City's LCP).

### **3. Impacts to Scenic Resources and Public Access**

The unpermitted development also raises issues regarding visual resources, alteration of natural landforms and public access. Section 30251 of the Coastal Act states, in part, that "[p]ermitted 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, [and] to be visually compatible with the character of surrounding areas." The seawall does not appear to be visible from nearby public roads or viewpoints. It is visible from the beach during low tides, which is the only time the beach is accessible. Although the amount of time during which the seawall is visible may be less frequent than on wide beaches, the seawall is visually imposing in comparison to the surrounding area, which is mostly in a natural state, free of shoreline protective structures. The development has resulted in alteration of natural landforms, as discussed in more detail above under Section 30253(2). Section 30212 of the Coastal Act, regarding public access, states, in part, that "[p]ublic access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects." The site is generally inaccessible except during low tide, at which time it can be reached by walking along the coast from the local public access at Florin Street, approximately 0.3-mile east (downcoast) of the Beko property. The coastal development permit for the residence required the recordation of an offer to dedicate lateral public access. The seawall may interfere with that lateral access. Without the additional information that would be included in a permit application, the Commission cannot evaluate whether the seawall is adversely impacting public access.

#### **D. Allegations**

The Commission alleges the following:

1. Norman Beko is the owner of the property located at 329 Indio Drive, Pismo Beach, CA, APN 010-192-011.
2. Mr. Beko has undertaken development, as defined by Coastal Act Section 30106, at the property, including construction of a seawall, repair and expansion of the seawall, and construction of a deck, without benefit of a coastal development permit.
3. No exemption from the permit requirements of the Coastal Act applies to the unpermitted development on the property.
4. In letters dated December 20, 2000, February 5, 2001, February 23, 2001 and July 20, 2001, and in telephone conversations on October 26, 2000 and July 12, 2001, Commission staff informed Mr. Beko that construction of the seawall and the repair and enlargement of the seawall required a CDP, and that failure to obtain a CDP prior to construction and repair/enlargement activities constituted a violation of the Coastal Act. The letter dated July 20, 2001 informed Mr. Beko that the Commission intended to initiate cease and desist order proceedings against him, and outlined steps in the cease and desist order proceedings.

5. In a letter dated September 4, 2001, Commission staff informed Mr. Beko that it had determined that the deck located at the western bluff edge of his property also was apparently unpermitted, and, consequently, would be included within the scope of the cease and desist order proceedings.
6. In a letter dated June 28, 2001 the City of Pismo Beach formally requested the Commission to issue Mr. Beko a cease and desist order.
7. Because Mr. Beko failed to submit a CDP application, on September 18, 2001, Commission staff sent Mr. Beko a notice of intent to commence cease and desist order proceedings letter.

Mr. Beko does not contest any of the above allegations, except to the extent that he asserts that the City gave him permission to construct the seawall and the deck without permits.

**E. Violator's Defense and Commission Response**

**Mr. Beko's Defense:**

1. "I have a retaining wall and a deck installed on that wall. Both were built with the permission of the City of Pismo Beach- neither requiring a permit according to the staff at that time. I do not believe that it is my responsibility to go beyond the authority of the City of Pismo Beach regarding obtaining permits."

**Commission's Response:**

Mr. Beko asserts that he was not required by the City to obtain permits for the seawall or deck and that the City gave its permission for construction of both structures. The only support Mr. Beko provides for this assertion is an October 16, 2000 letter from former City engineer Mr. Harold Halldin (**Exhibit 15**) that states "At that time permits were not issued by the engineering or building department for bluff protection because of liability problems the City might incur if a seawall failed at some time in the future." This letter does not state that the City gave Mr. Beko permission to build the seawall or deck. Nor does it state that the engineer told Mr. Beko he could construct without permits or that permits were not required. In fact, the letter could be read to mean that the City refused authorize the construction of seawalls at that time.

To the extent the engineer's letter could be interpreted as an assertion that in 1986 the City allowed landowners to build seawalls without permits, the engineer offers no evidence of such a policy. Furthermore, such a policy is contrary to both the Coastal Act and the Coastal Permitting Procedures of Chapter 17.124 of the 1984 Commission-certified Local Coastal Program (LCP) of the City of Pismo Beach. A City engineer cannot obviate the requirements of the Coastal Act and an LCP by providing information directly contrary to the law. In a letter dated November 19, 2001 the City of Pismo Beach states that City staff has reviewed Mr. Halldin's letter, as well as all Planning, Building, Engineering and Finance files (**Exhibit 16**). City staff has found no evidence that a Coastal Development Permit or Building Permit was issued for the existing seawall or deck, no evidence that the City granted a waiver or exemption for these structures, and no evidence that the City participated financially in the construction of the existing seawall.

Finally, in their letter to the Commission dated June 28, 2001, the City of Pismo Beach cited the coastal permit requirements of its LCP and formally requested that the Commission assume primary

responsibility for issuing a cease and desist order to Mr. Beko, directing him to refrain from further violations of the City's LCP and to obtain permits to authorize the retention and/or removal of the existing unpermitted development (**Exhibit 10**). This certainly demonstrates that the City does not have a policy of allowing unpermitted construction of seawalls.

**Mr. Beko's Defense:**

2. Mr. Beko writes in Item 3 of his October 3, 2001 statement of defense letter (**Exhibit 14**) that Commission staff stated to him "that I should have not accepted the authority of Pismo Beach regarding the permit process. I am not aware of any legal process that requires me to comply with that statement."

**Commission's Response:**

Commission staff does not know what statement Mr. Beko is referring to in this defense. The Commission interprets this defense as an assertion that Mr. Beko was entitled to rely on the City and the City somehow authorized him to build the seawall and deck. The City does have the authority to issue coastal development permits pursuant to its certified LCP. Thus, Mr. Beko would be entitled to rely upon a City CDP for development within the City's jurisdiction. However, Mr. Beko has not obtained a CDP for the seawall, the deck or the seawall repair and expansion. Therefore, there is no exercise of City authority for Mr. Beko to rely on. Further, Mr. Beko's assertions that the City told him no permits were required has not been substantiated, as discussed in greater detail above.

**Mr. Beko's Defense:**

3. The seawall was constructed within Mr. Beko's property line with the permission of the City of Pismo Beach as part of a "public works project, proven by the fact that the City paid for part of the construction" as confirmed in the letter from Mr. Harold Halldin, former city engineer (**Exhibit 15**). Construction was therefore in compliance with the requirements that were appropriate at that time.

**Commission's Response:**

Mr. Halldin's letter neither asserts nor confirms that the construction of the seawall on Mr. Beko's property was part of a "public works project." Mr. Halldin's letter states that he observed extreme erosion on the property of Mr. Beko's southern (i.e., downcoast) neighbor, caused by a City storm drain, that "would soon expand into Beko's property." The letter states "I believe Beko asked and received financial assistance from the City when he was building the seawall." However, Mr. Beko has not submitted any concrete evidence that he requested financial assistance from the City or that the City paid for, contributed to, or otherwise participated in the construction of the seawall. Further, the Coastal Act requires a CDP for all development, regardless of whether the development is undertaken, or financially supported by, a local government.

The City of Pismo Beach has reviewed all Planning, Building, Engineering and Finance files and has found no evidence that a Coastal Development Permit or Building Permit was issued for the existing seawall or deck, no evidence that the City granted a waiver or exemption for these structures, and no evidence that the City participated financially in the construction of the existing seawall (**Exhibit 16**).

**Mr. Beko's Defense:**

4. In response to a neighbor filing a complaint that Mr. Beko's deck had been built without a permit, city staff visited the site and publicly acknowledged that a permit was not required and that Mr. Beko was not violating any ordinance.

**Commission's Response:**

Mr. Beko has provided no additional information regarding the date of this visit or the names of City staff that visited his property.

In the summer of 2001, the City of Pismo Beach conducted a search of City planning files and found no evidence of a formal complaint having been filed with the City regarding the deck on Mr. Beko's property. Mr. Randy Bloom, Community Development Director for the City of Pismo Beach, has informed Commission staff that a formal complaint regarding the deck would have been memorialized in an official complaint form, which in turn would have triggered an official notice from the City to Mr. Beko that a CDP was required for the deck.<sup>2</sup> Thus, there is no evidence that such a site visit occurred.

Furthermore, Mr. Beko's assertion that he received verbal authorization for the deck from City officials during a visit to the site is not sufficient evidence of a permit or permit waiver for the deck.

**Mr. Beko's Defense:**

5. "I understand that when the wall and deck were built, that the City had jurisdiction of the construction process as long as we were above the mean high tide"; in his statement of defense letter Mr. Beko provides a 1955 survey of the Ordinary High Water Mark as proof that the subject development was and is above the mean high tide line. "During the process, the City decision could have been appealed [by the Commission] but wasn't until 15 years later...Just because new people or new regulations exist, I do not believe that they can be applied retroactively."

**Commission's Response:**

The Commission does not know whether the seawall was located on tidelands at the time it was constructed. The 1955 survey does not demonstrate the location of the mean high tide line in 1986, at the time Mr. Beko constructed the seawall. In any event, Mr. Beko did not apply for a CDP at the time he constructed the seawall. The fact that the seawall may have been in the City's jurisdiction at the time it was constructed is irrelevant since Mr. Beko did not obtain a CDP from the City.

Mr. Beko asserts that the Commission is too late in appealing the City's decision to allow construction of the seawall in 1986. The Commission is not appealing any City decision; rather, it is addressing a violation of the Coastal Act that it recently discovered. Further, there is no City decision to be appealed in this matter because the City did not approve a CDP. If the seawall was located in the City's jurisdiction at the time it was constructed, Mr. Beko was required to obtain a formal approval in the form of a CDP, which could then be appealed. Mr. Beko was also required to obtain a permit from the City prior to constructing the deck. Mr. Beko's failure to comply with the permit process and obtain a

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<sup>2</sup> Telephone conversation between Commission staff member Sheila Ryan and Community Development Director Bloom on October 15, 2001.

CDP from the City prior to constructing the seawall and the deck deprived the public and the Coastal Commission of an opportunity to file an appeal.

The Commission is not imposing a new requirement retroactively. The Coastal Act was enacted in 1976. The Coastal Act permit requirements were included in statute at that time. The seawall was built in 1986 and the deck sometime after that. The seawall was repaired and expanded in 2000. Clearly the permit requirements applied at the time the seawall and deck were constructed, and at the time the seawall was repaired and expanded. Thus, the Commission is not imposing new requirements. Rather, it is issuing this cease and desist order to remedy a series of violations of the permit requirements of the Coastal Act. These are not new requirements; they are requirements that Mr. Beko failed to comply with in 1986 and 2000 and sometime in between when the deck was constructed.

**Mr. Beko's Defense:**

6. "The City stated [in its Stop Work order] that I was adding a seven-foot extension to the existing wall, which is incorrect. I was merely replacing the wood portion of the concrete/wood wall with concrete, and replacing the wood/steel supports with concrete, both for safety reasons since the wall and the supports were collapsing. Now, should these walls or deck collapse, I presume that the ensuing damages to property or life will become both the Commission's and the City's liability."

**Commission's Response:**

Regardless of whether the repair work extended the height of the seawall or replaced existing portions of the wall, the City informed Mr. Beko in their August 15, 2000 Stop Work order that permits were required for the construction on his property. The City further emphasized this to Mr. Beko in a letter dated September 6, 2000, which memorialized the issuance of the Stop Work order and requested that he begin resolution of the matter within 10 days of the date of the letter (by September 16, 2000). If Mr. Beko believed that a dangerous condition existed on his property, he could have sought an emergency coastal development permit. Otherwise, Mr. Beko can raise issues of safety (e.g., the need for the wall or concrete supports, etc.) in the permit process.

**Mr. Beko's Defense:**

7. The Commission has committed selective enforcement. "During that era when my wall and deck were built, several walls were built under the same guidelines, including some by the city who gave me the name of the company who built all these walls. How can you apply a retroactive rule to one wall and not all the others?"

**Commission's Response:**

Mr. Beko is the subject of the enforcement action because of his failure to apply for a CDP for his development. Review of City files indicated that several seawalls have been permitted on the 100, 200 and 400 blocks of Indio Drive properties near the Beko property at 329 Indio Drive. The Commission does not have any evidence that unpermitted seawalls have been constructed in this area. This does not mean that unpermitted structures do not also exist in the vicinity. Mr. Beko has not identified with specificity (i.e., provided addresses or locations) other seawalls that he claims are unpermitted. Detailed assertions regarding alleged violations of the Coastal Act on properties in the vicinity of the subject property have not been provided to Commission staff, but would be investigated if Mr. Beko

wishes to provide such information. Furthermore, the Commission's exercise of its cease and desist order authority pursuant to Section 30810 of the Coastal Act is discretionary.

**Mr. Beko's Defense:**

8. "I am also not aware of any environmental harm as a result of this wall."

**Commission's Response:**

The Commission does not have to establish that there has been a harm to the environment for it to enforce violations of the permit requirements of the Coastal Act. After a complete application for a CDP is filed, the Commission reviews the consistency of the development with the standards and policies of the Coastal Act. As discussed in Section IV.C of these findings, Mr. Beko's unpermitted development could be inconsistent with several Chapter 3 policies of the Coastal Act and thus, could potentially be causing adverse impacts to coastal resources.

**V. CEASE AND DESIST ORDER**

Staff recommends that the Commission issue the following cease and desist order:

Pursuant to its authority under PRC § 30810, the California Coastal Commission hereby orders Norman Beko, all his agents and any persons acting in concert with any of the foregoing to cease and desist from: (1) engaging in any further development activity on his property without first obtaining a coastal development permit which authorizes such activity; and (2) continuing to maintain any development on his property that violates the California Coastal Act, including the deck on the western bluff top and the entire seawall, including the central stairway. Accordingly, all persons shall fully comply with paragraphs A, B and C as follows.

- A. Refrain from engaging in any development activity at the property without first obtaining a coastal development permit that authorizes such activity.
- B. (1) Within 60 days of the date of this order, submit to the Commission for review and approval a complete coastal development permit applications for either: (a) the removal of the seawall, including the central stairway, and restoration of the property to its pre-violation state; or (b) the after-the-fact authorization for the seawall.  
  
(2) Within 60 days of the date of this order, submit to the City for review and approval a complete coastal development permit application for either: (a) the removal of the deck and restoration of the property to its pre-violation state; or (b) the after-the-fact authorization for the deck. At the same time this application is submitted to the City, submit a copy to the Commission.  
  
(3) Within 60 days of the date of City or Commission denial, in whole or in part, of an application for after-the-fact authorization of the development, submit a complete coastal development permit application for the removal of the denied development, and restoration of the site to its pre-violation condition.

(4) Subject to the action of the City or Commission on any application for after-the-fact authorization of the development, the restoration application shall include, but not be limited to: (a) a grading plan for the restoration of the property to its pre-violation topography; (b) a revegetation plan for the coverage with native vegetation of disturbed areas of the property that supported vegetation prior to the unpermitted activities; and (c) an implementation and monitoring plan schedule that shall provide for follow-up planting should the initial revegetation fail to cover 90 percent of the disturbed areas within 120 days of the completion of the restorative grading.

C. Fully comply with the terms, conditions and deadlines of any coastal development permit for the restoration and/or development of the property as the City or Commission may impose.

#### IDENTIFICATION OF THE PROPERTY

The property that is the subject of this cease and desist order is described as follows:  
329 Indio Drive, Pismo Beach, CA, APN 010-192-011

#### DESCRIPTION OF UNPERMITTED DEVELOPMENT

Unpermitted 1) construction of a shoreline protective device (seawall, including the central stairway), 2) repair and expansion of seawall and 3) construction of deck.

#### TERM

This order shall remain in effect permanently unless and until rescinded by the Commission.

#### FINDINGS

This order is issued on the basis of the findings adopted by the Commission on December 13, 2001, as set forth in the attached document entitled "Proposed Findings for Cease and Desist Order No. CCC-01-CD-02."

#### COMPLIANCE OBLIGATION

Strict compliance with this order by all parties subject thereto is required. Failure to comply strictly with any term or condition of this order including any deadline contained in this order or in the above required coastal development permit(s) as approved by the Commission will constitute a violation of this order and may result in the imposition of civil penalties of up to six thousand dollars (\$6,000) per day for each day in which such compliance failure persists. Deadlines may be extended by the Executive Director for good cause. Any extension requests must be made in writing to the Executive Director and received by Commission staff at least 10 days prior to expiration of the subject deadline.

#### APPEAL

Pursuant to PRC § 300803(b), any person or entity against whom this order is issued may file a petition with the Superior Court for a stay of this order.

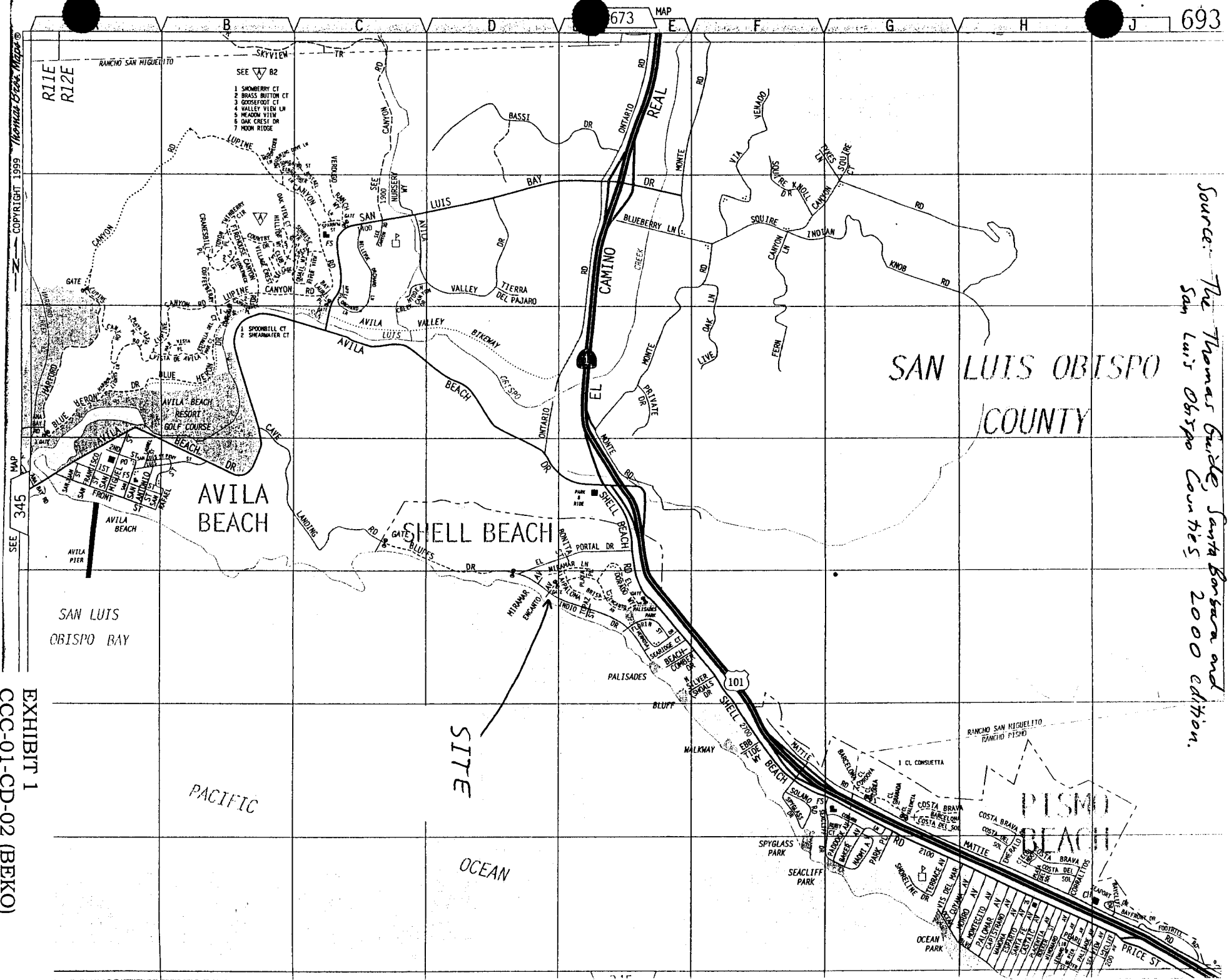
**Exhibits**

1. Locus map for the subject property.
2. Photographs of the violation.
3. Notice of violation letter from Commission to Mr. Beko dated December 20, 2000.
4. Stop Work order issued by City of Pismo Beach to Norman Beko on August 15, 2000.
5. Letter dated September 6, 2000 from City of Pismo Beach memorializing August 15, 2000 Stop Work order issued to Mr. Norman Beko.
6. Facsimile letter dated January 12, 2001 from Mr. Beko to Commission staff.
7. Letter dated February 5, 2001 from Commission to Mr. Beko, granting time extension until March 5, 2001 for Mr. Beko to submit evidence of a valid CDP or CDP waiver or application for after-the-fact CDP.
8. Letter dated February 18, 2001 to Commission from Mr. Beko.
9. Letter to Mr. Beko dated February 23, 2001, reiterating deadline of March 5, 2001.
10. Letter dated June 28, 2001 from City of Pismo Beach formally requesting Commission to issue a cease and desist order to Mr. Beko.
11. Letter dated July 20, 2001 memorializing July 12, 2001 phone conversation with Mr. Beko and stating Commission's intent to proceed with formal cease and desist order proceedings.
12. Letter from Commission to Mr. Beko regarding unpermitted deck dated September 4, 2001.
13. Notice of Intent to commence cease and desist order proceedings letter dated September 18, 2001.
14. Statement of defense letter from Mr. Beko to Commission, dated October 3, 2001.
15. Letter from former City of Pismo Beach engineer Harold Halldin dated October 16, 2000.
16. Letter dated November 19, 2001 from City of Pismo Beach regarding Mr. Halldin's letter.



COPYRIGHT 1999 Thomas Bros. Maps  
MAP 345 SEE

EXHIBIT 1  
CCC-01-CD-02 (BEKO)



Source: The Thomas Guide, Santa Barbara and San Luis Obispo Counties, 2000 edition.



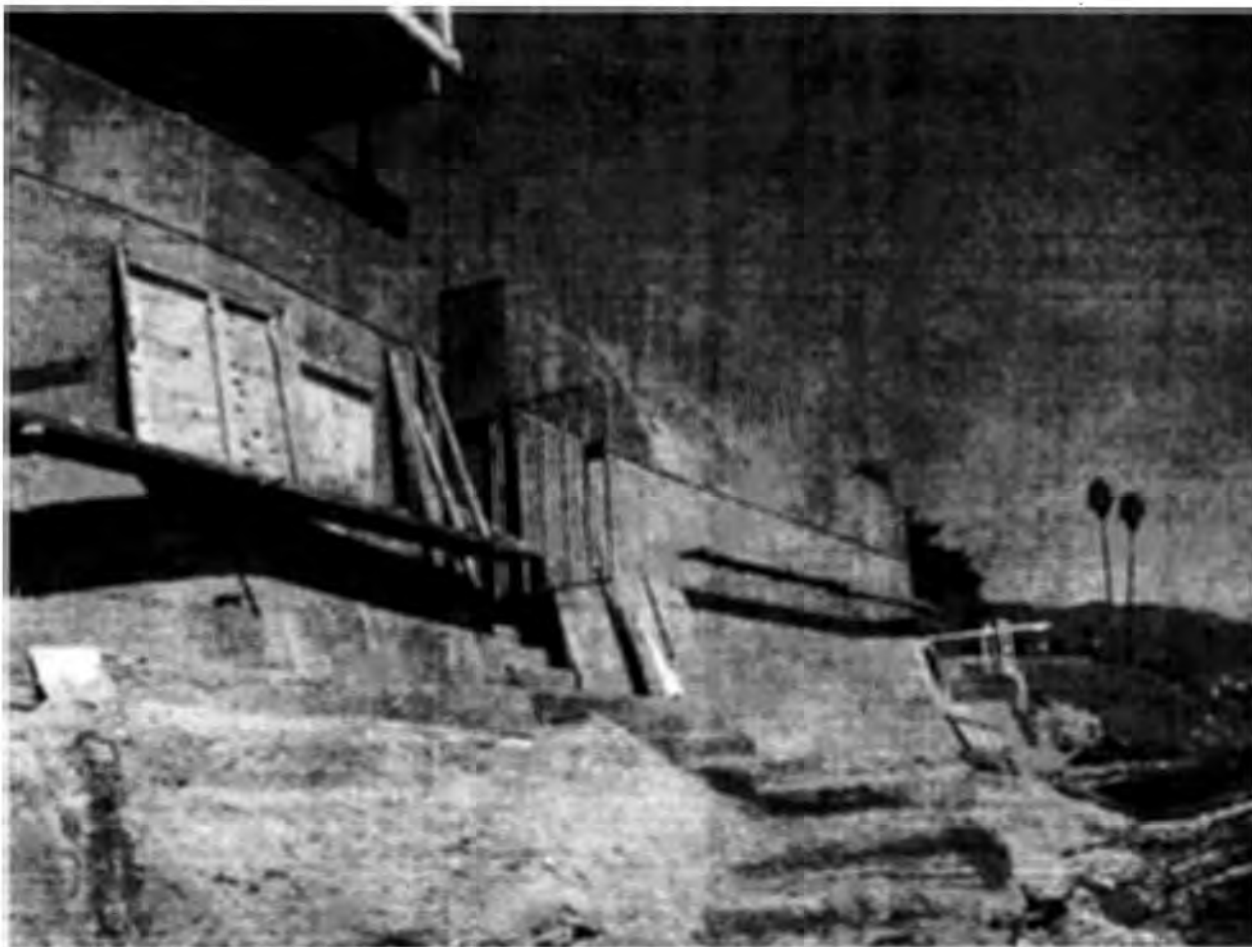
Source: City of Pismo Beach Police Department

Photograph 1. View is to northeast. Note unaltered bluff face to left of seawall and deck. Natural layered sandstone terraces are visible along the bottom portion of the photograph. The base of the seawall extends seaward over the sandstone in a layer of shotcrete (sprayed concrete). Rough concrete steps (circled in photograph) also extend seaward from the gated stairway in the middle of the seawall.



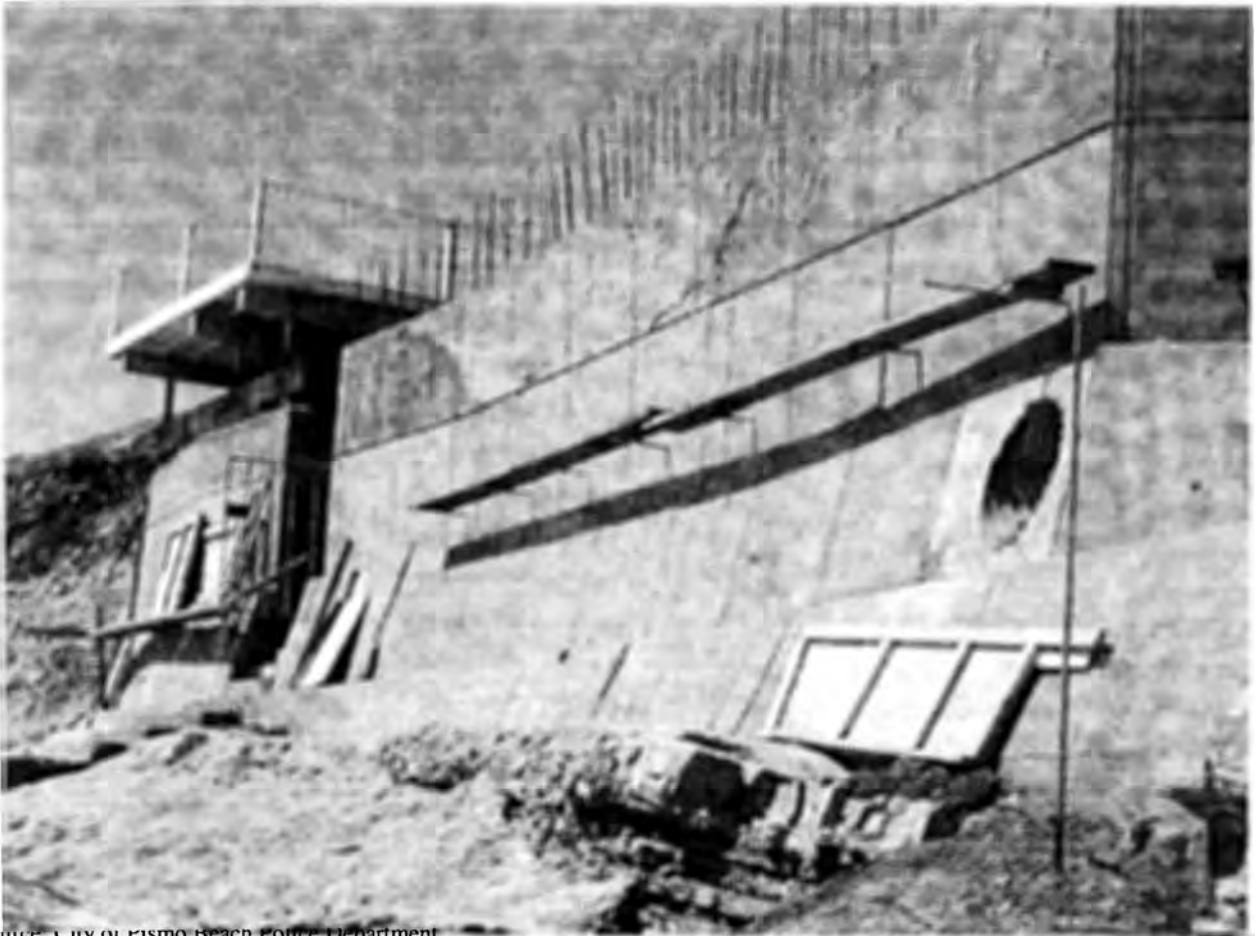
Source: City of Pismo Beach Police Department

Photograph 2. View looking down stairway in middle of seawall.



Source: City of Pismo Beach Police Department

Photograph 3. View of base of seawall; the natural sandstone (visible at far right) is covered by a layer of shotcrete and stairs extending from the gated stairway in the middle of the seawall.



Source: City of Pismo Beach Police Department

Photograph 4. View is to northwest. The storm drain outlet is visible at the far right of the photograph. The deck is visible on the top of the seawall at the far left of the photograph.



Source: City of Pismo Beach Police Department

Photograph 5. View looking vertically down from deck, along western edge of seawall. Rough steps cut into the bluff are visible in the bottom center portion of photograph, to the left of dry vegetation on bluff edge.

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
ENFORCEMENT DIVISION  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877



VIA CERTIFIED MAIL (RECEIPT P 437 924 276)

**December 20, 2000**

Norman Beko  
329 Indio Drive  
Pismo Beach, CA 93449

Property Location: 329 Indio Drive, Pismo Beach, CA 93449 (APN 010-192-011)  
Subject Activity: Alleged Unpermitted Development (Seawall)  
Violation File: V-3-00-029

Dear Mr. Beko,

In a telephone conversation with you on October 26, 2000, I explained that I had received a report of a seawall being constructed without a coastal permit at a property at 329 Indio Drive, Pismo Beach, CA. You confirmed that you were the property owner and that you did not have a permit for doing what you described as maintenance of a seawall. You also indicated you did not have a coastal development permit (CDP) for the construction of the seawall itself. You said that the City of Pismo Beach (City) approved the construction of the seawall without a permit. You went on to say that the City Public Works Director, Dave Watson, told you at the time the seawall was constructed that the City was not issuing permits for the seawall due to potential liability concerns. In addition, you stated that Mr. Watson told you that the Commission was disinterested in permits for seawalls.

Since our discussion, I have been sent a copy of a letter dated September 6, 2000 to you from Don Moore, Building Inspector for the City. In that letter, the City asked you to stop all work on the seawall. In a visit to a neighboring property location on November 8, 2000, Commission staff observed an existing seawall and maintenance equipment at your property for repairing a seawall.

Section 30600(a) of the California Coastal Act states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a coastal development permit. Development is broadly defined by Section 30106 of the Coastal Act:

V-3-00-029

EXHIBIT 3  
CCC-01-CD-02 (BEKO)  
Page 1 of 3

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).*

*As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.*

The above-described activity constitutes "development" in that it involves the placement of a structure or solid material on land, and therefore requires a coastal development permit.

Please be advised that any development activity performed without a CDP constitutes a violation of the California Coastal Act's permitting requirements. In order to maintain compliance with Coastal Act requirements, you are hereby notified to **stop immediately all work** on the property which requires a CDP including any additional maintenance activities. If you believe you have a CDP for the above described activity, please submit a copy or evidence of this by **January 12, 2001**. For your information we have reviewed our records and can not find any CDPs that have been issued to permit the work you have carried out on your property. If you cannot produce permits for the constructed seawall, we need to discuss how you will receive permit decisions after-the-fact from both the City and the Commission for the cited development.

Please contact me in the Central Coast Office Enforcement Division no later than **January 12, 2001** to let me know of your course of action. All correspondence and communication regarding this matter should be directed to me at the address and phone number above. If we do not hear from you by January 12, 2001, we may be obligated to refer this case to our Statewide Enforcement Unit in San Francisco for appropriate formal action.

V-3-00-029

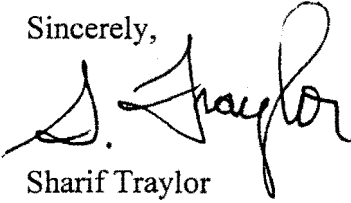
Mr. Beko

December 20, 2000

Page 3

Thank you for your anticipated cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Traylor". The signature is fluid and cursive, with a large loop at the end.

Sharif Traylor  
Enforcement Analyst  
Central Coast District Office

cc: Charles Lester, District Manager, Central Coast District Office  
Nancy Cave, Supervisor, California Coastal Commission Enforcement Program  
Randy Bloom, Community Development Director, City of Pismo Beach

# STOF WORK

Name: NORM BEKO

Address: 329 JAWAIO

NOTICE, You are hereby ordered to stop all work.

ON CONSTRUCTION OF SEA  
WALL ON BLUFF FACE  
PERMITS ARE REQUIRED AND  
COASTAL + PLANNING + BUILDING  
DEPARTMENT APPROVALS ADDING  
7' IN HEIGHT TO EXISTING  
SEA WALL. ELECTRICAL WORK  
RECONSTRUCTING STRUCTURAL  
WORK TO EXISTING DECK.

ADDING 7' IN HEIGHT TO  
EXIST SEA WALL.

By: L. Don-Mable

Date: 8-15-00

City of Pismo Beach  
Building Department  
760 Mattie Road  
Pismo Beach, California 93449  
805 773-7040

## DO NOT REMOVE!



City of Pismo Beach, Building Department  
760 Mattie Road,  
Pismo Beach, CA 93449  
Tel: (805) 773-4657 • Fax: (805) 773-4684

September 6, 2000

Norman Beko  
329 Indio  
Pismo Beach CA. 93449

RE: Work without permits

Dear Mr. Beko,

As you are aware a stop work notice was issued on August 15, 2000 at the above address for the work started without approval from the Building Department, Planning Department of the City of Pismo Beach and the California Coastal Commission.

You are requested to begin the proper process towards resolution of this matter in person at the Building Department within ten days from the above date.

If you have not responded in the given time frame legal action will be started.

Sincerely,

A handwritten signature in cursive script that reads "Don Moore".

Don Moore, Building Inspector

12 January 2001

California Coastal Commission  
725 Front Street, #300  
Santa Cruz, Ca 95060

Sharif Taylor

Via fax only  
re: V-3-00-029

Through the City of Pismo Beach, this morning I received a copy of the letter that was sent, but not delivered, to me at my 329 Indio Drive residence.

In the first paragraph of your letter you referenced that I used "Dave Watson" in our discussions, which was incorrect. However, I did direct you to a recently written letter, created by the city engineer responsible in 1986-87, who was the individual that I recall had a working knowledge of the construction of our retaining wall. In that letter he not only stated that the city of Pismo Beach and the coastal commission was contacted and declined to participate in the permitting process, but that the City even participated financially, in its construction. As I further recall, during the construction of the retaining wall, we received multiple visits from various city officials but not one from the coastal commission.

As you know, if you inspected the property, we were "replacing" wood structures that had deteriorated or weakened during the past 15 + years with more structurally safe concrete in the exact same location and shape! This replacement was engineered to prevent a repeat of its decline and included tying the replacement concrete into the original concrete wall.

This letter will confirm to you that the cessation of the repair has resulted in a severe safety hazard both on the wall itself and especially on the now unsupported deck! The wood supports on the deck were decayed and partially replaced with concrete. Furthermore, should the normal inclimate weather continue, the serious degradation of the structure, partially completed and unsupported or anchored, is precarious. I cannot assume the liability created by the stop work orders and ask that you review the situation urgently to eliminate any accidents or liability.

Page 2

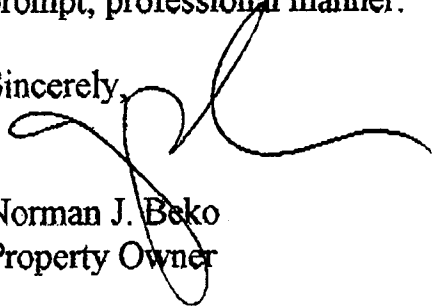
12 January 2001

Please do not construe the above as any sort of threat but merely a statement of fact, which hopefully, will not have to proven beyond congenial discussions between those responsible.

Please feel free to contact me at my office, 805-937-9063 at your earliest convenience, and should I not be available, please indicate when and where I can reach you, since I generally travel two weeks a month. However, time is very critical and delaying can cause a serious accident which no one wishes to happen. I hope and request that you and the city contact me or my architect, Steve Puglisi, at 805-773-0151 before Wednesday, 17 January.

Thank you for listening and I'll look forward to solving this issue in a prompt, professional manner.

Sincerely,



Norman J. Beke  
Property Owner

Cc: Mr. Randy Bloom  
City of Pismo Beach

Mr. Steve Puglisi

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
ENFORCEMENT DIVISION  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877



**SENT BY REGULAR AND CERTIFIED MAIL (RECEIPT P 437 924 277)**

**February 5, 2001**

Norman Beko  
329 Indio Drive  
Pismo Beach, CA 93449

Property Location: 329 Indio Drive, Pismo Beach, CA 93449 (APN 010-192-011)  
Subject Activity: Alleged Unpermitted Development (Seawall)  
Violation File: V-3-00-029

Dear Mr. Beko,

Thank you for your letter dated January 12, 2001 responding to my letter dated December 20, 2000. You state in your letter that the certified letter I sent December 20, 2000 was not delivered to your residence at 329 Indio Drive, Pismo Beach, CA 93449 and that you got a copy of the letter from the City of Pismo Beach. I sent my letter to the only identified address that I have for you. If this is not the appropriate address, please provide the correct address where you receive mail. You indicated that you travel frequently, and that might be why you did not receive our certified letter. For that reason, I am sending this letter both by regular and by certified mail to ensure your timely receipt.

Because you did not receive my letter dated December 20, 2000 until January 12, 2001, we are willing to change the previously recommended date to **March 5, 2001** for you to submit evidence of either a valid coastal development permit (CDP) for your shoreline protective device or to apply for an after-the-fact CDP for the constructed shoreline protective device and any contemplated repairs to that device.

Commission staff appreciates the letter dated October 16, 2000 from Mr. Harold A. Halldin, former engineer for the City of Pismo Beach. We do not agree that the letter absolves you of your responsibility as a landowner in the coastal zone for obtaining a CDP for the construction of a shoreline protective device. Unfortunately, the letter from the former City engineer is not a CDP or a waiver of CDP requirements for the constructed shoreline protective device. If the Commission issued a CDP for the seawall or a waiver of CDP requirements, you should have a copy of the issued CDP or waiver issued by the Commission. We have reviewed our records and show no evidence of a CDP being granted or a Waiver being granted for your address. If you

**V-3-00-029**

**EXHIBIT 7**  
**CCC-01-CD-02 (BEKO)**  
Page 1 of 3

have such evidence, please submit it to me at the above address by February 20, 2001. In any event, we show no evidence of contact from you in 1986-87, seeking to file an application for a CDP for the construction of a shoreline protective device. Additionally, we do not see any evidence of any contact from the City to the Commission concerning whether or not a CDP is required for the construction of a shoreline protective device at your property. Thus, we consider the constructed device to be unpermitted as it was constructed without a CDP, and we consider the repair projects underway to also require a permit from the Commission.

Section 30600(a) of the California Coastal Act states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a coastal development permit. Development is broadly defined by Section 30106 of the Coastal Act:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).*

*As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.*

The construction of a shoreline protective device constitutes "development" in that it involves the placement of a structure or solid material on land, and therefore requires a coastal development permit. Irrespective of the former City engineer's letter, you are obligated as the property owner to apply and receive coastal permits prior to carrying out the development activity. Our records do not show that you did so prior to constructing the wall in 1986-87.

Please be advised that any development activity performed without a CDP constitutes a violation of the California Coastal Act's permitting requirements.

In our previous letter we asked you to stop all unpermitted activity on your property unless and until you obtain a CDP authorizing the activity. In your letter dated January 12, 2001, you indicate a desire to continue construction at your property. For that reason, I urge you to either submit the requested evidence of a CDP or to apply as soon as possible for the Commission's

V-3-00-029  
Mr. Beko  
Februaryuary 5, 2000  
Page 3

after-the-fact permit consideration of your project. For your convenience, I have included a CDP application with this letter.

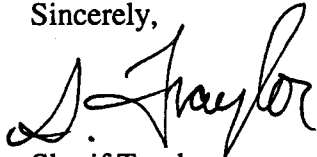
To resolve this matter, you should either:

- 1) Submit evidence of a valid CDP or CDP Waiver for the shoreline protective device constructed in the late 1980's by **March 5, 2001**; OR
- 2) Submit a CDP application for both the underlying device and any contemplated repairs for the constructed device by **March 5, 2001**.

If you have any concerns or questions concerning this letter, please do not hesitate to contact me at the address and phone number above. If I do not receive either of the requested items by March 5, 2001, I am obligated to inform you that I will be forced to elevate this case to our Statewide Enforcement Unit in San Francisco for formal enforcement action. Formal action may involve a hearing for the imposition of an enforcement order against you, or it may involve court action.

Thank you for your anticipated cooperation.

Sincerely,



Sharif Traylor  
Enforcement Analyst  
Central Coast District Office

cc: Nancy Cave, Supervisor, California Coastal Commission Enforcement Program

**RECEIVED**

FEB 22 2001

18 February 2001

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, Ca 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

re: V-3-00-029

Mr. Sharif Traylor:


I am in receipt of your 5 February letter, without the inclusions, since I do not pick-up certified mail, where I presume, you included the forms referenced.

As I mentioned, I travel extensively, and will return 4 March from this current trip. At that time, I will attempt to discuss with a knowledgeable person(s) about applications or actions deemed appropriate.

I was astonished that you did not even copy the City of Pismo Beach on the letter to me referenced above. I presume that you will correct this oversight during my absence! If we are to proceed to understand the issue, I hope you consider the City an integral part of our dialogue even though the tone of your letter seems to be the reverse. I am even more astonished that you have chosen to ignore the former city engineers comments on events that he and others witnessed. Incidentally, were you involved with the commission in 1986-87?

Thank you and I will contact as soon as possible.

Sincerely,



Norman J. Beko  
cc: City of Pismo Beach

EXHIBIT 8  
CCC-01-CD-02 (BEKO)

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
ENFORCEMENT DIVISION  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877



VIA REGULAR AND CERTIFIED MAIL (RECEIPT P 764 082 851)

February 23, 2001

Norman Beko  
329 Indio Drive  
Pismo Beach, CA 93449

Property Location: 329 Indio Drive, Pismo Beach, CA 93449 (APN 010-192-011)  
Subject Activity: Alleged Unpermitted Development (Seawall)  
Violation File: V-3-00-029

Dear Mr. Beko,

Today I received your letter dated February 18, 2001, responding to my letter dated February 5, 2001. Enclosed is an application for an after-the-fact coastal development permit (CDP). For your information, you can request an application by contacting any district office of the California Coastal Commission. Please be advised that you must submit a CDP application for the cited shoreline protective device and any repairs for the constructed device by March 5, 2001. As I have indicated to you in previous correspondence, if I do not receive the requested CDP application by March 5, 2001, I will be forced to elevate this case to our Statewide Enforcement Unit for formal enforcement action.

Thank you for your anticipated cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Traylor".

Sharif Traylor  
Enforcement Analyst  
Central Coast District Office

cc:

Nancy Cave, Supervisor, California Coastal Commission Enforcement Program

V-3-00-029

EXHIBIT 9  
CCC-01-CD-02 (BEKO)



**City of Pismo Beach**  
**Community Development Department**  
**Planning Division/ Building Division/ Recreation Division**

760 Mattie Road, Pismo Beach, CA 93449  
Phone (805) 773-7089 Fax (805) 773-4684

June 28, 2001

Sharif Traylor  
California Coastal Commission  
Central Coast District Office  
Enforcement Division  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

RE: Norman Beko, 329 Indio Drive - Un-permitted Seawall Addition

The Community Development Department of the City of Pismo Beach has determined that Norman Beko has undertaken activities, On his property at 329 Indio Drive, Pismo Beach, that are in violation of Chapter 17.124 (Coastal Permitting Procedures) of the Commission certified 1983 Local Coastal Program (LCP) of the City.

Accordingly, pursuant to Section 30810 (a) (1) of the Cal. Pub. Res. Code, the city of Pismo Beach hereby requests the Coastal Commission to assist with or assume primary responsibility for issuing a Cease and Desist Order to Beko, directing him to refrain from further violations of the City's LCP and obtaining permits to authorize the retention and or/ or removal of the existing un-permitted development.

A Stop Work Order was issued by the Pismo Beach Building Division on August 15, 2000.

If you need assistance please call me at (805) 773-7089 or the Building Department at (805) 773-4684.

Sincerely,

Randy Bloom,  
Community Development Director

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VICE AND TDD: (415) 904-5200  
FAX: (415) 904-5400



**July 20, 2001**

Norman Beko  
329 Indio Drive  
Pismo Beach, CA 93449

Property Location: 329 Indio Drive, Pismo Beach, CA 93449 (APN 010-192-011)  
Subject Activity: Alleged Unpermitted Development (Seawall)  
Violation File: V-3-00-029

Dear Mr. Beko,

This letter memorializes the telephone conversation I had with you on July 12, 2001 and informs you of our intent to initiate cease and desist order proceedings to address the unpermitted shoreline protective device (i.e., the seawall) on your property at 329 Indio Drive in Pismo Beach, California. As I indicated in our conversation, I will be handling your violation case now that it has been elevated to the Commission's Headquarters for formal enforcement action.

The seawall on your property is "development" in that it involves the placement of a structure or solid material on land, and as such requires a Coastal Development Permit (CDP). I advised you that you could submit a CDP application for either retention or removal and that your submittal of such an application would be the preferred course of action at this time. You then asked if I had read the letter from the former engineer for the City of Pismo Beach, and I responded affirmatively.

As I stated to you in our conversation and as Commission staff has previously informed you in a letter dated February 5, 2001, the October 16, 2000 letter from Mr. Harold A. Halldin, former engineer for the City of Pismo Beach does not absolve you of the requirement that you obtain a CDP for the shoreline protective device. The letter from the former City engineer simply asserts the engineer's current opinion that the Commission was not interested in seawalls during the time that you constructed your seawall. This in no way constitutes a CDP or a waiver of CDP requirements for the seawall. You are obligated as the property owner to be aware of all permitting and legal requirements for your property and to apply for and receive coastal permits prior to carrying out any contemplated development activity.

EXHIBIT 11  
CCC-01-CD-02 (BEKO)  
Page 1 of 3

V-3-00-029

You asked what must be included in a CDP permit application for the seawall, specifically whether a geology report would be required for a CDP application. I offered to facilitate contact with planning staff at the Central Coast District office so that they could answer this and other specific questions about the application.

Commission staff has been in communication with you since October 26, 2000 about the need to file a CDP for this development. The City of Pismo Beach also issued you a Stop Work Order on August 15, 2000 because your project lacked a CDP for the portion of the seawall within the City's jurisdiction. The Commission has since received a letter from the City of Pismo Beach, formally requesting our assistance in directing you to 1) refrain from further violations of the certified City of Pismo Beach Local Coastal Program, and 2) to obtain a coastal development permit from the City to authorize the retention and/or removal of the portion of the unpermitted seawall within their jurisdiction.

Although you asked about the information requirements associated with a permit application, you did not agree to submit an application. Therefore, we intend to initiate the cease and desist order process. We will first send you a Notice of Intent (NOI) letter. This letter will summarize the alleged violations to date and formally notify you of our intent to schedule a cease and desist order for a Commission hearing. The NOI letter will include a Statement of Defense form, which you may use to provide your defenses to the Commission staff's allegations as set forth in the NOI letter. The NOI letter will also inform you of the date when a Commission hearing on the issuance of a Cease and Desist order is expected to take place, and will describe the specific requirements of a Cease and Desist Order.

During our phone conversation, I advised you that if a Cease and Desist Order is issued and you subsequently fail to comply with the order, you could be subject to a penalty of \$6,000 per day for each day that you are in violation of the order. This penalty is in addition to a penalty of up to \$30,000 for the construction of the seawall, and a penalty of up to \$15,000 per day from the date of construction of the seawall (as restricted by a 3-year statute of limitations) if it is found that you knowingly and intentionally constructed the seawall in violation of the Coastal Act.

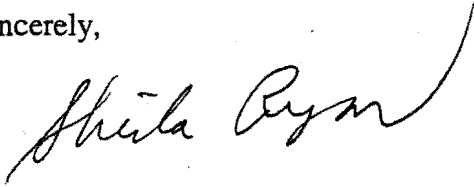
If you intend to file the CDP application, I advise you to call our Central Coast office at 831-427-4863 to make an appointment for a pre-application meeting with the staff assigned to projects in the City of Pismo Beach at the Central Coast office in Santa Cruz. The purpose of such a meeting would be to discuss the requirements of the application, to discuss any specific questions and concerns you may have about the application packet, and to determine exactly what materials and reports will be necessary for a complete application. This meeting could also cover the Commission's standards of review for your application if that would be helpful to you.

If you have any questions about this letter, please do not hesitate to contact me at 415-904-5272.

Thank you.

V-3-00-029  
Mr. Beko  
July 20, 2001  
Page 3

Sincerely,

A handwritten signature in cursive script, appearing to read "Sheila Ryan".

Sheila Ryan  
Headquarters Enforcement Officer

cc: Amy Roach, Chief, California Coastal Commission Enforcement Program  
Sharif Traylor, Central Coast  
Charles Lester, Central Coast  
Nancy Cave, Northern California Supervisor

## CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
TELEPHONE AND TDD (415) 904-5200



September 4, 2001

Norman Beko  
329 Indio Drive  
Pismo Beach, CA 93449

**SUBJECT: Coastal Act Violation File No. V-3-00-029**  
**Property address - 329 Indio Drive, Pismo Beach, CA 93449**  
**APN 010-192-011**

Dear Mr. Beko:

In the course of our investigation of the unpermitted seawall on your property, Commission staff has discovered that the deck located at the western bluff edge of your property does not appear to have been authorized by a Coastal Development Permit (CDP). Record searches at the Commission and the City of Pismo Beach found no evidence of a coastal development permit being granted for the deck. Section 30600(a) of the California Coastal Act states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a coastal development permit. The deck constitutes development as defined by Section 30106 of the Coastal Act in that it involves the placement of a structure or solid material on land, and therefore requires a CDP.

A review of the approved 1985 CDP for your house at 329 Indio Drive indicated a minimum required bluff setback of ten feet; the approved site plans indicated a 25-foot setback from the bluff edge for the house. No deck structure similar to the existing deck located at the western bluff edge was indicated on the approved plans for your house. This deck is partially resting on and supported by the unpermitted seawall on your property. Examination of aerial photographs indicated that this deck was constructed after 1987 but prior to 1993, i.e., some time after the construction of your house. This subsequent development required a separate CDP.

If you have records that indicate a CDP was issued for this deck, please provide me with a copy by September 17, 2001. You may also contact Mike Watson of the Commission's Central Coast District office at 831-427-4863, reference case number V-3-00-029 and indicate to him that you wish to file a CDP application for the deck. If you cannot provide evidence that a permit was issued for this deck, staff will include this development in the cease and desist order proceedings that we intend to initiate concerning the construction, repair, and enlargement of the unpermitted seawall on your property. The Commission staff intends to continue with the cease and desist order process that was outlined to you in our letter dated July 20, 2001, beginning with a Notice of Intent letter that will be mailed to you in mid-September.

Please call me at 415-904-5272 if you have any questions about this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sheila Ryan".

Sheila Ryan  
Headquarters Enforcement Officer

cc: Amy Roach, Chief of Enforcement  
Nancy Cave, Northern California Supervisor, Enforcement Program  
Charles Lester, Central Coast District Manager  
Sharif Traylor, Central Coast Enforcement Officer  
Mike Watson, Central Coast Permit Analyst

EXHIBIT 12  
CCC-01-CD-02 (BEKO)

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200

**VIA REGULAR AND CERTIFIED MAIL**

September 18, 2001

Norman Beko  
329 Indio Drive  
Pismo Beach, CA 93449

**SUBJECT: Coastal Act Violation File No. V-3-00-029**  
**Property address - 329 Indio Drive, Pismo Beach, CA 93449**  
**APN 010-192-011**

Dear Mr. Beko:

The California Coastal Commission hereby notifies you of its intent to commence a Cease and Desist Order proceeding to address unpermitted development on your above-referenced property. Under the regulations of the Commission which govern such a proceeding, the Commission's Executive Director will schedule a hearing before the Commission for the purpose of determining whether to issue a cease and desist order ordering you to cease and desist from maintaining the unpermitted development on your property.

Commission staff has determined that you have undertaken development (as that term is defined in Section 30106 of the California Coastal Act) without a coastal development permit in violation of Section 30600 of the California Coastal Act. This development consists of the construction, repair and expansion of a shoreline protective device (*i.e.*, a seawall) that extends along the entire length of the seaward facing bluff of your property. The original construction of the seawall occurred in 1986, with subsequent repair and enlargement of the seawall occurring in 2000. Neither the construction nor the repair and enlargement were authorized by a Coastal Development Permit (CDP). The unpermitted development also consists of an unpermitted deck, which is partially supported by the seawall, on the western bluff edge of your property.

**History of the Violation Investigation**

The Commission staff first learned of the alleged violation on your property in October 2000, and since that time has attempted to resolve this matter with you administratively before commencing a formal enforcement proceeding. In letters dated December 20, 2000, and February 5, February 23, and July 20, 2001, and in telephone conversations on October 26, 2000 and July 12, 2001, Commission staff informed you that construction of the seawall and the repair and enlargement of the seawall requires a CDP, and that your failure to obtain a CDP prior to construction and repair/enlargement activities constitutes a violation of the Coastal Act.

In the above-cited letters and phone conversations, Commission staff advised you to produce evidence of CDP or CDP waiver, and/or to submit an application for a CDP. In its February 23,

2001, letter, staff provided for your use a CDP application packet. You failed to meet a March 5, 2001 deadline that Central Coast enforcement staff had set for you for the submission of a CDP application, and have provided no evidence of a CDP or CDP waiver for the subject development.

On August 15, 2000, the City of Pismo Beach issued you a Stop Work order. This order noted the addition of seven feet to the existing seawall, the reconstruction of existing deck structures, and informed you that coastal, planning and building department permits were required for such work. In a letter to the Commission dated June 28, 2001, the City of Pismo Beach formally requested the Commission to issue you a cease and desist order.

Commission staff has also determined that the deck on your property, partially resting on and supported by the unpermitted seawall, is also unpermitted. As outlined to you in our letter dated August 30, 2001, the deck was apparently constructed some time after the construction of your house. The coastal permit for the house (Case Number 52-CP-85 & 52-CZC-85) did not authorize this deck. Neither the Commission nor the City of Pismo Beach has found any record of a separate permit for this deck, and you have produced no evidence of a permit for the deck. Consequently, the Commission is including the unpermitted deck within the scope of this NOI, thereby giving you official notice that staff will include the deck in the cease and desist order that staff is preparing for this violation.

#### **Steps in the Cease and Desist Order Process**

Pursuant to Coastal Act Section 30810, the Commission has the authority to issue an order directing any person to cease and desist if the Commission, after a public hearing, determines that such person has engaged in "any activity that requires a permit from the Commission without securing one." Additionally, pursuant to Section 30810(b), the cease and desist order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with the Coastal Act, including immediate removal of any development or material.

An order issued pursuant to Section 30810 would require that you: 1) refrain from engaging in any further development activities on your property without a CDP; and 2) submit a complete CDP application to the Coastal Commission's Central Coast District Office requesting a permit either to retain the existing unpermitted development, or to remove existing development and restore the site to its pre-violation condition within a specified period of time.

Please be advised that if the Commission issues a cease and desist order, Section 30821.6(a) of the Coastal Act authorizes the Commission to seek monetary daily penalties for any intentional or negligent violation of the order for each day in which the violation persists.

**At this time, the Commission is tentatively planning to hold a hearing on the issuance of a cease and desist order in this matter at the Commission meeting that is scheduled for the week of November 12, 2001 in Los Angeles, California.**

In accordance with the California Code of Regulations, Title 14, Section 13181(a), you have the opportunity to respond to the staff's allegations as set forth in this notice by completing the enclosed Statement of Defense form. **The completed Statement of Defense form must be received by this office no later than October 10, 2001.** Should you have questions concerning

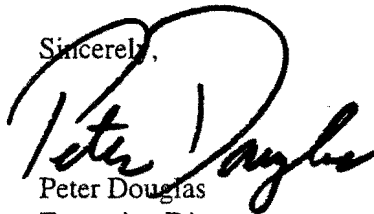
Beko NOI letter  
September 18, 2001

the filing of the requested CDP application, please contact Mike Watson at the Commission's Central Coast District office at (831) 427-4863 and make an appointment for a pre-application meeting. If you have questions concerning the filing of the Statement of Defense form, please contact Sheila Ryan at (415) 904-5272.

#### Options for Resolving this Violation

You can prevent this hearing from taking place by filing a complete application either to retain the existing unpermitted development, or to remove the development and restore the site to its pre-violation condition.

Sincerely,



Peter Douglas  
Executive Director

Encl.: Statement of Defense form

cc (without enclosure): Amy Roach, Chief of Enforcement  
Nancy Cave, Northern California Supervisor, Enforcement Program  
Sheila Ryan, Headquarters Enforcement Officer  
Charles Lester, Central Coast District Manager  
Sharif Traylor, Central Coast Enforcement Officer  
Mike Watson, Central Coast Permit Analyst

3 October 2001

Sheila Ryan  
California Coastal Comm.  
45 Fremont Street, Suite 2000  
San Francisco, Ca 94105

RE: Statement of Defense Form

This letter will serve as my responses to the subject 6 questions in that form.

Item 1 – I have a retaining wall and a deck installed on that wall. Both were built with the permission of the City of Pismo Beach - neither requiring a permit “according to the staff at that time”.

Item 2 – I do not believe that it is my responsibility to go beyond the authority of the City of Pismo Beach regarding obtaining permits.

Item 3 – You have stated that I should have “not accepted” the authority of Pismo Beach regarding the permit process. I am not aware of any legal process that requires me to comply with that statement.

Item 4 – The wall was constructed within my property line not only with the permission of the city but also was part of a public works project (proven by the fact that the city paid for part of the construction), and, therefore, complied with the requirements that were appropriate at that time. I have already furnished you with a copy of a letter from the former city engineer relating to that issue. In addition, my neighbor filed a complaint that my deck was built without a permit. Substantial city staff visited the site, including a city council member, etc. Accordingly, they acknowledged publicly that a permit was not required and I was not violating any ordinance.

Item 5 – I understand that when the wall and deck were built, that the City had jurisdiction of the construction process as long as we were above the mean high tide (see attachments) and we are. During the process, the City decision could have been appealed but it wasn't until “15 years later”. In

3 October

addition, the City stated that I was adding a "seven foot" extension to the existing wall, which is incorrect. I was merely replacing the wood portion of the concrete wood wall, with concrete and replacing the wood/steel supports with concrete "both for safety reasons" since the wall and the supports were collapsing. Just because new people or new regulations exist, I do not believe that they can be applied retroactively. Now, should these walls or deck collapse, I presume that the ensuing damages to property or life will become both the Commissions and the City's liability.

Item 6 – The Ordinary High Water Mark and track map were obtained from the City of Pismo Beach.

During that era when my wall and deck were built, several walls were built under the same guidelines, including some by the city "who gave me the name of the company who built all these walls". How can you apply a retroactive rule to "one wall" and not all the others?

I sincerely hope that you verify that the city paid for this public works project, since it is obviously quite important. I am also not aware of any environmental harm as a result of this wall.

I sincerely appreciate the information and cordiality that you have exhibited even though I do not agree with your conclusions. You have been most helpful and I thank you for the courtesy.

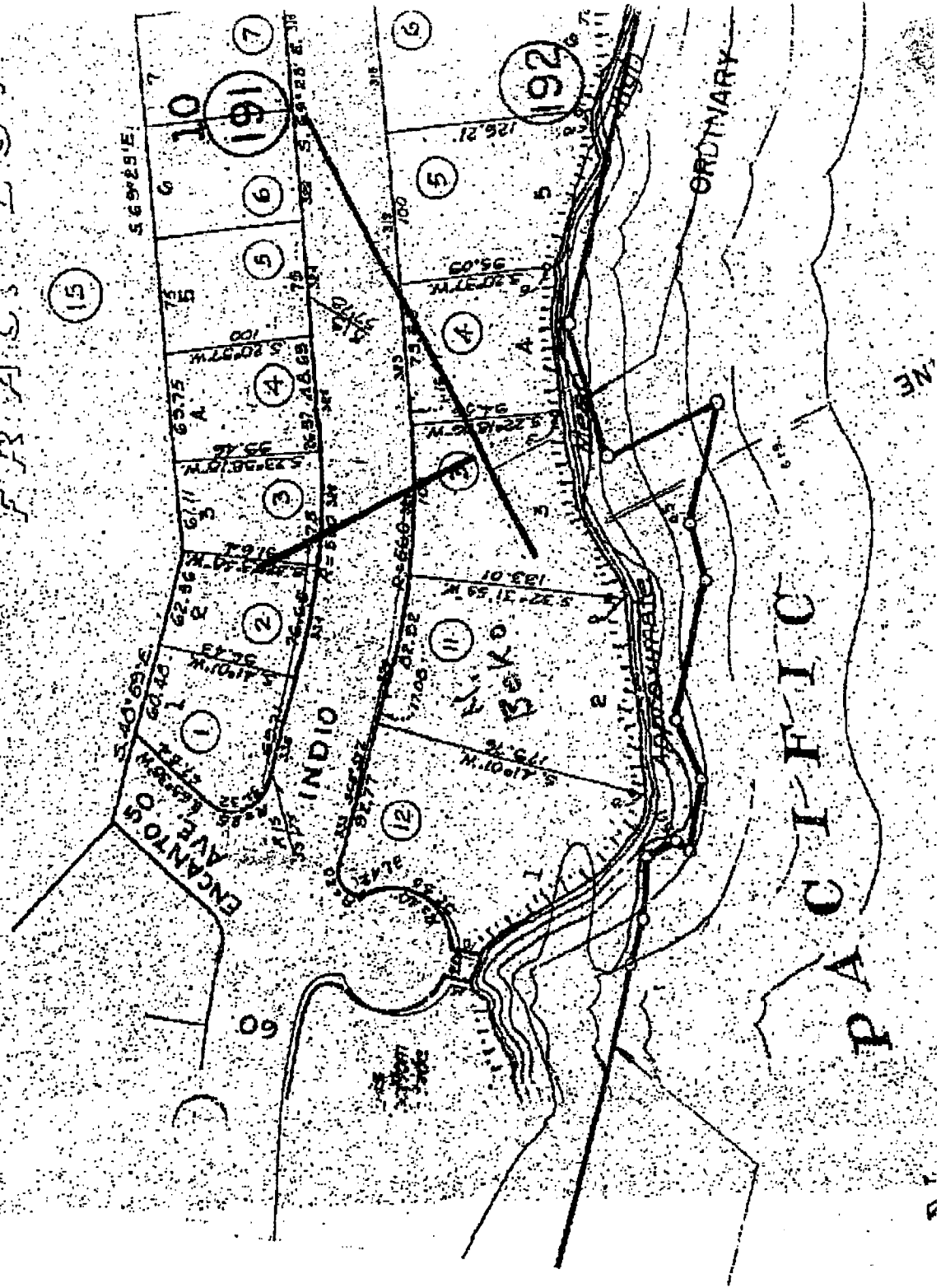
Please accept these documents as my best recollection at this time of the events surrounding the construction of the retaining wall and deck.

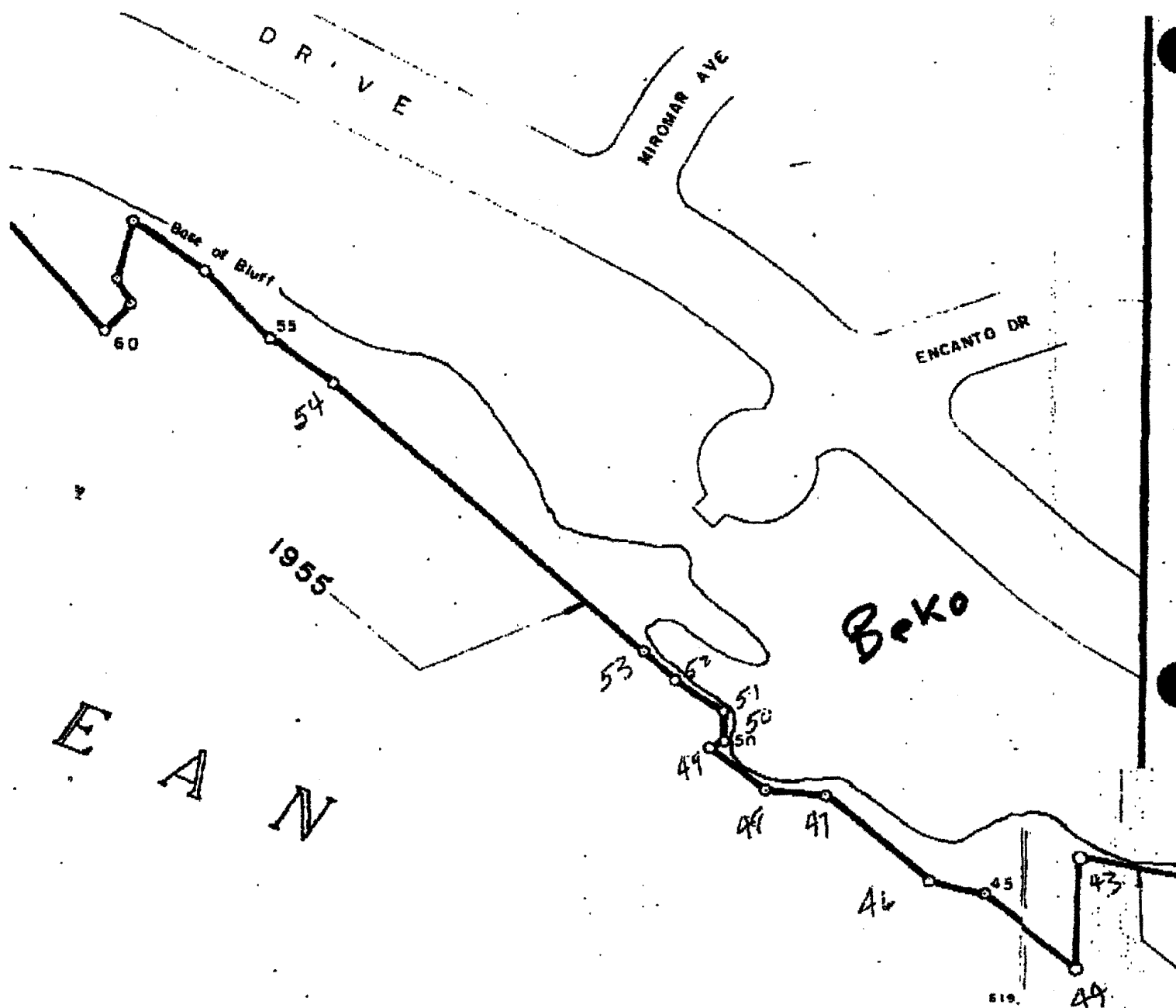
Sincerely,

Norman J. Beko

P. S. Please note that I am in harvest and I will not be generally available and should you require any information, please consider this issue.

ENCANTO AND  
SANTA MIGUELITA  
FRAC LOT





#### NOTE

Bearings, distances and coordinates shown on these plats conform with "California Coordinate System, Zone 5" and for this survey are based on the coordinates stated for the stations designated by triangles. Distances shown upon this plat are grid distances. The corresponding geodetic distance is obtained by multiplying the grid distance by 1.0000507. All stations monumented are designated as such on this plat.

The Ordinary High Water Mark is delineated at an elevation of 1.99' above Sea Level Datum of 1929 of the U.S. Coast and Geodetic Survey. On this datum Bench Mark H828 U.S.C.-B.G.S. is at an elevation of 19.961 feet.

## SURVEY OF THE ORDINARY HIGH WATER MARK

October 16, 2000

To whom it may concern:

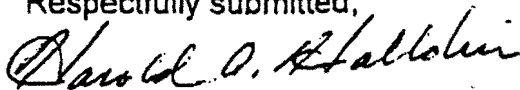
I have been requested by Norman Beko, the property owner at 329 Indio Drive in Pismo Beach to provide some recollection of the seawall construction at this address when I was the City Engineer. While I cannot remember all of the details, here are a few. The City Building official and I were called out during the construction of the seawall to investigate the damage and potential damage caused by a City storm drain to the Beko property and his neighbor to the south. Other elected or appointed city officials also visited the site. There was extreme erosion under his neighbor's property that would soon expand into Beko's property. The neighbor did not seem to be interested in the repair or in the prevention of additional erosion because their home was not close to the erosion. I believe Beko asked and received financial assistance from the City when he was building the seawall. The financial assistance would have been recommended by me as I had done so in similar cases to the City Manager. The Building Official may have also made the same recommendation. At that time permits were not issued by the engineering or building department for bluff protection because of liability problems the City might incur if a seawall failed at some time in the future.

At that time the Coastal Commission did not seem to be interested in controlling construction of seawalls in Pismo Beach or at least I didn't know that they were based on previous experience with two cities on public and private projects. In Pismo Beach I assisted several private property owners in handling similar problems and several public projects were either designed, construction supervised or approved for a storm drain, sewer pipe bridge, observation platform or a stairway to the beach. I also designed and supervised the construction of a 100 foot long seawall in Pismo Beach to keep a City street and sewer from caving into the ocean. A Coastal Commission staff member was aware of the construction of this seawall.

In the City of Seal Beach I designed and or supervised the construction of a permanent two-story lifeguard tower, a restroom, dressing room and snack bar on the beach plus several structural repairs to the pier. At that time the Coastal Commission staff was headquartered in the adjacent city of Long Beach.

I hope the above will assist you in determining how the city became and was involved in the Beko seawall.

Respectfully submitted,



Harold A. Halldin  
Former City Engineer  
205 El Dorado Way  
Pismo Beach  
773-3177

EXHIBIT 15  
CCC-01-CD-02 (BEKO)



**City of Pismo Beach**  
**Community Development Department**  
**Planning Division/ Building Division/ Recreation Division**

760 Mattie Road, Pismo Beach, CA 93449  
Phone (805) 773-7089 Fax (805) 773-4684

November 19, 2001

Sheila Ryan  
California Coastal Commission  
Enforcement Division  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

RE: Norman Beko, 329 Indio Drive - Un-permitted Seawall Addition

In response to your question regarding permitting and city participation in Mr. Beko's sea wall located at 329 Indio Drive, we have reviewed the October 16, 2000 letter of Mr. Harold Halldin, former City engineer. City staff have also reviewed all Planning, Building, Engineering and Finance files and have found no evidence that a Coastal Development Permit or Building Permit was issued for the existing seawall or deck. Further there is no evidence the City granted a waiver or exemption for these structures. In addition, staff found no evidence that the City participated financially in the construction of the existing sea wall.

A "Stop Work Order" was issued by the Pismo Beach Building Division on August 15, 2000.

If you need any further assistance please call me at (805) 773-7089.

Sincerely,

Randy Bloom,  
Community Development Director