

## CALIFORNIA COASTAL COMMISSION

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

**W4****CENTRAL COAST DISTRICT (SANTA CRUZ)  
DEPUTY DIRECTOR'S REPORT***For the****August, 2009 Meeting of the California Coastal Commission*****MEMORANDUM**

August 11, 2009

**TO:** Commissioners and Interested Parties  
**FROM:** Charles Lester, Senior Deputy Director, Central Coast District  
**SUBJECT:** ***Deputy Director's Report***

There were no waivers, emergency permits, immaterial amendments or extensions issued by the Central Coast District Office for the August 12, 2009 Coastal Commission hearing.

This report contains additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast Area.

**CALIFORNIA COASTAL COMMISSION**

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



August 11, 2009

To: Commissioners and Interested Parties

From: Charles Lester, Senior Deputy Director, Central Coast District

Re: Additional Information for Commission Meeting Wednesday, August 12, 2009

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W8a, A-3-CAP-99-023-A1	Swan % Green Valley Corp.	Ex Partes Correspondence	1 5
W9a, 3-09-015-EDD	DeCicco	Ex Parte Correspondence	7 9

W8a

**WEDNESDAY, ITEM 8A**

**DISCLOSURE OF EX PARTE COMMUNICATIONS**

**Name or description of project:**

Permit No. A-3-CAP-99-023-A1 (Swan and Green Valley Corporation, Capitola). Request by Richard and Nancy Swan and the Green Valley Corporation to amend permit to eliminate the existing condition prohibiting future shoreline armoring (that applies to the Green Valley Corporation property) and to construct an approximately 115-foot section of contoured concrete seawall fronting that Green Valley Corporation property and adjacent to existing seawall on adjacent property (on the Swan property) on beach and bluffs fronting 4840 and 4850 Cliff Drive in Capitola, Santa Cruz County.

**Date and time of receipt of communication:**

August 5, 2009 at 10:30 am

**Location of communication:**

Phone

**Type of communication:**

Telconference

**Person(s) in attendance at time of communication:**

Susan McCabe, Jesse Nickell, Anne Blamker

**Person(s) receiving communication:**

Bonnie Neely

**RECEIVED**

AUG 11 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Detailed substantive description of the content of communication:**

(Attach a copy of the complete text of any written material received.)

I received a briefing from representatives of the Green Valley Corporation in which they explained the history of the subject site and described the proposed seawall project. As described, a notch undercut has formed behind and adjacent to the upcoast end of the existing Swan seawall. On-going erosion is threatening the Swan residence. The applicants propose to address the issue by constructing a seawall which would begin at the upcoast end of the existing seawall on the Swan property and extend across the Green Valley property to the upcoast headland. Instead, staff is recommending approval of a limited sea cave fill with erodible concrete. The technical representative expressed concerns related to the experimental nature of the erodible concrete and was concerned that it would only provide short term support of the bluff, seawall and Swan residence. He indicated that there was also potential to reflect wave energy onto the Green Valley bluff toe and accelerate erosion. The representatives informed me that they are still reviewing the staff recommendation and working with staff to resolve any outstanding concerns.

**Date:**

**Signature of Commissioner:**

*Bonnie Neely*

**WEDNESDAY, ITEM 8A**

**EX PARTE COMMUNICATIONS**

**Name or description of project:** Permit No. A-3-CAP-99-023-A1 (Swan and Green Valley Corporation, Capitola).  
**Date and time of communication:** August 7, 2009 at 10:30 am  
**Location of communication:** Menlo Park, CA  
**Type of communication:** Teleconference  
**Persons in attendance:** Susan McCabe, Anne Blemker  
**Person receiving communication:** Steve Blank

**Detailed substantive description of the content of communication:**  
 They described the proposed seawall, a notch undercut has formed behind end of the existing Swan seawall. On-going erosion is threatening the Swan residence.

Swan wants to construct a seawall which would begin at the upcoast end of the existing seawall on the Swan property and extend all the way across the Green Valley property to the upcoast headland.

Staff is recommending approval of a limited sea cave fill with erodible concrete. The applicant is concerned that this erodible concrete would only provide short term support of the bluff, seawall and Swan residence and may reflect wave energy onto the Green Valley bluff toe and accelerate erosion.

The representatives informed me that they are still reviewing the staff recommendation and working with staff to resolve any outstanding concerns.

**Date: August 7, 2009**

**Signature of Commissioner:** 

W8a

WEDNESDAY, ITEM 8A

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Permit No. A-3-CAP-99-023-A1 (Swan and Green Valley Corporation, Capitola) Request by Richard and Nancy Swan and the Green Valley Corporation to amend permit to eliminate the existing condition prohibiting future shoreline armoring (that applies to the Green Valley Corporation property) and to construct an approximately 115-foot section of contoured concrete seawall fronting that Green Valley Corporation property and adjacent to existing seawall on adjacent property (on the Swan property) on beach and bluffs fronting 4840 and 4850 Cliff Drive in Capitola, Santa Cruz County..

Date and time of receipt of communication:

August 3, 2009 at 3:00 pm

RECEIVED RECEIVED AUG 04 2009

Location of communication:

Phone

AUG 04 2009

CALIFORNIA COASTAL COMMISSION

Type of communication:

Teleconference

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Person(s) in attendance at time of communication:

Susan McCabe, Jesse Nickell, Rick Parks, Anne Blamker

Person(s) receiving communication:

Patrick Kruer

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a briefing from representatives of the Green Valley Corporation in which they explained the history of the subject site and described the proposed seawall project. As described, a notch undercut has formed behind and adjacent to the upcoast end of the existing Swan seawall. On-going erosion is threatening the Swan residence. The applicants propose to address the issue by constructing a seawall which would begin at the upcoast end of the existing seawall on the Swan property and extend across the Green Valley property to the upcoast headland. Instead, staff is recommending approval of a limited sea cave fill with erodible concrete. The technical representative expressed concerns related to the experimental nature of the erodible concrete and was concerned that it would only provide short term support of the bluff, seawall and Swan residence. He indicated that there was also potential to reflect wave energy onto the Green Valley bluff toe and accelerate erosion. The representatives informed me that they are still reviewing the staff recommendation and working with staff to resolve any outstanding concerns.

Date: 8/4/09

Signature of Commissioner: [Handwritten Signature]

**This page is blank.**

W8a

**RECEIVED**

AUG 06 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Application Number: A-3-CAP-99-023-A1  
Swan and Green Valley Corporation Seawall  
August 3, 2009

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

Ms. Susan Craig:

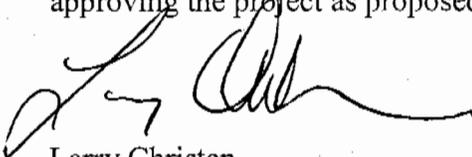
I am writing representing the 4820 Opal Cliff East Homeowners Association, a 12 unit separately owned condominium complex immediately north of the proposed seawall.

Original owners from when the building was constructed in 1974 talk about the amount and path of the erosion that has taken place over the years. We are all very concerned.

We feel the 115 ft seawall proposal is a pro-active and generally efficient approach. Without claiming any geological or structural expertise, it appears that the 15 ft solution would provide localized benefit but unfortunately at the same time redirect part of the oceans energy north adding to the accelerated pattern of erosion we are currently experiencing as a result of the applicant's armoring to the south.

In other words, 4820 Opal Cliff HOA recognizes that they are not the applicant in this process but the three adjacent parcels share a cause and effect relationship with respect to accelerated erosion. This is now our problem too.

We strongly urge you to take this opportunity to mitigate against these unintended consequences by approving the project as proposed.



Larry Christen

President, Opal Cliff East HOA

408 655.6805c

SIGNATURES FROM RESIDENTS AT 4820 OPAL CLIFF DR. CAPITOLA, CA 95010  
RE: A-3-CAP-99-023-A1

Unit 101 – Bruce K. Powell

B.K. Powell

Unit 102 – Linda Gold

Linda Gold  
Scott Gold

Unit 103 – Terry and  
Jacquelin Martin

Terry and Jacquelin Martin

Unit 201 – Larry and  
Jean Christen

Larry Christen  
Jean Christen

Unit 202 – Ling and  
Ivy Chow

Ling Chow  
Ivy Chow

Unit 204 – Howard and  
Karen Loomis

Howard Loomis  
Karen Loomis

Unit 205 – Ron and  
Terry Epstein

Ron Epstein  
Terry Epstein

Russ and Marcia  
Hansen

(moved)

Unit 301 and 302 -  
Don and Margaret  
Fitzgerald

Don Fitzgerald  
Margaret Fitzgerald

Unit 303 – Craig and  
Joan Martin

Craig Martin  
Joan Martin

Unit 304- Bert and  
Linda Fornaciari

Linda Fornaciari  
Bert Fornaciari  
by LCP

W9a

RECEIVED

AUG 11 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATION

Date and time of communication:  
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

August 4, 2009 - 10:00 a.m.

RECEIVED

AUG 11 2009

Location of communication:  
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Conference Call

CALIFORNIA  
COASTAL COMMISSION

Person(s) initiating communication:

Maggy Herbelin

Person(s) receiving communication:

Commissioner Bonnie Neely

Name or description of project:

Wed 9a - Dispute Resolution (DeCicco, San Luis Obispo County)

Detailed substantive description of content of communication:  
(If communication included written material, attach a copy of the complete text of the written material.)

Ms. Herbelin stated that the project is a one-lot subdivision to create a residential/motel mixed use development in one 3-story building on land in 2 different zoning categories; CR & RMF. The issue before the Commission is whether the project is appealable. The County position is that the project is a non-appealable CDP. Staff says the project is appealable. Ms. Herbelin agrees with staff.

Date: August 4, 2009

  
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

**This page is blank.**

W9a

**The Law Office of Marshall E. Ochylski**  
Post Office Box 14327  
1026 Palm Street, Suite 210  
San Luis Obispo, California 93406

Telephone: (805) 544-4546  
Facsimile: (805) 544-4594  
E-mail: MOchylski@SLOlegal.com

**RECEIVED**

AUG 10 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Overnight Delivery**  
**Coastal Commissioners, Alternates, and Staff**

August 7, 2009

Jonathon Bishop, Staff Analyst  
Central Coast District Office  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

**Subject: California Coastal Commission August 2009 Meeting**  
**Agenda Item: W9a**  
**Procedures 3-09-015-EDD (DeCicco Mixed Use Project)**  
**(San Luis Obispo County SUB2005-00241/DRC2006-00064)**

This office represents Mr. Franco DeCicco, the applicant, in all matters related to the above-referenced Coastal Commission Determination.

This letter addresses the Executive Director's Determination that subdivisions anywhere within the Coastal Zone in San Luis Obispo County are appealable because "subdivisions" are not listed as an allowed "use" in Table "O" of the County of San Luis Obispo's certified Local Coastal Plan.

We respectfully request that the California Coastal Commission not approve that determination because the final actions taken by the County of San Luis Obispo in this matter are consistent with the policies of the certified Local Coastal Plan, other County ordinances, and State law.

**Introduction**

According to the staff report, this project is appealable to the Coastal Commission because subdivisions are not listed as a Principal Permitted use on Table "O" of the certified Land Use Element of the certified Local Coastal Plan (staff report at page 2). Using this rationale as the grounds for the Coastal Commission taking jurisdiction over this subdivision presents a number of specific problems.

The source of Coastal Commission jurisdiction suggested by the staff report is Public Resources Code Section 30603(a)(4). Under this provision of law, the Coastal Commission may consider appeals of "Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to

Chapter 6 (commencing with Section 30500).” Failing to find “subdivision map” on the list of permitted uses in Table “O”, the staff report concludes that an appeal must be allowed.

### **Compliance with the San Luis Obispo Coastal Zone Land Use Ordinance**

A review of the permitted uses listed in Table “O” explains why “subdivision” or “subdivision map” are not be found there. The list of allowed uses include uses such as “motels,” “restaurants,” “recreational facilities,” and “single-family dwellings.” In other words, *the list is limited exclusively to activities on the land.*

While a subdivision is “development” under both the Coastal Act and the San Luis Obispo Coastal Zone Land Use Ordinance (CZLUO), approval of a subdivision map does not constitute approval of a land “use” - principal permitted or otherwise. Subdivision maps are unlike motels or other uses that may be principal permitted uses in some zones and specially permitted or prohibited uses in other zones. There is no land use category in which a subdivision map is a principally permitted use because a subdivision map by itself is not a “use” of land.

If the Commission were to adopt the view of appealability proffered in the staff report for Section 30603(a)(4), then it would make every subdivision map approval in the County’s coastal zone appealable to the Coastal Commission. Such an expansive reading of that provision could not conceivably have been what the Coastal Commission intended when it approved the County’s Local Coastal Plan and since that date it has not been the practice of either the Commission or the County to give the statute section that interpretation.

As outlined above, a subdivision map is “development” but it does not involve establishing a land use. The County’s Local Coastal Plan recognizes this by allowing subdivision maps to serve as coastal development permits rather than requiring an additional land use coastal development permit at the subdivision stage.

Chapter 2 describes the County’s land use permit hierarchy of Site Plans, Plot Plans, Minor Use Permits, Development Plans and Variances. Here is the core of the purpose paragraph for Chapter 2 in applicable part:

#### **23.02.020 - Land Use Permit Procedures:**

This chapter lists the land use permits required by this title, describes how such permit applications shall be processed by the Planning Department, and what information must be included with an application for processing. This chapter also sets time limits for application processing, the establishment of approved land uses, commencement of construction and project completion ... .

Chapter 2 exists only to implement the County’s land use permit process in the Coastal Zone. The term “land use permit” is defined very narrowly in Chapter 11 of the CZLUO:

For the purposes of this title, land use permits are the Plot Plan, Site Plan, Minor Use Permit, Development Plan or Variance established by Chapter 23.02 of this title.

Section 23.02.040, like all of Chapter 2, simply does not apply to subdivision maps. When applying the CZLUO to land divisions, it is Chapter 1 that determines minimum parcel size (through its adoption by reference of land use categories and official maps from the Land Use Element), and it is Title 21 that determines nearly everything else. This is stated explicitly in Chapter 1:

23.01.30 - Applicability of the Coastal Zone Land Use Ordinance

- c. Land divisions. This title (including applicable planning area standards adopted by reference as part of this title by Section 23.01.022) determines the minimum parcel size for new land divisions. ***Title 21 of this code contains the specific procedures and requirements for the land division process, including compliance with coastal development permit requirements.*** [Emphasis added.]

Title 21 is the County's subdivision ordinance. ***It is Title 21, rather than Chapter 2 of the CZLUO, which controls in this situation where the approval sought is subdivision.***

The following section of Title 21 describes how subdivision maps serve as their own coastal development permits:

21.01.010 - Title--Purpose

- d. It is further the purpose of this title to implement the county general plan and certified local coastal program. ***Approval of a lot line adjustment, tentative parcel map, tentative tract map, vesting tentative map, reversion to acreage, determination that public policy does not necessitate the filing of a parcel map, modification of a recorded parcel or tract map, or conditional certificate of compliance under Government Code section 66499.35(b) shall constitute approval of a coastal development permit as a local government equivalent in accordance with the certified local coastal program and the California Coastal Act of 1976.*** [Emphasis added.]

***In San Luis Obispo County the approval of a tentative map constitutes approval of the required coastal development permit for that map.*** The land use permit process described in Chapter 2 of the CZLUO only applies to those projects that require a plot plan, minor use permit, development plan or variance, in addition to the tentative map.

**Compliance with the California Government Code**

The Subdivision Map Act [Government Code sections 66410 through 66499.37] is "the primary regulatory control governing the subdivision of property in California." [*Hill v City of Clovis* (2000) 80 CA4th 438, 445, 94 CR2d 901; and *Gardner v County of Sonoma* (2003) 29 C4th 990, 996, 129 CR2d 869.]

The Subdivision Map Act's initial definition of "subdivision" in section 66424 defines "subdivision" simply as any division, by any subdivider, of any unit or units of improved or unimproved land.

Even a brief analysis of legal relationship between a subdivision and a general plan confirms that a "subdivision" is not a "use". It is settled law that a local agency may not approve a subdivision map unless it makes a finding that the subdivision is consistent with the general plan. [Government Code sections 66473.5 and 66474(a).] Consistency is established by comparing the subdivision map with the general plan in effect at the time the application for the tentative map is complete or deemed complete. [Government Code section 66474.2.] [*Youngblood v Board of Supervisors* (1978) 22 C3d 644, 150 CR 242.]

Government Code section 65302(a) defines land use through the first of its seven mandatory elements as activities on the land. The purpose of a land use element required under that Government Code section is to designate the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land.

Given that there is no mention of subdivisions as a "use" in any of the discussion of what constitutes a land use, state law simply does not consider a "subdivision" as a land "use".

**Conclusion:**

The final action taken by the County of San Luis Obispo in this matter is consistent with the policies of the San Luis Obispo's certified Coastal Zone Land Use Ordinance, other County ordinances, and State law. There is simply no factual or legal basis for the Executive Director's Determination.

We once again request the Coastal Commission not concur with this unwarranted expansion of the Coastal Commission powers by making all subdivision within the Coastal Zone appealable in San Luis Obispo County as well as a significant number of other coastal jurisdictions.

Thank you for your consideration. If you have any question, or would like to discuss this matter further, I may be reached by telephone at 805-441-66 or by email at [MOchylski@SLOlegal.com](mailto:MOchylski@SLOlegal.com).

Sincerely,

  
Marshall E. Ochylski,  
Attorney at Law

MEO/ec

cc: **Bonnie Neely**  
Board of Supervisors  
825 Fifth Street, Room 111  
Eureka, CA 95501

**Dr. William A. Burke**  
California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Steve Blank**  
California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Mary K. Shallenberger**  
California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Steven Kram**  
California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**Ross Mirkarimi, Supervisor**  
City and County of San Francisco  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 282  
San Francisco, CA 94102

**Khatchik Achadjian, Supervisor**  
Board of Supervisors  
County of San Luis Obispo  
1055 Monterey Street, Room D-430  
San Luis Obispo, CA 93408

**Sara Wan**  
22350 Carbon Mesa Rd.  
Malibu, CA 90265

Larry Clark, Mayor  
City of Rancho Palos Verdes  
City Hall  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

Patrick Kruer  
The Monarch Group  
7727 Herschel Ave.  
La Jolla, CA 92037

Jim Wickett  
California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

April Vargas  
P.O. Box 370265  
Montara, CA 94307

Dan Secord  
3335 Cliff Drive  
Santa Barbara, CA 93109

Meg Caldwell, JD  
Center for Ocean Solutions  
Stanford Law School  
Environmental & Natural Resources Law & Policy  
559 Nathan Abbott Way  
Stanford, CA 94305-8610

Adi Liberman  
801 S. Figueroa St. Suite 1050  
Los Angeles, CA 90017  
(818) 257-0906

Sharon Wright  
1315 Spencer Ave.  
Santa Rosa, CA 95404

Sarah Glade Gurney, Mayor  
City of Sebastopol  
P.O. Box 1776  
Sebastopol, CA 95473

Brooks Firestone  
Box 36  
Los Olivos, CA 93441

Dr. Suja Lowenthal, Councilmember,  
Second District  
Civic Center Plaza  
333 W. Ocean Blvd., 14th Floor  
Long Beach, CA 90802

Peter Douglas  
California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

Dan Carl, District Manager  
Central Coast District Office  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

Jonathon Bishop, Staff Analyst  
Central Coast District Office  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

California Coastal Commission August 2009 Meeting  
Agenda Item: W9a  
August 12, 2009

Nancy Orton  
Department of Planning and Building  
County of San Luis Obispo  
976 Osos Street  
Room 200  
San Luis Obispo, CA 93408

Franco DeCicco  
115 Kodiak Street  
Morro Bay, CA 93442

W9a JB  
OC

July 19, 2009

**RECEIVED**

JUL 23 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Mr. Charles Lester, Senior Deputy Director  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA. 95060-4508

Reference: Appeal Concerning Cayucos Del Mar – DeCicco Project

Dear Mr. Lester,

I am writing to you regarding the above referenced project that is currently scheduled to come before your Commission in San Francisco on August 13, 2009.

The concerned property is in the small town of Cayucos at the corner of Old Creek Road and the scenic coastal byway, Highway 1. It is located in my residential neighborhood. The developer, Mr. Franco DeCicco is in the process of trying to obtain a permit to build on the property. The project is proposed to be over 60,000 square feet in size and will be forty (40) times larger than the average home in the coastal neighborhood.

Because of its enormous size, it has attracted a lot of attention and concern. Over 2,000 signatures have been gathered on a petition in opposition to the project's proposed size and impact on a coastal area of single-family homes. Hundreds of people have attended the Cayucos Advisory Council meetings, Planning Commission hearings and Board of Supervisor hearings to voice their concern and opposition to the project as proposed. It is obviously of great importance to residents and many visitors who come to Cayucos who treasure this particularly beautiful and unusually pristine coastal environment.

The Coastal Commission met in San Luis Obispo on the 8<sup>th</sup> and 9<sup>th</sup> of July 2009. San Luis Obispo is the administrative and geographic center for the town of Cayucos. Many of us neighbors were expecting the matter of the appeal filed on behalf of the citizens of Cayucos (decision on Coastal Commission appeal ability) to be heard at that time.

However, 10 days prior to the meeting, I learned that the developer, Mr. DeCicco, had requested a delay, as it would be inconvenient for him. Nancy Orton, AICP of the Department of Planning and Building for San Luis Obispo County said, "The County is OK with postponing the item until the August meeting, if that would work better for everyone else". The Coastal Commission granted Mr. DeCicco's request with the explanation...of "reasons of fairness and interested party participation".

I find this decision difficult to understand as it will now cause considerable hardship to many interested and concerned people who were planning to attend the San Luis Obispo meeting. This item was moved to the San Francisco location without any neighbor or concerned citizen being

contacted or consulted, and to add insult to injury, we were never notified of this change once it was made. If I and others had not looked at the San Luis Obispo meeting agenda, we would have just shown up to the San Luis Obispo meeting.

The way in which this action was taken makes one wonder. Perhaps, in this case, the "people" aren't considered as important as the developer. This decision seems to serve the needs and comfort of just one person and most certainly does not served all the interested party's participation.

In order to remedy this unjust situation, the Coastal Commission could consider hearing the matter of appeal ability at your next meeting in San Luis Obispo where all the interested parties reside rather in San Francisco. Also, county staff could be present without the added expense of travel. It would logically work well for Mr. DeCicco who lives closer to San Luis Obispo than Cayucos residents and Mr. DeCicco's representatives whose offices are located in San Luis Obispo.

Please consider my request to hear this matter at your next San Luis Obispo meeting rather than in San Francisco. This would allow for a more equitable balance of fairness for all.

Thank you for your time, understanding and assistance.

Sincerely,



Anne S-W Ahmed  
2907 Santa Barbara Avenue  
Cayucos, CA. 93430

Copy to:  
Mr. Bruce Gibson  
County Board of Supervisors