

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

427-4863

Hearing Impaired: (415) 904-5200

W4a



## RECORD PACKET COPY

Page 1 of 4

Permit Application No. 3-02-045

Staff: SAM-SC

Date: September 18, 2002

## ADMINISTRATIVE PERMIT

APPLICANT: Renate Barnett

PROJECT DESCRIPTION: A 97 square foot, second-story addition to a 1,151 sf single-family home.

PROJECT LOCATION: 825 Mermaid Ave., Pacific Grove, Monterey County (APN 006-074-038.) See Exhibits A, B and C.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

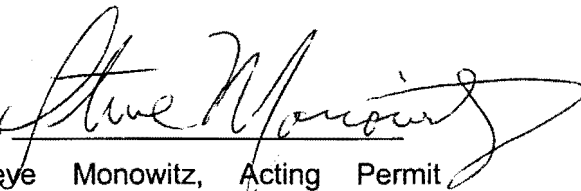
**NOTE:** P.R.C Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Commission meeting of **October 9, 2002** beginning at 9:00 a.m., at the **Eureka Inn, 518 Seventh St., Eureka, CA 95501.****IMPORTANT** – Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

PETER DOUGLAS  
Executive DirectorBy   
Steve Monowitz, Acting Permit  
Supervisor

## EXHIBITS

- A. Regional Location Map
- B. Site Vicinity Map
- C. Assessors Parcel Map
- D. Project Plans
- E. Public Comment Letters

## STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to standard conditions as attached, the said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the City of Pacific Grove to implement a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act.

## FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

The proposed project is located on a 1,760 square foot lot, fronting on Mermaid Avenue and visible from Ocean View Boulevard in the city of Pacific Grove, Monterey County (Exhibits A, B and C). The parcel currently contains a 1,151 square foot single-family residence. The subject of this permit is a proposed 97 square foot second-story addition, for which the City of Pacific Grove's City Council granted final architectural approval (Permit 2381-97) on March 6, 2002. A 151 square foot second-story addition was approved in 1999.

The site is within the Coastal Commission's permit jurisdiction by virtue of being located in a local jurisdiction that does not have a certified Local Coastal Program. The City has a certified Land Use Plan (LUP), certified in 1991, but the Implementation Plan has not yet been certified. The City is currently working to complete the IP. Therefore, a coastal development permit for the project must be obtained from the Coastal Commission and the standard of review is the policies of Chapter 3 of the Coastal Act. The policies of the City's LUP can also be looked to for guidance.

The parcel is located in the densely developed Beach Tract area of the City, and designated Medium Density Residential 8-10 du/acre by the Land Use Plan. Surrounding land uses include visitor-serving uses, and single and multiple-family, one and two story residential dwellings. Water for the existing development on site is provided by Cal-Am and sewer is provided by the City of Pacific Grove. The proposed addition is located in an existing developed area able to accommodate it, and will not result in an increase in water use; therefore the project is consistent with Coastal Act Section 30250.

The addition is proposed for the western side of the house, and requires the granting of a variance from the City of Pacific Grove to allow a home greater than 1,000 square feet on the parcel. A variance was also granted to allow for the 151 sf addition in 1999. Although the site is visible from scenic Ocean View Boulevard, it already contains a residence in an area that is very dense, and the project will not detract from vistas along the scenic street or otherwise impact scenic resources. Therefore the project is consistent with Coastal Act Section 30251.

Archaeological resource issues are not raised by this project, as the addition is on the second story and the development involves no ground disturbance. Thus, despite the lot's location within a sensitive archaeologic area, no special conditions to protect archaeologic resources are required to mitigate for archaeologic resources for this addition. Therefore the project is consistent with Coastal Act Section 30244.

The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). The Land Use Plan for the City of Pacific Grove has been approved by the Commission (certified January 10, 1991) and adopted by the City. The City is currently formulating implementing ordinances, and in the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. Of course, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.

The variance granted by the City for this project is with respect to a zoning requirement restricting house size in this district. However, granting of the variance presents no threat to coastal resources. The proposed development is consistent with both the City's Land Use Plan and the policies contained in Chapter 3 of the Coastal Act, and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete Local Coastal Program consistent with Coastal Act policies.

**ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS**

I acknowledge that I have received a copy of this permit and have accepted its contents including all conditions.

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Applicant's Signature

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Date of Signing

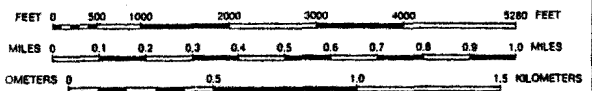


# Carmel Monterey and vicinity

## LEGEND

- FREEWAY
- EXPRESSWAY
- HIGHWAY
- MAIN ROAD
- 17 MILE DRIVE
- UNDER CONSTRUCTION
- ONE-WAY STREET
- OFFICIAL SCENIC HWY.
- STATE HIGHWAY
- COUNTY ROAD
- BLOCK NUMBER
- HOSPITAL (WITH EMERGENCY SERVICES)
- PUBLIC SCHOOL
- GOVT. CAMPGROUND
- PICNIC AREA
- PUBLIC BOAT LAUNCH

## SCALE



1 INCH = 2200 FEET  
ELEVATIONS ARE SHOWN IN FEET

CARTOGRAPHIC DEPARTMENT  
COPYRIGHT 2000 BY

CALIFORNIA STATE AUTOMOBILE ASSOCIATION  
150 VAN NESS AVENUE SAN FRANCISCO, CA 94102

6-00

# Monterey

PROJECT SITE

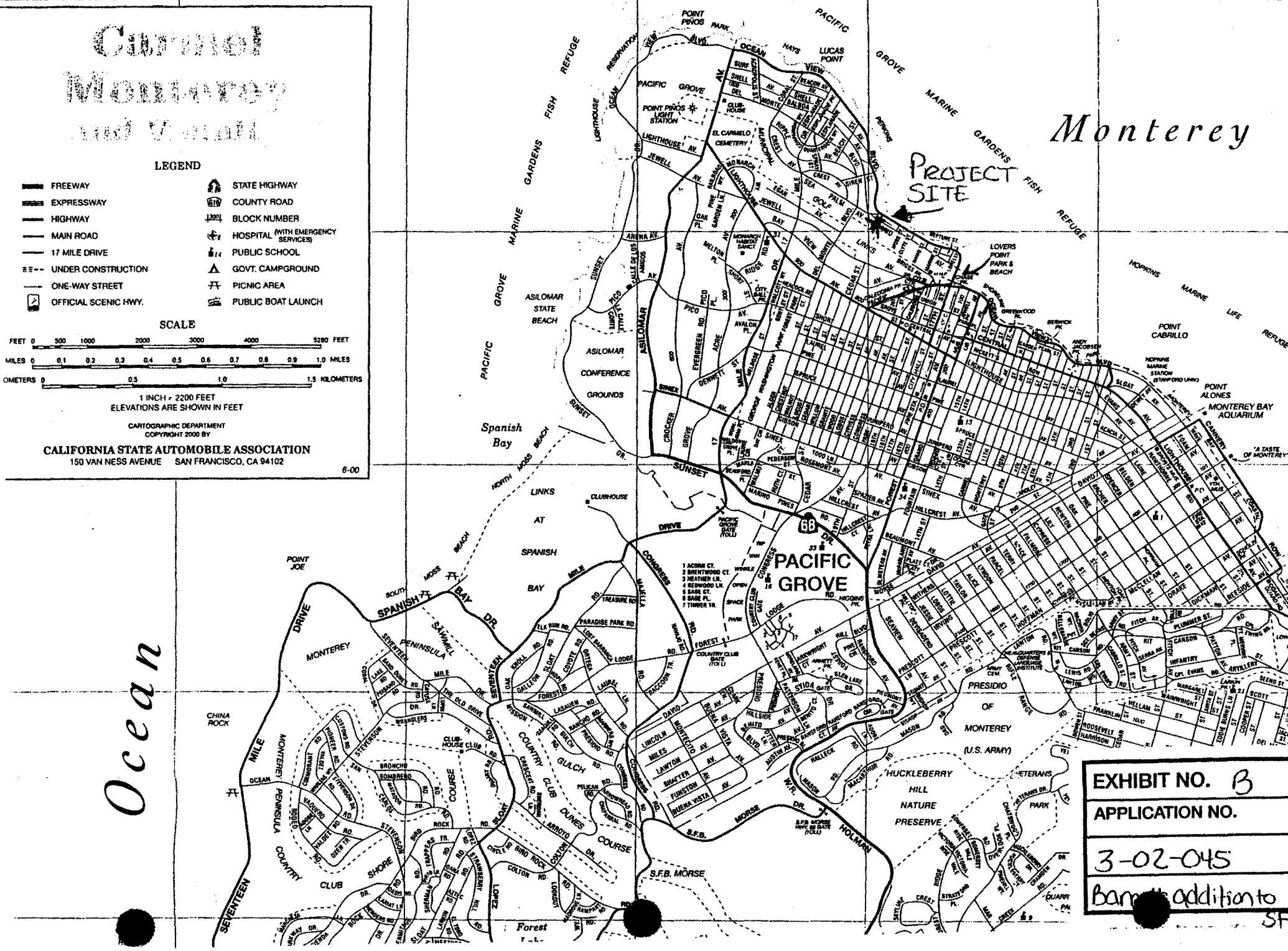
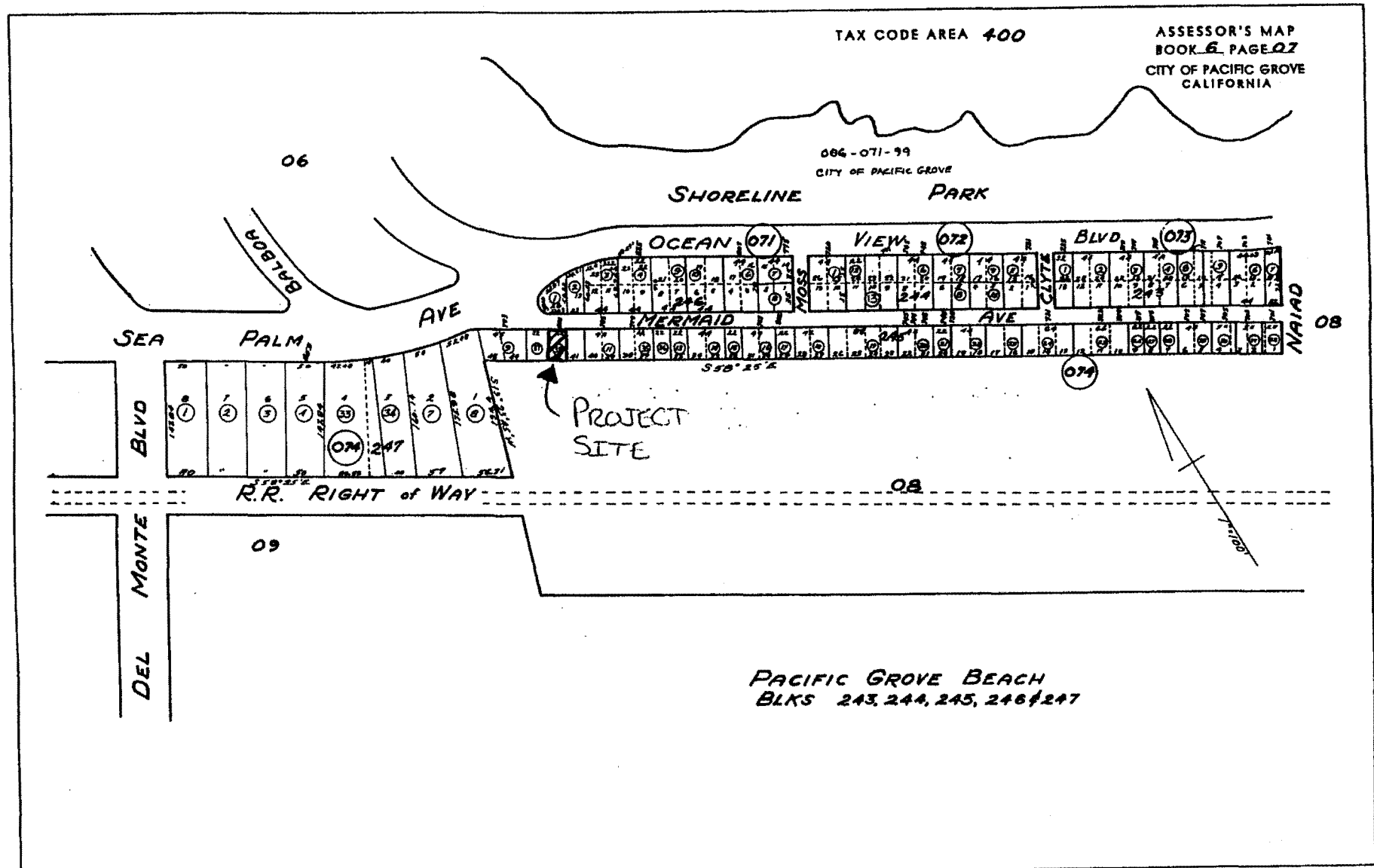
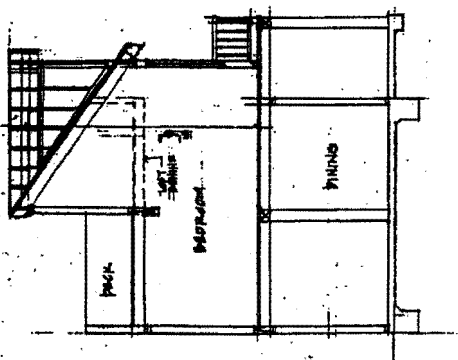
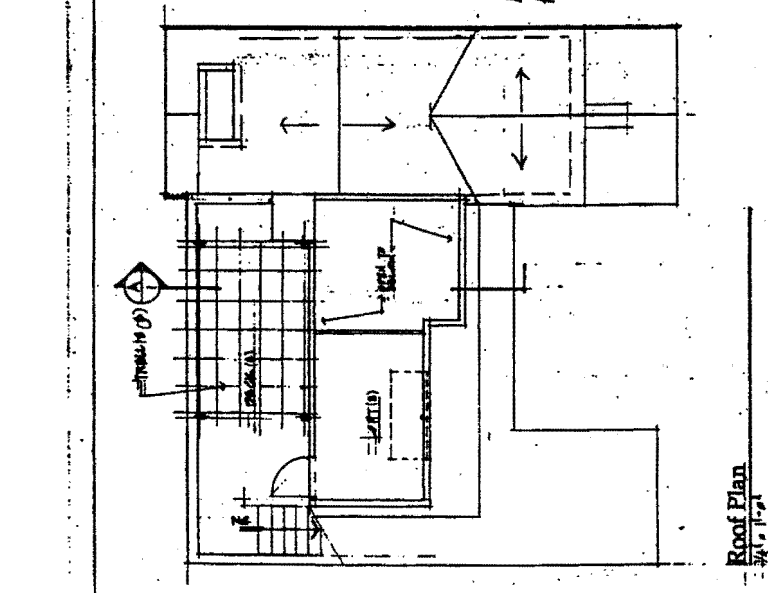
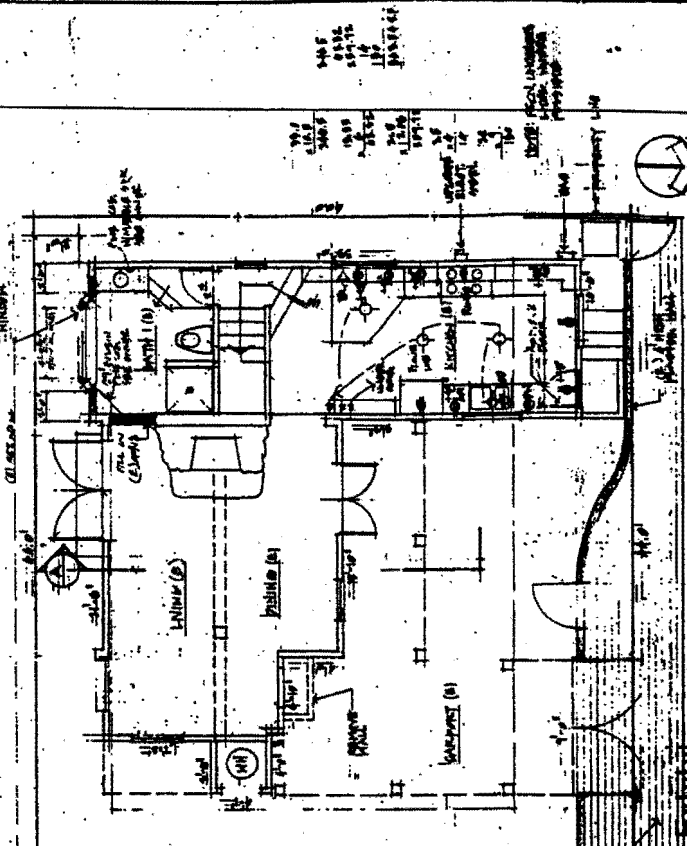
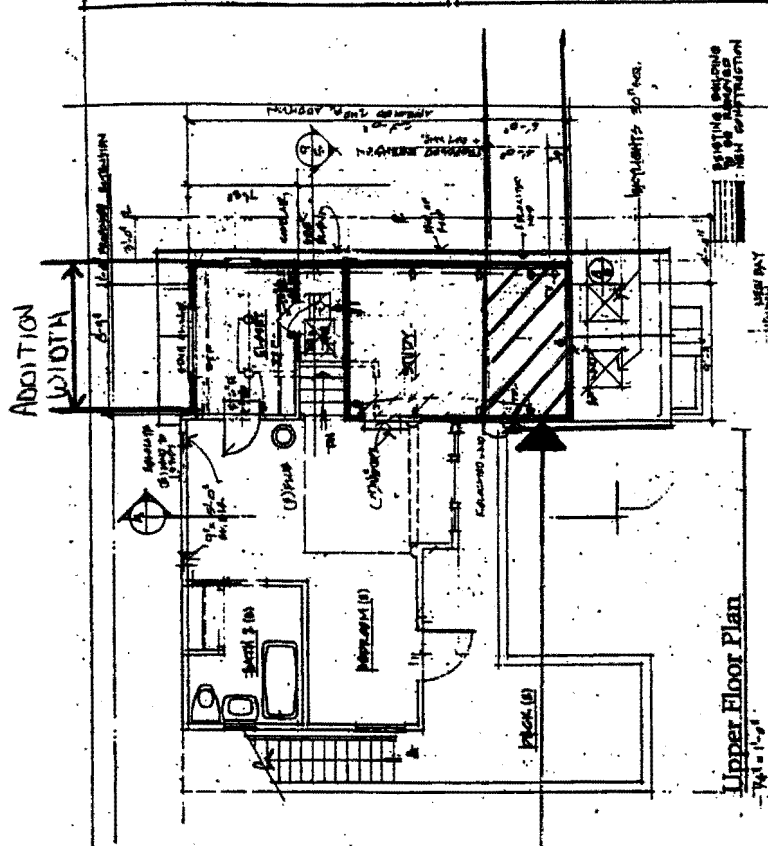


EXHIBIT NO. B
APPLICATION NO.
3-02-045
Barrett addition to

Ocean



ADDITION WIDTH



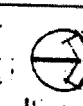
3-02-045  
Barnett Addition to SFD  
PROJECT PLANS

Section A-A  
7/8" = 1'-0"

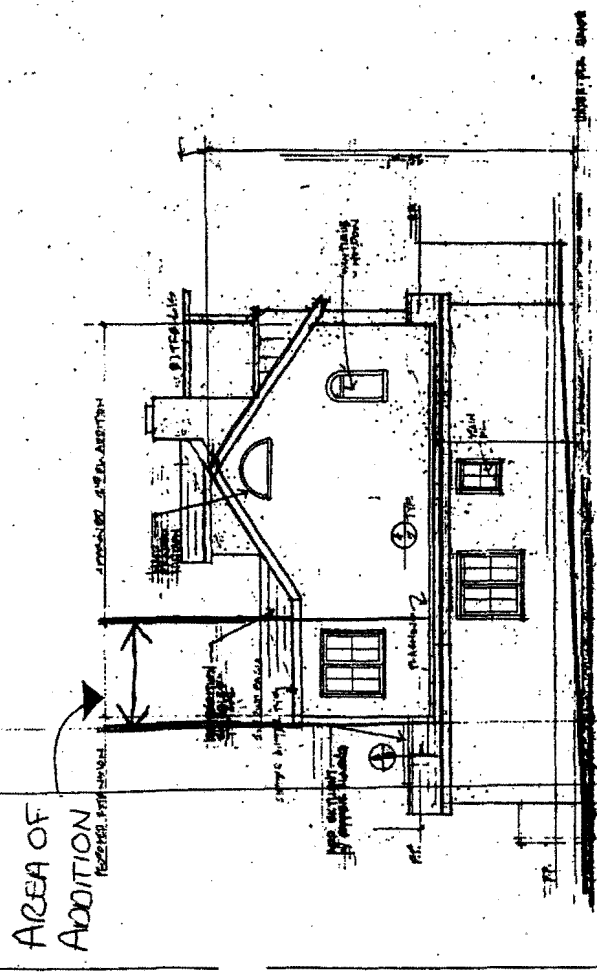
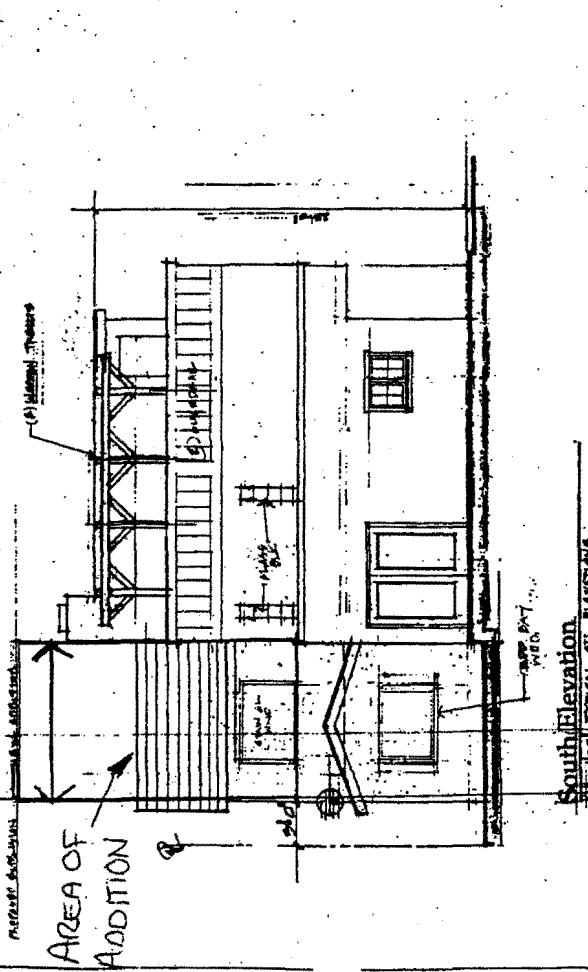
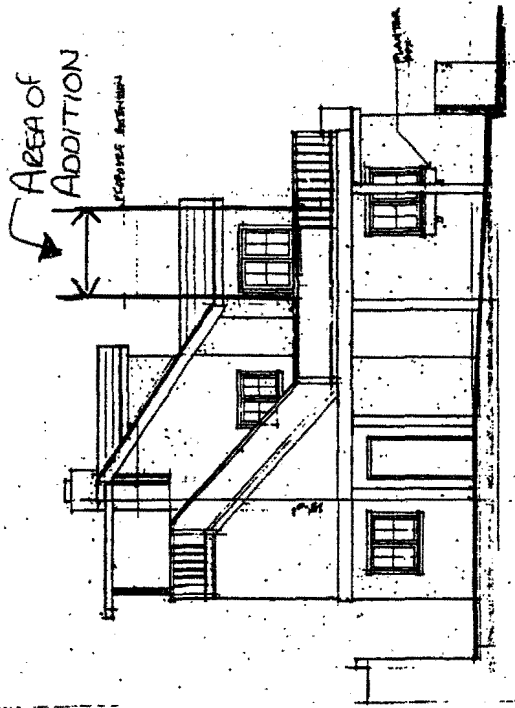
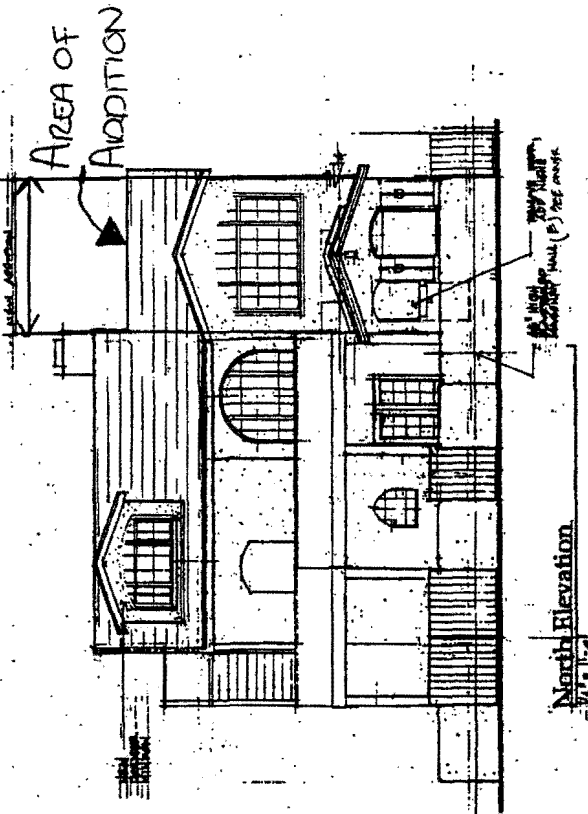
Exhibit D  
pg. 1 of 3

BARNETT ADDITION  
825 MITCHELL AVENUE  
PACIFIC GROVE, CALIFORNIA

DATE	10-1-78
BY	W. J. BARNETT
CHECKED	W. J. BARNETT
DATE	10-1-78
BY	W. J. BARNETT
CHECKED	W. J. BARNETT
DATE	10-1-78
BY	W. J. BARNETT
CHECKED	W. J. BARNETT
DATE	10-1-78
BY	W. J. BARNETT
CHECKED	W. J. BARNETT







BARNETT ADDITION  
825 METCALD AVENUE  
PACIFIC GROVE, CALIFORNIA  
648-8222

DATE	7-23-94
BY	10-10-94
REVISIONS	1-10-94
DATE	7-23-94
BY	10-10-94
REVISIONS	1-10-94
DATE	7-23-94
BY	10-10-94
REVISIONS	1-10-94

DATE: July 15, 2002  
TO: Coastal Commission  
State of California  
FROM: Nancy and Edward Blubaugh  
827 Mermaid Ave.  
SUBJECT: 825 Mermaid Avenue #3-02-045  
Pacific Grove. Ca. 93950

**RECEIVED**

JUL 16 2002

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

The project in question is without the benefit of the Planning Commission approval and ARB review. The City Planners of the PG Planning Dept. recommended to the City Council a denial of this project.

As the next door neighbor who is most impacted by this new project's proposals, I am requesting the courtesy of having the good folks at the ARB review the project before a new waiver is granted.

I, as well as many other neighbors took the time to attend a total of twelve public meeting, four meetings at the Planning Commission, four at ARB and four meetings at the City Council where we voiced our concerns with the previous building plans, set-backs and variances for the first project submitted and approved in 2001.

The previous project was given final approval by the City Council. A Coastal waiver was then obtained. We, who had earlier opposed the project, felt we had had our due process in our opposition, and with that we could live with the project as modified.

The building construction was started and in full swing when halted by the City because of unapproved modifications and expansions. The applicant was forced to hire new architects to incorporate these changes.

Almost a hundred more sq. ft. had been added, making this a 35% increase in expansion over the building's original size. Set-backs variances were changed. Windows were added and expanded. Our privacy was further impacted. The house design was no longer the house design that was previously approved. ARB modifications were disregarded.

Despite these massive changes, the new plan was presented to the City Council for approval under the guise of "simple modifications of the old prior approved plan" and thus by passed the Planning Commission and the ARB review in doing so. This is the plan you have before you today. Construction is in process as I write this letter.

We are asking that you please respect our efforts in protecting our property and privacy and the integrity of the due process and at the very least send this building proposal to the ARB before granting any waivers. We appreciate your efforts.

Thank you,

Nancy and Edward Blubaugh

LAW OFFICES OF  
HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ,  
LAW & COOK  
INCORPORATED

P.O. BOX 3350, MONTEREY, CALIFORNIA 93942-3350

LAURENCE P. HORAN  
FRANCIS P. LLOYD  
ANTHONY T. KARACHALE  
STEPHEN W. DYER  
GARY D. SCHWARTZ  
MARK A. BLUM  
MARK A. O'CONNOR  
ROBERT E. ARNOLD III  
ELIZABETH C. GIANOLA  
AENGUS L. JEFFERS  
MOLLY STEELE

September 9, 2002

JAMES J. COOK  
DENNIS M. LAW

**RECEIVED**

SEP 10 2002

TELEPHONE: (831) 373-4131  
FROM SALINAS: (831) 757-4131  
FACSIMILE: (831) 373-8302  
OUR FILE NO. 3286.02

**OVERNIGHT DELIVERY**

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Stephanie Matraw  
Coastal Planner  
Central Coast District Office  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Re: 825 Mermaid Avenue, Pacific Grove, CA 93950  
Application No. 3-02-045, Renate Barnett

Dear Ms. Matraw and Members of the California Coastal Commission:

On Friday, September 6, 2002, the applicant, Renate Barnett, and I first learned that Nancy Blubaugh had filed an objection to Mrs. Barnett's request for a waiver. Having now reviewed a copy of Mrs. Blubaugh's letter, I respond to it and ask the Coastal Commission to grant the requested waiver as it had done in the past. The project does not cause any impact justifying the denial of a waiver and the sole objection is from a former resident of Pacific Grove who, after being found guilty of ongoing harassment, promised the Monterey County Superior Court she would leave the local community and Mrs. Barnett alone.

In contrast to the community which overwhelmingly supported the project and the Pacific Grove City Council which unanimously approved it, Nancy and Edward Blubaugh never even appeared at the City Council Meeting of March 6, 2002 or contested the resolution approving the project. The issues they now raise are unfounded and an improper attempt to circumvent binding decisions made in due process. The resolution of the City of Pacific Grove previously provided to you demonstrates the unanimous approval after appropriate notice, hearing and deliberation. The enclosed petition, which bears hundreds of signatures of Pacific Grove residents, demonstrates the overwhelming community support for the project. (See Exhibit "A".) There is no further ARB review required or available. Inquiry with John Biggs, Pacific Grove City Planner, will confirm that the City Council's approval of March 6, 2002 eliminated the additional ARB review Blubaugh now claims she wants conducted.

3-02-045  
Barnett Addition to SFD  
MONTEREY, CALIFORNIA 93940

Exhibit E  
pg. 2 of 5

Blubaugh does not assert any valid objection, but seeks to continue a campaign of harm for which she has been admonished by the judges and jurors of Monterey County to stop. As you can see from the enclosed verdict, a unanimous jury found Nancy Blubaugh guilty of malicious conduct and awarded Mrs. Barnett over \$200,000.00 in compensatory damages for ongoing harm caused by Blubaugh. (See Exhibit "B".) Aside from making verbal and physical threats of violence, steering moving vehicles at Mrs. Barnett, violating her neighbors' rights of privacy, destroying property and conducting video surveillance over the neighborhood, Blubaugh trespassed upon and entered the homes of Pacific Grove residents who supported Mrs. Barnett's permit application over these past years. After the award of compensatory damages and before the imposition of punitive damages against Blubaugh for her despicable conduct, Judge Silver of the Monterey County Superior Court admonished Blubaugh and her accomplice:

And I think that, Ms. Blubaugh, and Mr. Klippel, you have to understand this group of 12 people are pretty average people throughout this County. I mean, you know, they looked like a pretty levelheaded group of people to me, and they all saw it the same way, so what that is, you have to rethink your own behavior and the things that you were doing.

We live in a complicated world. We all live close together and, you know, if we don't all try to get along, it's a real problem, and at some point in time, you know, we all have to compromise.

We just need -- it's just, you know, that's the nature of the world. We never get everything we want, and there's reasonable positions on both sides, and these 12 people pretty clearly said that your conduct was really totally inappropriate in that.

I would agree with them much of the conduct was inappropriate. I'm not sure what in terms of the context of all that indicates. All I do is an amount of money that you would do it, but the conduct was totally inappropriate.

(See enclosed Reporter's Transcript of Proceedings at p. 17:7-26 attached as Exhibit "C".)

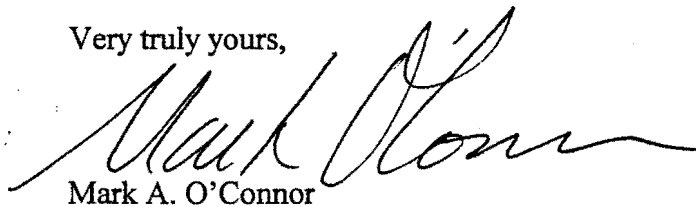
Because Blubaugh poses a great risk of harm in the community, the courts had issued restraining orders against her. In an effort to escape further liability for violating a restraining order, Blubaugh promised the court she would leave the community and no longer meddle in Mrs. Barnett's affairs. While she has vacated her former residence and no longer lives anywhere near Mrs. Barnett, Blubaugh continues to harass Mrs. Barnett. As set forth in her letter of July 16, 2002, Blubaugh is now misrepresenting to the Coastal Commission that she is actually a resident of 827 Mermaid Avenue, Pacific Grove with a legitimate objection shared by other residents of Mermaid Avenue. Blubaugh is not a resident, but surrendered her residency and remains without any community support.

In sum, Blubaugh was provided ample due process throughout the permit process and should no longer be allowed to delay this project through the assertion of new or old unfounded claims.  
Barnett Addition to SFD

objections. She was found by a court of law to be despicable and warned to stop her interference. The City of Pacific Grove's unanimous approval of this project invalidates Blubaugh's assertion of a need for ARB review or any other delay.

We respectfully request compassion for the hardship and delays caused by Blubaugh's conduct and your approval of Renate Barnett's waiver application. A review of the application justifies approval as does the overwhelming community support. The project causes no adverse impacts warranting denial of the waiver whereas the approval will allow the applicant to avoid the costs and heartache of further delays.

Very truly yours,



Mark A. O'Connor

MAO:ssg  
Enclosures

cc: Renate Barnett

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863



**Exhibits attached to Mark O'Connor's September 9, 2002 letter available  
upon request.**

Exhibit A: Petition signed by residents of the City of Pacific Grove in support of the project.

Exhibit B: Verdict of the Superior Court of California County of Monterey dated May 25, 2000.

Exhibit C: Reporter's Transcript of Superior Court of California County of Monterey Proceedings at p. 17:7-26.