

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

W15

CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

September Meeting of the California Coastal Commission

MEMORANDUM

Date: September 9, 2009

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

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the September 9, 2009 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

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

REGULAR WAIVERS

1. 3-09-044-W Spencer Stillman (Pacific Grove, Monterey County)

DE MINIMIS WAIVERS

1. 3-09-034-W City of Morro Bay Harbor Department, Attn: Rick Algert, Harbor Director (Morro Bay, San Luis Obispo County)
2. 3-09-036-W City Of Grover Beach, Attn: Bob Perrault, City Manager (Grover Beach, San Luis Obispo County)

EXTENSION - IMMATERIAL

1. A-3-SLO-04-061-E3 Oceano Pavilion L L C, Attn: Robert F. Mueller (Oceano, San Luis Obispo County)

TOTAL OF 4 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-09-044-W Spencer Stillman	Remodel and addition to an existing single family residence.	689 Ocean View Blvd., Pacific Grove (Monterey County)

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-09-034-W City Of Morro Bay, Harbor Department, Attn: Rick Algert, Harbor Director	Installation of a parking kiosk for collection of truck/trailer boat parking fees. Standard car parking spaces will still be free of charge.	Embarcadero (Public Boat Launch Ramp parking lot at south end of the Embarcadero (dead end)), Morro Bay (San Luis Obispo County)
3-09-036-W City Of Grover Beach, Attn: Bob Perrault, City Manager	Modification of storm drain outfall to stop erosion.	West Grand Avenue @ Meadow Creek (just east of Highway 1 within city right-of-way), Grover Beach (San Luis Obispo County)

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-3-SLO-04-061-E3 Oceano Pavilion L L C, Attn: Robert F. Mueller	Construct a 16-unit hotel and manager's unit; underground parking.	Approximately 200 feet north of Pier Avenue, Oceano (San Luis Obispo County)

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: August 25, 2009
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCM*
Mike Watson, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-09-044-W
Applicants: Spencer Stillman

Proposed Development

Remodel and addition to an existing single family residence located at 689 Ocean View Boulevard in the City of Pacific Grove.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed residence would be compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located, and it includes drainage BMPs to reduce storm water runoff and remove contaminants prior to conveyance off-site. The proposed new residence was reviewed and received discretionary approval by the City's Architectural Review Board and Historic Preservation Board to ensure conformance with the requirements of the City's Municipal Code and the certified Land Use Plan. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 9, 2009, in Eureka. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: August 25, 2009
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCarl*
Mike Watson, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-09-034-W
Applicants: Morro Bay Harbor District

Proposed Development

Implement a boat trailer parking program at the City's public boat launch site at Tidelands Park in the City of Morro Bay, San Luis Obispo County. The Harbor District proposes to charge a fee (i.e., \$1/hour and \$5 daily maximum) for approximately 40 double-long boat trailer parking spaces located at the municipal boat launch parking site. A parking kiosk would be installed near the boat trailer parking area either at the public restrooms or immediately adjacent to the boat launch ramp.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The City's municipal boat launch is one of the only public boating facilities along the Central Coast that does not currently charge fees to launch a vessel. Under the current proposal, the boat launch would continue to be free, but the boat trailer parking spaces at the site would be pay parking. The fee proposed is fairly modest, and shouldn't unduly impact the public's ability to access the water. Revenues from the fee would be used to help maintain the public boat launch facility (including the restrooms and the boat rinse) and to fund clean boating programs (i.e., oil recycling, spill abatement, etc.) along the Embarcadero, thus offsetting any impacts that would be associated with the fee. In addition, all other existing (non-trailer) parking spaces at the site would remain free and unrestricted. The fee would also dissuade users from overnight parking of trucks and trailers at this public facility, which has been a problem in the past. The amount of new physical development is limited to a single kiosk feature, and thus the program would have negligible visual impact. In sum, with the fee, the boat launch will continue to provide low and no cost public recreational access opportunities, and can be found consistent with the Coastal Act and the certified Morro Bay LCP.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 9, 2009, in Eureka. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.



NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-09-034-W (Morro Bay Harbor District Boat Trailer Parking Program)

Page 2

If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: August 25, 2009
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DC*
Jonathan Bishop, Coastal Planner *JB*
Subject: Coastal Development Permit (CDP) Waiver 3-09-036-W
Applicants: City of Grover Beach

Proposed Development

Modify the Grand Avenue/Meadow Creek storm drain outfall by placing boulders and native plantings around the headwall and outfall basin. The project is located on the south side and adjacent to the Grand Avenue bridge in the City of Grover Beach.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The purpose of the proposed modification is to protect the existing storm water outfall structure and minimize erosion of the adjacent creek embankment. The proposed modification integrates with storm drain improvements previously approved at this location by the Commission. The modification uses a rock and native planting solution to erosion control, rather than the previously approved and unsuccessful log energy dissipation method. The project will use a small amount of rock (roughly 270 cubic feet) and is expected to take two days to install. Construction measures are included in the project description to avoid disturbances to the Meadow Creek channel. All plantings will be with native, non-invasive species appropriate to the site. In sum, the proposed modification will improve storm water and erosion control at this location and has no potential for adverse effects on coastal resources, including public access. Thus, the proposed project can be found consistent with the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 9, 2009, in Eureka. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Jonathan Bishop in the Central Coast District office.



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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: August 25, 2009
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DC*
Jonathan Bishop, Coastal Planner *JB*
Subject: **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-04-061**
Applicants: Oceano Pavillion LLC

Original CDP Approval

CDP A-3-SLO-04-061 was approved by the Coastal Commission on September 14, 2005, and provided for the construction of a 16-unit hotel on Strand Way in the community of Oceano in San Luis Obispo County.

Proposed CDP Extension

The expiration date of CDP A-3-SLO-04-061 would be extended by one year to September 14, 2010. The Commission's reference number for this proposed extension is A-3-SLO-04-061-E3.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified San Luis Obispo County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Wednesday, September 9, 2009, in Eureka. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

If you have any questions about the proposal or wish to register an objection, please contact Jonathan Bishop in the Central Coast District office.



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September 8, 2009

To: Commissioners and Interested Parties

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

Re: Additional Information for Commission Meeting Wednesday, September 9, 2009

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W17a, SCO-MAJ-1-08 Part 3 Santa Cruz County		Correspondence	1
W19b, A-3-SLO-09-035	Beeger	Correspondence	3
W20a, A-3-CAP-99-023-A1	Swan & Green Valley Corp.	Ex Partes	19
		Staff Report Addendum	25
		Correspondence	27
W20b, 3-04-027-A1	City of Pacific Grove	Staff Report Addendum	33

W17a

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SEP 03 2009

We are in favor.

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAWilliam and Carol Murphy
200 Babe Thompson Road
La Selva Beach, CA 95076
(831) 728-1078

Letter originally sent on December 10, 2008 still applicable

September 2, 2009

CA Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219**RE: for meeting agenda of 9/8/09, 10.f. Santa Cruz County LCP Amendment No. SCO-MAJ-3-03 Part 3 (Second Units on Agricultural Land)****Agenda item # W17a**

Dear Commission Members, Staff and Representatives,

We have been following for several years the issues involved in the Local Coastal Plan amendment proposal contained in 10 f, a plan to allow second units (granny) on land zoned agricultural (A) or commercial-agricultural (CA). We have had ongoing conversations with coastal plan and planning department personnel since the state adopted the granny unit regulation a few years ago. We had planned on attending the meeting today, however my husband injured his shoulder and since I will be the only driver, I am driving him to the physician. In lieu of our inability to attend, we are submitting this letter for your consideration.

As residents of the CA Central Coast, we can fully understand the ramifications if weakly regulated granny units were to take place in our area. We have read through your staff's recommendations regarding the denying of second units pending a revamping of particular planning regulations impacting this proposal for Santa Cruz County. Please be assured that we understand the concerns, however we would like to provide a few additional thoughts.

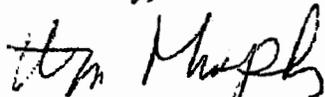
We live in what the commission refers to in report W10f as a *limited residential enclave* within a larger CA zoned area. This means that we can see agricultural property across the small road, but surrounding it, and just as near to us, are houses. All of the neighbors support, value and encourage the use of this agricultural land even though there are often mobile units put on these properties which are unsightly, not as highly regulated and require many field worker cars that impact our roads, but which we gladly and routinely repair at our own expense.

In its report, the Coastal Commission also discusses many aspects of the coast with which we agree, namely the pristine nature of Santa Cruz County, the difficulty of encouraging housing in urban areas should this amendment be accepted, the additional use of utilities and services, and the

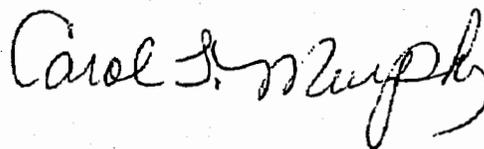
nature of the regulation itself in that it might not be clear enough to move forward because of the intertwined nature of all of the planning regulations. However, we believe that these concerns could be mitigated by regulating granny units to areas of the few residential enclaves as these already exist as primarily residential areas with mere sprinklings of agriculture. Further, these areas would not impact services as they already have their own wells and septic systems, and the roads are privately owned which means the county is not saddled with additional repair costs. These areas would also not hamper views or obstruct any already existing public land, which we agree would be a negative outcome. They would also not impact already existing agriculture or prevent future agricultural uses.

We want to thank you in advance for reading and considering our ideas.

Sincerely,



William and Carol Murphy



W196

September 3, 2009

TO: Jonathan Bishop
(831) 427-4877
FR: Cynthia Beeger
(650) 322-8268
RE: Appeal #A-3-SLO-09-035

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SEP 03 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Pages: 10 written pages / 5 photo pages

Hi,

Here's the information that I would like to be included in the "Deputy Director's Report" for the Coastal Commission meeting in Eureka on 9/9/09. Thank you so much for copying and distributing!

The first page/"Remarks" does not have to go into the packet...I included it for you to see where I will be referring to the letters and additional photos. This is the outline of my brief presentation!

I have included (8) letters/comments of support from my immediate neighbors...not from other parts of Cambria. These were addressed to the San Luis Obispo planner and/or to the Board of Supervisors and were written for the June 9, 2009 Board of Supervisor's meeting. They are still relevant and every one of them (plus more if need be) would write again. The general consensus is that "one neighbor's personal agenda should not override my property rights".

I have also included (10) other photos (I may try to color fax these to you), right up and down my side of the street, that show clearly (I think) that my addition would not be inconsistent or out-of- character with the neighborhood. There are many 2+ to 3 story homes on our street and most of them are built up right to the front setback. I think the Picker's home illustrates that we have a mixed character neighborhood and that my addition will fit in nicely and improve the surrounding values. I have a big board with all these photos that I will bring with me if anyone wants to take a closer look.

OK, I think that's it for now! And, thanks again.

Sincerely,

Cynthia Beeger/Applicant
clbeeger@aol.com

Dear Planning Commission and County Supervisors:

This letter is in support of the proposed renovation by Daniel and Cynthia Beeger at 4812 Windsor Boulevard in Cambria. I want to stress that the concerns voiced in Ms. Picker's appeal are not representative of the opinions of the majority of Seacliff neighbors.

First, let me introduce my husband and myself. Jay and I bought our first home in Seacliff in 1991: 4696 Windsor Boulevard is our full time residence. When we bought our home, the house next door was a legal vacation rental and it remained so for quite a few more years. Two doors down is a current vacation rental home. We also own another home in Seacliff: 221 Devault Place, which was first occupied by my mother and later rented to our daughter. This home is across the street from a legal vacation rental.

We have all heard horror stories of vacation rental properties in Cambria, but in my opinion, this should not be an issue in the Seacliff Estates neighborhood. This is an area of large, upscale homes, and our experience with occupants of near-by legal vacation rentals has always been positive. Only once did we need to report a problem with a barking dog next door and the problem was immediately resolved!

As an aside, the only report we have had regarding the Beegers' home came from a former rental family (who later became our close friends.) They mentioned that they received so much antagonism from Ms. Picker that they would never rent that home again. They have since rented other Seacliff homes without incidence, and they frequently stay in our home. This is not a noisy, disruptive family, and they are always polite and considerate. I can only believe that they (and probably other renters) were objects of Ms. Picker's unwarranted harassment.

In terms of the proposed size of the Beegers' home, we feel that their renovation is completely appropriate to the neighborhood. Yes, the renovation will add some square footage to the living space, but as I mentioned, this is a neighborhood of large homes. The proposed size is comparable to many homes in the neighborhood, and some homes are even larger. Approval of this project is clearly not a matter of setting any "precedence."

Finally, I would like to point out that the Beegers are good citizens of this community. We first met them personally in 1999, and even though they are still part-time residents, we have seen them in action during multiple fundraisers for worthwhile community causes. They care about our town and our neighborhood, and we look forward to the time they will be able to join us on a full-time basis.

Sincerely,

Patricia H. Burbank
Jay F. Burbank
4696 Windsor Blvd. and 221 DeVault Pl.

June 3, 2009

To: Paul Sittig and SLO Planning Commission
SLO County Board of Supervisors

From: Michael and Patty Griffin
4950 Windsor Blvd
Cambria, CA 93428

Dear Planning Commission and County Supervisors,

We are writing to support the Beeger project at 4812 Windsor Boulevard in Cambria.

Like the Beegers, we purchased our home in Seacliff Estates in Cambria many years ago. It was a vacation rental until last year, when it became our primary residence. We used two vacation rental companies during the 18-year span. Both did an excellent job with our home and we never had complaints from neighbors.

In our experience, the vacation rental companies are careful to screen potential renters and clarify usage rules so that neighbors are not disturbed. The end result, for us, is that we never had complaints and have a harmonious relationship with our neighbors. It truly seems that Ms. Picker's objections to vacation rentals stem from a bias that is not based in reality.

Also like the Beegers are planning to do, we renovated our home before moving in and making it our primary residence. Though our remodeling project took longer than we expected, we were blessed with gracious neighbors who understood that the end result would improve the property and further add to the neighborhood.

We don't understand why Ms. Picker would have an objection to a remodeling project that fits within the legal limits already established and would improve the value of the property.

We believe that the Beegers and their remodeling project only add to our Seacliff Estates neighborhood. We ask that you support the Beeger project.

Sincerely,

Michael and Patty Griffin

To: psittig@co.sio.ca.us; sbaker@co.sio.ca.us

Sent: Wednesday, June 3, 2009 12:38:50 PM

Subject: Beeger remodel

To Whom It May Concern:

I am a neighbor of Cynthia Beeger in Seacliff Estates in Cambria. I am writing this letter to support her plan to enlarge her home at 4812 Windsor. Her plans are appropriate for our neighborhood and I have no objection to her home improvement project.

The only complaint you have against this project comes from a person who has repeatedly tried to block improvements in our neighborhood. She even went so far as to park her car in the street when the electric cable needed to be replaced in Sea Clift. Her action caused the electric repairmen to dig up the street because they could not access her portion of the utility easement.

Her unwarranted criticism of the Beeger project should be taken into context and her appeal should be dismissed. There are no grounds for denying the Beeger home improvement project. One neighbor's personal agenda should not override the Beegers personal property rights.

Margaret Christianson
4655 Windsor Blvd. Cambria

Attn: Paul Sittig
To: Department of Planning and Building
From: Richard Breen
Subject: Mr. and Mrs. Picker vs. 4812 Windsor Remodel

Dear Sir,

I have been an oceanfront resident in Sea Cliff Estates since 1998 and have represented over 25 buyers and sellers in Sea Cliff over that time period as Broker/Owner of Breen Realty. I sold Cynthia Beeger her property at 4812 Windsor. It is my understanding that the remodel, which increases her square footage, is being done to improve and update the home for their eventual retirement to our community. There are numerous homes in close proximity to hers that have similar or even greater square footage. Mrs. Picker's argument about setting a precedent for upsizing vacation rentals throughout Cambria is absurd. No one can exceed the requirements and guidelines, reference elevations and setbacks enforced by your Dept. of Building and Planning. I personally have lived next to a vacation rental for the last 10 years. Only once did I ever request visitors quiet down in that time period. Mrs. Picker, in my opinion, should consider herself lucky that people only occupy the neighboring home around 30% of the year. I cannot imagine how unhappy she will be when Cynthia Beeger moves in full time after all the difficulty she is causing in this matter. I do not believe there is another person living in Sea Cliff Estates that has any issue with this remodel request.

Sincerely,

Richard Breen

Cc: psimg@co.sio.ca.us

Sent: Tuesday, June 02, 2009 11:58 AM

Subject: Support for Beeger's proposed renovatiojn of 4812 Windsor-Cambria

To County Board of Supervisors - S. Baker

To Planning Sept. - P Sittig

We have been living in Seaclift Estates in Cambria for over 10 years at 4934 Windsor Blvd. The houses on either side of us have been vacation rentals for most of the time that we have lived in Cambria. We have never had a problem with Cambria Vacation Rentals (who manage the house next door to us at 4920 Windsor as well as the Beeger house on 4812 Windsor.) They check with us on a regular basis in connection with their renters and make sure that the property is maintained as well.

We know the Beeger family quite well. As homeowners in the neighborhood, they have contributed and supported our 2 year fund raising efforts in connection with the purchase of the Fiscalini Ranch (East West Ranch). Over the last 5 years, the Beegers have also contributed to and supported the development and maintenance of the center median that has made Seaclift one of the most beautiful areas in Cambria for all tourists and owners to admire as they walk the neighborhood on their way to and from the Fiscalini Ranch.

We support the Beegers in their attempt to renovate their home. We hope that the County Supervisors will give their approval as well.

Ali & Mark Kramer
4934 Windsor Blvd.
PO Box 245
Cambria, CA. 93428
(805) 924 1101
markali@charter.net

June 7, 2009

Bruce Gibson, District 2 Supervisor
Board of Supervisors
San Luis Obispo County
1055 Monterey St., Room D430
San Luis Obispo, CA 93408

Bruce-

My wife and I would like to add our letter to the others written by our other neighbors in support of Cynthia and Dan Beeger's desire to remodel/add to their existing residence at 4812 Windsor Blvd in their SeaCliff Estate home. We have relationships with most of our neighbors in SeaCliff Estates, and especially with most of those in the immediately surrounding homes. As far as we are aware, none of our immediate neighbors, with the exception of Ann and Walter Picker, are opposed to the Beeger's proposed remodel.

We live three doors down from Cynthia and Dan's house. Our address is 4766 Windsor Blvd. We have NO problem with their desire to remodel/add to their house. Our understanding is that their remodel is acceptable based on current San Luis Obispo building codes regarding square footage space and setback requirements. They are also not asking for any variances. And based on their currently approved permit, they will not be reducing ANYONE'S ocean views in any way. After a conversation we personally had with Cynthia, we know that they have taken the neighborhood into consideration when they designed their remodel so as to not cause any disturbance to the neighborhood whatsoever (other than the resulting construction noise).

Their remodel will absolutely fit into the size and character of the neighborhood. Our house is 3,500 square feet, with over 1,300 square feet of garage and basement square footage. In comparison, their future home will result in less square footage in both living space (3,350) and garage space (1,100). Their remodel is characterized as a three-story remodel. In actuality, it will be an addition that will result in two, two-story levels built graduating up the hill. It will not only enhance the neighborhood, it will increase everyone's property values. Our opinion is that if they are denied their ability to complete their remodel, they will be denied their inherent property rights.

We know Cynthia and Dan personally. Their desire is to ultimately move to Cambria and live in this home full-time after they retire. They are great people, and have already been active in our community. They have donated to local charitable organizations, and I believe they will continue to be "good neighbors" in the future.

Please feel free to contact us if you have any questions about this. Our home number is 805-927-3508.

Gave a great day!

Bob and Maureen Kasper

From: Nancy & David Jones
Subject: Picker's Appeal of Beeger/4812 Windsor Remodel

Dear Planning Commission and County Supervisors:

We are writing in support of the proposed renovation/addition to 4812 Windsor Boulevard, Cambria. We have owned our home at 4849 Windsor in SeaCliff Estates since 1996 and have known Cynthia and Daniel for thirteen years. In fact, we introduced them to Cambria and were thrilled when they chose to purchase a home in our SeaCliff neighborhood. Unfortunately, their experience has not been as positive as ours because their neighbors, the Pickers, have been a constant source of negativity, aggravation and distress!

Our home is also a vacation rental with Cambria Vacation Rentals (CVR). We have been impressed by the quality of care and attention they give to the selection of renters and to the maintenance of our home, as well as the responsiveness to and consideration of the neighbors. We are aware that the Pickers have chosen not to follow the protocol of calling CVR "to report vacationers who are interfering with their quality of life" by calling the police first, and writing letters to CVR later. That is not dealing with the situation or the renters in the moment...nor can it be substantiated whether or not there have actually been any real versus fabricated disturbances, as by the time the police have been dispatched (taking them away from real problems) there is no evidence of any disturbance of the peace. In addition, Ms. Picker's constant harassment of their guests has resulted in return visitors requesting NOT to be placed in 4812 Windsor!

We recently completed a major remodel of our home (with Cynthia Beeger's expert design assistance) and we have it back on the rental market with the utmost trust that CVR will protect our investment! The issue of "expansion of an existing vacation rental and the potential for setting a precedent for upsizing vacation rentals throughout Cambria is unfounded. First of all, no one would spend that much money to remodel a home, solely as a vacation rental, and then pack it full of more people, run the risk of a tremendous amount of wear and tear only to undermine the investment! Besides, they are not asking to build anything bigger than is currently allowed and present in our community and, it is our understanding that they will not be renting to any more people than at present. Instead, they would like to take advantage of the slower economy, utilize a Central Coast workforce and make improvements at a more appropriate time than waiting until they're ready to relocate.

Finally, the argument that they are "increasing the size of residences in the neighborhood" is ludicrous! Please, just take a drive down our street! And, as for it being "out of character" with the neighborhood, I can assure you that anything Cynthia Beeger designs will be extremely tasteful, beautiful, appropriate and will add to the character and value of the neighborhood.

As vacation rental owners, we pay property tax, we pay TOT, we employ local workers and we support the community's primary business of tourism. We are good citizens of this community and should certainly be offered the same services, respect and rights as all other property owners of San Luis Obispo County! Please deny this appeal and issue the Minor Use Permit/Coastal Development Permit to Cynthia Beeger/ 4812 Windsor, Cambria.

Thank you,

Nancy & David Jones
4849 Windsor Boulevard
Cambria, CA

Hi Paul,

I'm just checking in a few days before the meeting. I have not received an agenda, but I am assuming it is still planned for Tuesday, June 9 at 9 am. Is there anything else I should know or prepare? We will be traveling down to Cambria this weekend and will call you on Monday if I don't hear from you today.

By now you should have received a number of letters from my SeaCliff Estates neighbors. I think they paint a pretty clear picture of the situation and Ms. Picker. I hope these will be taken into serious consideration by the Board of Supervisors as they review the appeal! My other next door neighbors to the north, Roland and Susan Felice, will probably not write a letter, but I received a voice mail at 10:28 am today, from Susan, that states: "Roland and I think you can do whatever you want with your house. That woman is just an evil person. That's our input. Good Luck!" 4824 WINDSOR

And, as I told you before, I am presenting a photo board of the SeaCliff Estates streetscape, showing all of the existing LARGE homes, to contradict the notion, or more importantly the basis of her appeal, that I would be setting a precedent of increasing the size of residences in the neighborhood. (By the way, over 1000 square feet is garage space which should address her "parking of the street" complaint.) We are a neighborhood of large homes and my renovation fits comfortably within the guidelines / codes / rules / regulations set forth by the County and the State as well as improving the property and the neighborhood! As one neighbor said: "One neighbor's personal agenda should not override the Beegers personal property rights."

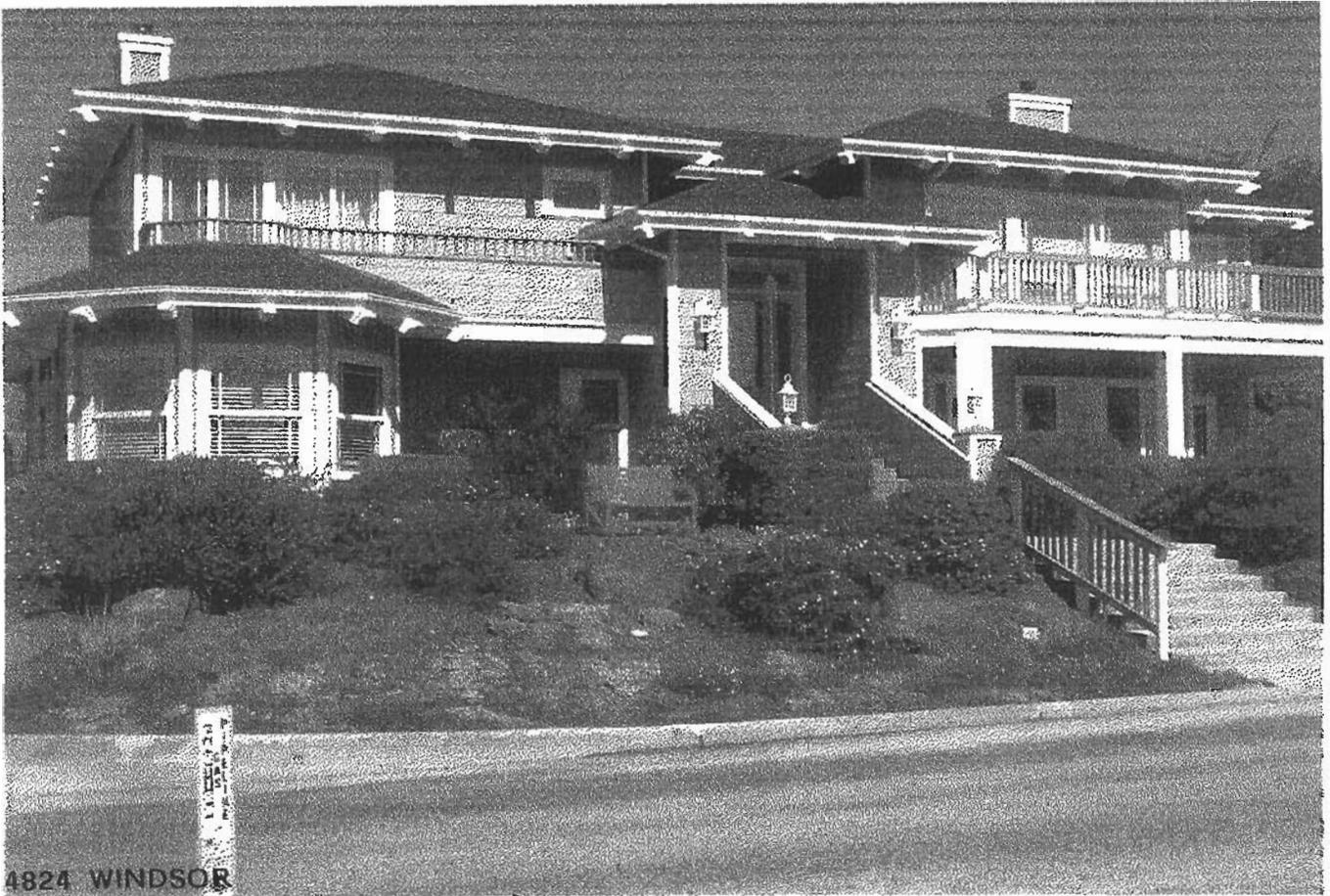
So, correct me if I'm wrong, but I think we're in good shape? Michael Froehlich will be at the meeting if there are any architectural/building questions or issues. Janet Huff, the manager of Cambria Vacation Rentals will also be there and can speak to any specific concerns in that area, if necessary. And, of course, I will be there, as well as my husband...ready for action!

Let me know if there's anything else I should know!

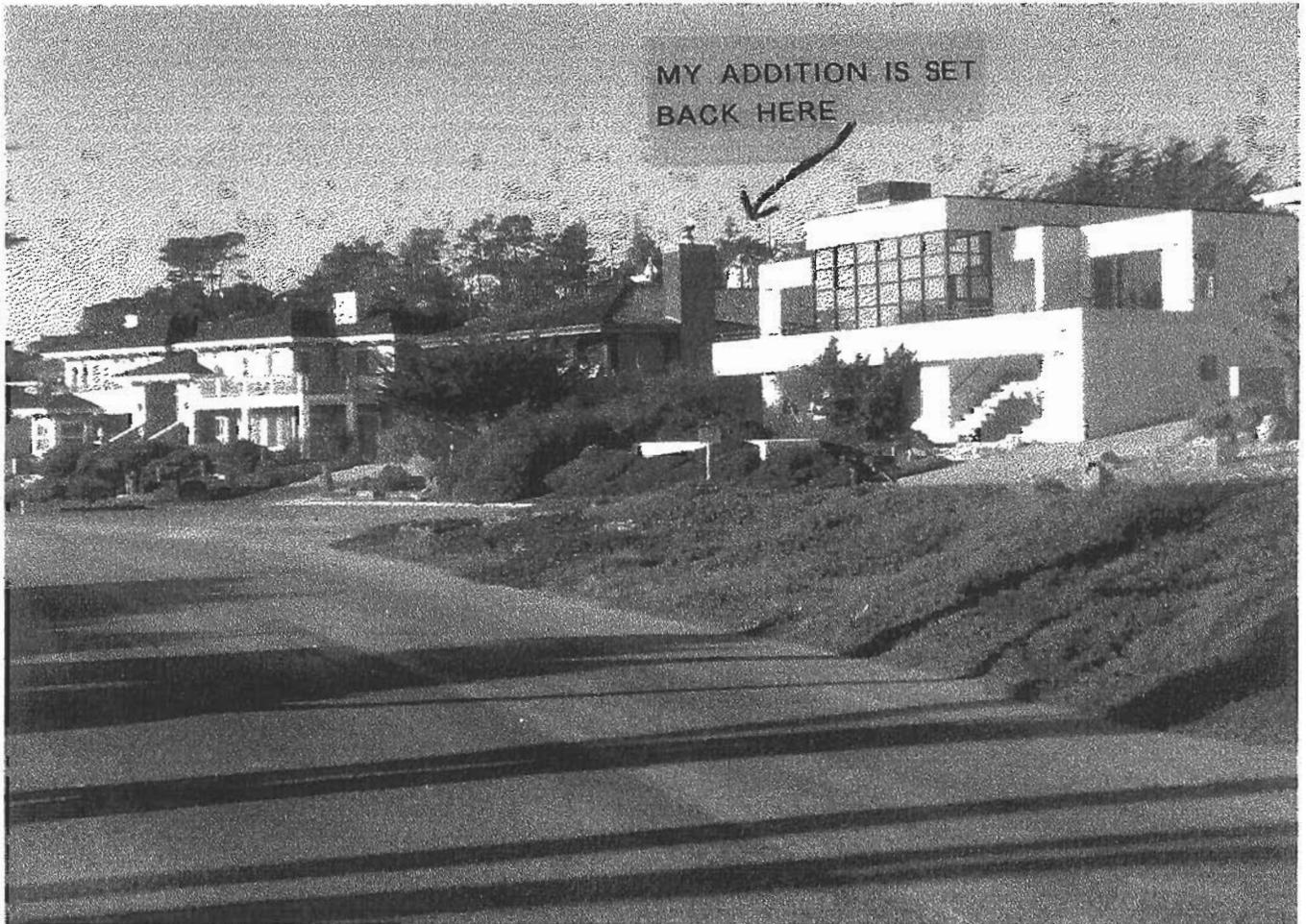
Thank you,

Cynthia Beeger
(650) 321-2154 home
(650) 722-1717 cell
(805) 927-7563 our number in Cambria 6/6-6/9

Friday, June 05, 2009 America Online: Cibeeper

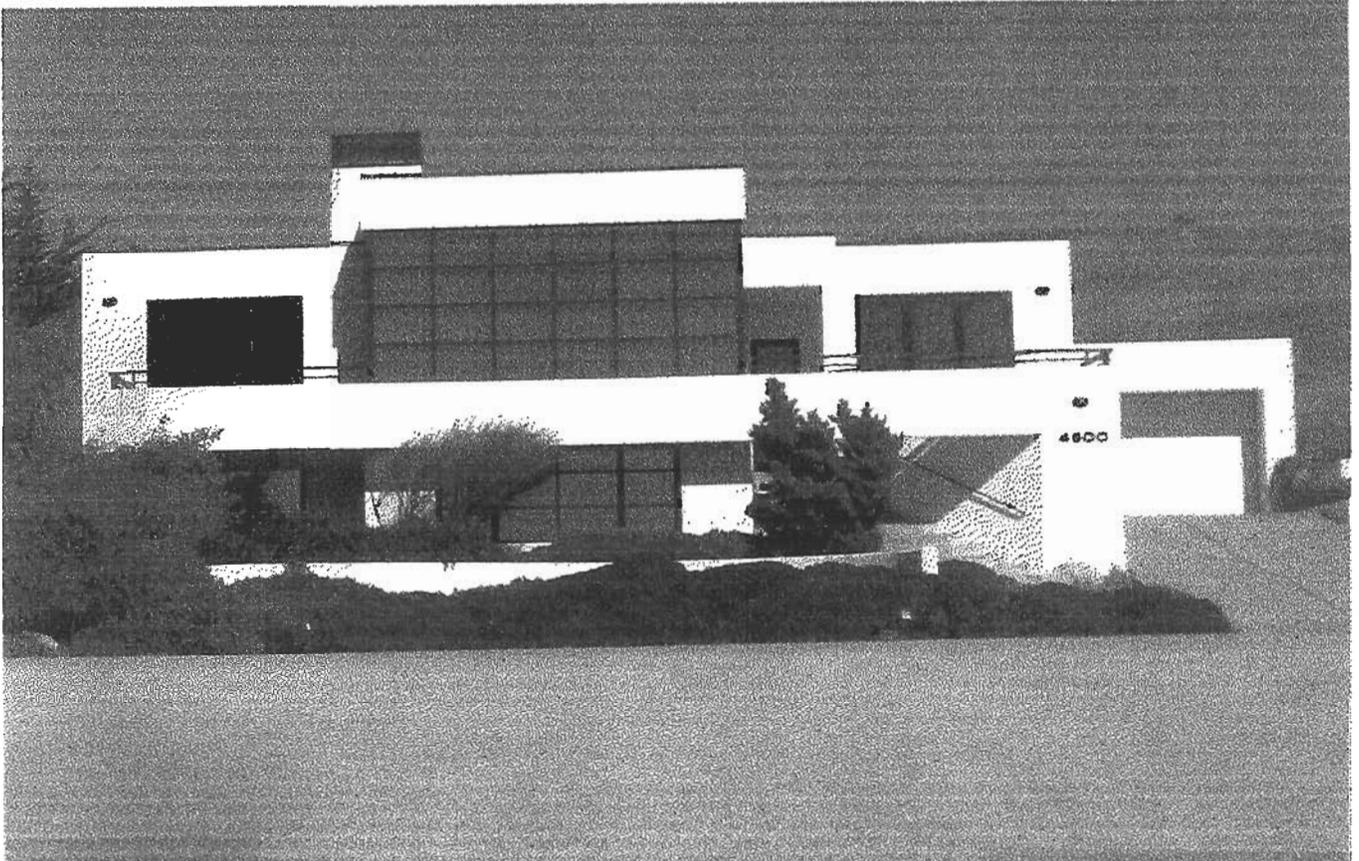


4824 WINDSOR



MY ADDITION IS SET
BACK HERE

4824, 4812, 4800 WINDSOR

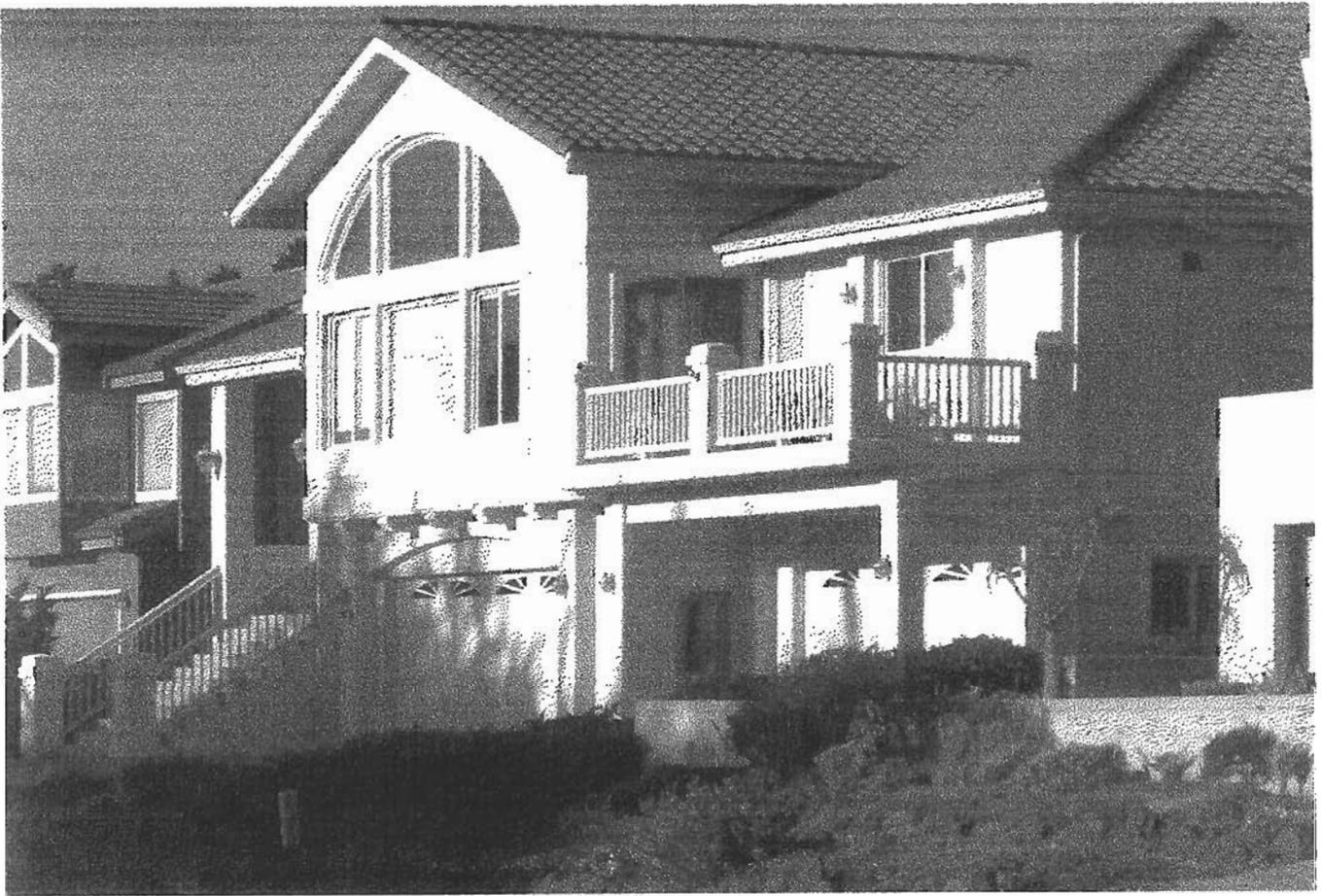


4800 WINDSOR

(APPELLANT'S HOUSE)



4754 WINDSOR



4714 WINDSOR



4640 WINDSOR



5020 WINDSOR



4934 WINDSOR

W196

Jonathan Bishop

From: Walt Picker [w7x9@charter.net]
Sent: Monday, August 31, 2009 6:19 PM
To: kachadjian@co.slo.ca.us
Cc: Jonathan Bishop

Dear Supervisor Achadjian,

I am contacting you regarding an appeal that I will be making before the Coastal Commission in Eureka on September 9, 2009. It is Item 19.b. on the agenda [Appeal No. A-3-SLO-09-035 Beeger].

The appeal deals with a Vacation Rental in Cambria that has applied for a permit to expand capacity by adding a large third story to an already large building that is immediately adjacent to my home. The owner of the Vacation rental is a non-resident of Cambria and operates the business via a local agent.

My personal background is in business. That background includes being the President of two substantial electronics corporations and running a large research operation for a Fortune 500 corporation in Silicon Valley. So, I am supportive of most business operations.

However, in this appeal I am opposed to the expansion of a badly operated business that has damaged its neighbors.

The Vacation Rental in question has a long history of unacceptable performance that continually has impacted our privacy as neighboring permanent residents. The details of that history are documented in my appeal to the Coastal Commission.

I appeared before the San Luis Obispo Board of Supervisors on June 9, 2009.

Possibly you remember that immediately following my presentation of the many problems, you and the other four Supervisors unanimously took the unusual action of imposing a number of special conditions on the applicant's permit. My wife and I certainly appreciated your effort to at least partially limit further damage from the use and operation this vacation rental.

Unfortunately, a number of problems still remain uncorrected and, consequently, we are appealing to the Coastal Commission.

I hope that I will be allowed to make a brief oral presentation in Eureka. In that presentation, I plan to examine the opinions expressed by Coastal Commission staff and will provide substantive reasons for disagreement.

It is my hope that you will support our appeal and, based on my presentation, will at least urge the Commissioners to examine the underlying issues in greater depth. The fundamental issues go well beyond the impact of this single vacation rental.

It is very hard for me to believe that the Coastal Commissioners could possibly conclude that the rights of permanent residents to be protected from impacts from a defective vacation rental are irrelevant and, in addition, are subordinate to the expansions rights of a non-resident business owner in a single family residence area.

Many thanks for your consideration,

Dr. Walter Picker
4800 Windsor Blvd.
Cambria, CA 93428

805-927-1387

P.S. A Cc: of this message has been transmitted to Coastal Commission staff in Santa Cruz.

9/2/2009



GORDON WEST PARTNERS, LLP

W196

OPPOSE

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SEP 08 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TG Westerman
Managing Partner and Chief Executive

September 1, 2009

California Coastal Commission
Santa Cruz, Calif.

Re : Permit #A-3-SLO-09-035
Item No: W19b

Dear Sirs:

I am writing in opposition of the appeal being considered, and in support of the applicant.

I have owned the property at 4835 Windsor, approximately across the street from 4812 since 2002. While I know the property to be a rental, I have never experienced inappropriate behavior on the part of any of the tenants.

I do not know Ms. Beeger, and have not been asked by her or her agents to write this letter. I am writing because I believe that a property owner should have the right to reasonably modify their property, so long as it doesn't impinge on the law, or ones neighbors.

I believe that this does neither, and recommend denial of the appeal.

Regards,

TG Westerman

P.O. Box 8370
Calabasas, CA 91372-8370
Tel (818) 224-4394
Fax (818) 591-8348

W 196

Shirley Bianchi
San Luis Obispo County Second District Supervisor (Retired)
4375 San Simeon Creek Road
Cambria, CA 93428
805-927-8006
ponypasture@hughes.net

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AUG 26 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 24, 2009

Jonathan Bishop
California Coastal Commission
725 Front Street – Suite 300
Santa Cruz, CA 95060

RE: Appeal No. A-3-SLO-09-035

Dear Jonathan,

This letter is in support of the above appeal. Although vacation rentals may be appropriate in some areas, they are not appropriate in locations where tourists come to view our truly unique coastal communities.

This may seem an oxymoron, but it is not. Vacation rentals are a business enterprise. Businesses belong in areas designated for them, and not in residential areas. No matter how many regulations are put on vacation rentals in order to protect the permanent residents, some vacationers are extraordinarily creative in circumventing them, to the detriment of the neighborhood.

Our San Luis Obispo County's unique coastal communities have been constantly cited as one of the reasons tourists come here. Obviously the beauty of the area looms large as well, but if our residential communities are desecrated by a proliferation of businesses in them, this tourist draw will no longer exist. Tourists will drive by, look at our scenery, and then be gone. The intent of the Coastal Act of making the coast tourist-oriented will have been diluted.

I don't live in Cambria, as you well know. But I still have a sense of responsibility in seeing to it that my beloved North Coast stays beautiful, even with the inevitable changes that must take place.

Thank you so very much for your past and present care and consideration of our entire Coast.



Shirley Bianchi

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W 20a

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 9, 2009 at 6:30 pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Susan McCabe

Person(s) receiving communication:

Dan Secord

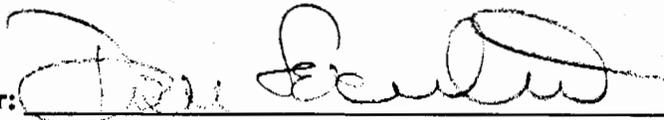
Detailed substantive description of the content of communication:

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

I received a briefing from a representative of the Green Valley Corporation in which she 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 consultant for the applicants has concerns related to the experimental nature of the erodible concrete and is concerned that it would only provide short term support of the bluff, seawall and Swan residence. According to the representative, there is also potential to reflect wave energy onto the Green Valley bluff toe and accelerate erosion. The representative informed me that the applicants are still reviewing the staff recommendation and working with staff to resolve any outstanding concerns.

Date:

Signature of Commissioner:



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AUG 27 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W20a

EX PARTE COMMUNICATIONS

Name of project: Items 20(a); 23; 24(a); and 38(a) on the Sept. 9, 2009 Agenda

Date and time of receipt of communication: September 2, 2009

Location and Type of communication: Santa Clara – Telephone Call

Person(s) in communication: Lennie Roberts, Mike Ferreira

Person(s) receiving communication Jim Wickett

Detailed substantive description of the content of communication:

Ms. Roberts and Mr. Ferriera of San Mateo ORCA called to tell me their opinions on certain items that are scheduled to appear on the September 9, 2009 Agenda. Specific comments follow:

Item 20(a): Although they did not express a specific opinion on filling in the sea cave, they are opposed to building a new sea wall.

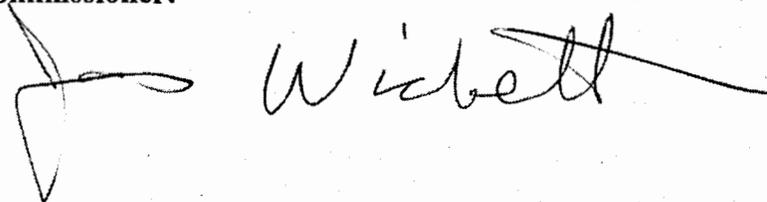
Item 23: Although they said that they would likely comment on this item if it comes up in the future, they reserved comment until then.

Item 24(a): They support the Staff Recommendation and encouraged me to look carefully at the Staff Report.

Item 38(a): They expressed support in favor of the Staff Report.

Date: September 2, 2009

Signature of Commissioner:



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SEP 02 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W20a

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

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AUG 11 2009

Type of communication:

Teleconference

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Person(s) in attendance at time of communication:

Susan McCabe, Jesse Nickell, Anne Blamker

Person(s) receiving communication:

Bonnie Neely

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

W20a

CL-7DC-75C

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

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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 Blemker

Person(s) receiving communication:

Patrick Krueer

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:

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
 FAX: (831) 427-4877
 WEB: WWW.COASTAL.CA.GOV

W20a

Prepared September 2, 2009 (for September 9, 2009 hearing)

To: Commissioners and Interested Persons
From: Dan Carl, District Manager *DCarl*
 Susan Craig, Coastal Planner *S. Craig*
Subject: STAFF REPORT ADDENDUM for W20a
 A-3-CAP-99-023-A1 (Swan and Green Valley Corporation Seawall)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. Specifically, in the time since the staff report was distributed, the co-applicants have requested that the recommended future maintenance condition (Special Condition 8 on staff report page 35) be modified to better reflect the division of responsibility between each applicant with respect to such maintenance. Because the project that is recommended for approval would span both applicant properties (i.e., it would be partially located on the Swan property and would be partially located on the Green Valley Corporation property), the applicants want to make sure that they are responsible for future maintenance as it applies to their respective properties, including to avoid future enforcement problems from project issues on their co-applicant's side of the property line.

Although the co-applicants could make a private arrangements to address such issues, staff does not believe that the requested clarification will significantly alter the premise or expected outcome of the recommended special condition. The condition would still be fully enforceable with respect to both properties. Accordingly, staff is recommending that Special Condition 8 on staff report page 35 be modified to reflect the division of responsibility as it relates to the future maintenance condition. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strike through~~ format indicates text to be deleted):

8. Future Maintenance. Coastal development permit amendment A-3-CAP-09-023-A1 authorizes future maintenance as described in this special condition. ~~The Permittees acknowledge and agree, on behalf of themselves and all successors and assigns that:~~ (a) ~~it is the Permittees' responsibility to maintain the sea cave fill and modified upcoast end of the Swan seawall in a structurally sound manner and in their approved state;~~ (b) ~~it is the Permittees' responsibility to remove all debris that may fall from the blufftop area onto the beach below.~~ The Permittees acknowledge and agree on behalf of themselves and all successors and assigns that: (a) it is Green Valley Corporation's responsibility to maintain the sea cave fill on or seaward of APN 034-081-02 in a structurally sound manner and in its approved state; (b) it is the Swan's responsibility to maintain the sea cave fill on or seaward of APN 034-081-01 and the upcoast end of the Swan seawall in a structurally sound manner and in their approved state; and (c) Green Valley Corporation and Swan shall each be responsible for removing all debris that may fall from the bluff-top area onto the beach below their respective parcels (APN 034-081-02 for Green Valley



CDP Amendment Application A-3-CAP-99-023-A1
Swan and Green Valley Corporation Seawall
Staff Report Addendum
Page 2

Corporation and APN 034-081-01 for Swan). Any such development, or any other maintenance development associated with the as-built sea cave fill or modified upcoast end of the Swan seawall shall be subject to the following:... *(remainder of condition unchanged)*



W20a

LAW OFFICES

GALLAGHER, REEDY & JONES

DANIEL GALLAGHER (1949-1984)
RANDALL D. REEDY
MICHAEL JAY JONES
REBECCA SUE JONES
MICHAEL S. BAYS

19A NORTH SANTA CRUZ AVENUE
LOS GATOS, CALIFORNIA 95030-5916

TELEPHONE (408) 354-1388
FACSIMILE (408) 354-5349

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SEP 03 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

HEARING DATE AND LOCATION:
DATE: Wednesday, September 9, 2009
AGENDA ITEM NO.: W20a

September 1, 2009

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

RE: Permit No.: A-3-CAP-99-023-A1
Applicants: Richard and Nancy Swan, Green Valley Corporation
Project Location: 4840 and 4850 Cliff Drive, Capitola, CA

Dear Sir/Madam:

This letter is written in support of allowing the installation and construction of the 115-foot section of seawall on the above-referenced property. I am a landowner at one of the condominium complexes located a short distance from this proposed wall. We have installed a seawall on our complex. It has substantially reduced the erosion on our property. While at the same time, we have seen erosion continuing on the neighboring properties. I support the installation and construction of the seawall as it will solidify the bluff and not only help protect the Swan and Green Valley Corporation property, but in the long run will benefit all of the neighbors and adjoining landowners along the Capitola coast.

Should anyone wish to contact me, I will discuss this with them openly and freely. On behalf of a neighbor who owns real property a short distance from the project, I would request that the Coastal Commission provide their approval.

Very truly yours,



Michael Jay Jones

MJJ:dv

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W20a

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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:

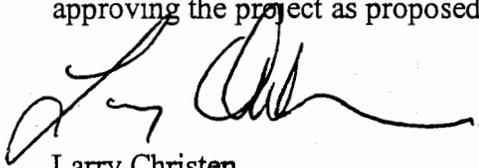
I am writing representing the 4820 Opal Cliff East Homeowners Association, a 12 unit separately owned condominium complex immediately north of the proposed seawall.

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

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



**Surfrider
Foundation**

September 3, 2009

California Coastal Commissioners and Staff
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
FAX (415) 904-5400

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SEP 08 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Cc: Charles Lester and Dan Carl, Central Coast District Office

RE: CDP amendment for Permit No. A-3-CAP-99-023-A1 (Swan and Green Valley Corporation, Capitola)

Item 20(a) on the agenda for the California Coastal Commission hearing Wednesday, September 9, 2009

Via electronic mail

Dear Chair Neely and fellow Coastal Commissioners,

I am writing to you on behalf of the Surfrider Foundation, Santa Cruz Chapter and the Surfrider Foundation membership ("Surfrider") in regards to the proposed CDP amendment for the Green Valley Corporation property in Opal Cliffs. The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of our oceans, waves and beaches, for all people, through conservation, activism, research and education.

Surfrider is opposed to the proposed project and CDP amendment as proposed by Swan and Green Valley Corporation ("Green Valley"). The existing CDP condition prohibiting armoring on the Green Valley property should be upheld, and Surfrider supports staff's determination that armoring the Green Valley property is unwarranted and inconsistent with the Coastal Act. Based on this determination, which staff seemingly disregards in its recommendation of a "minor" CDP amendment to allow the sea cave extending onto the Green Valley property to be filled, Surfrider asserts that no CDP amendment should occur—not even a minor one—which would alter a past Commission decision and allow armoring on this property, given that the structures on this property are neither threatened nor afforded protection as an "existing structure" per Section 30235 of the Coastal Act.

Seawalls are neither permanent nor are they solutions to the effects of coastal erosion. At most, they are a legally permissible stop-gap measure in response to erosion that threatens an existing structure. The reality is that seawalls don't stop erosive forces; they simply attempt to block the impacts of these forces on the sediment behind them. Exacerbated erosion at the flanks of seawalls is well documented and it can result in structural failure, which is what is happening at the Swan property. While property owners with threatened "existing" structures may be afforded

NATIONAL OFFICE • P.O. BOX 6010 • SAN CLEMENTE, CA 92674-6010
(949) 492-8170 • FAX (949) 492-8142 • www.surfrider.org • E-MAIL info@surfrider.org





Surfrider Foundation

the right to protect their property with armoring, it can't be assumed that there is a structural solution to the problem that doesn't inordinately impact public resources or require existing law to be stretched beyond its intent. In such instances, and in this particular instance, that seems to be the case.

For these reasons, Surfrider urges the Commission to deny the proposed CDP amendment due to inconsistencies with the Coastal Act.

Sincerely,

Sarah Corbin
Central California Regional Manager
Surfrider Foundation



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
 FAX: (831) 427-4877
 WEB: WWW.COASTAL.CA.GOV

W20b

Prepared September 8, 2009 (for September 9, 2009 hearing)

To: Commissioners and Interested Persons
 From: Dan Carl, District Supervisor *DC*
 Mike Watson, District Planner *MW*

Subject: STAFF REPORT ADDENDUM for W20b
 3-04-027-A1 (Pacific Grove Parking Meters)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. Specifically, in the time since the staff report was distributed, the City has requested that the recommended findings be made clearer with respect to the recommended condition requiring that the parking along Ocean View Boulevard between Dewey Avenue and Fountain Avenue be unrestricted free public parking for the life of the approved project (see Special Condition 1 on staff report page 12). This special condition excepts from this requirement legally established restrictions (CDP authorized or pre-dating CDP requirements) and restrictions necessary to allow safe and normal traffic flow. The recommended findings describe these same exceptions, but there are two locations in the staff report text where the exceptions could be misinterpreted. Although staff believes the findings as a whole are clear, staff recognizes that the two text areas, if taken out of context, could lead to misunderstandings. Accordingly, in an effort to avoid future misunderstandings in terms ensuring consistency with the terms and conditions of the amended CDP, staff is recommending minor clarifications on pages 2 and 9 of the staff report. These modifications do not alter the base premise of the staff report recommendation, rather they only provide greater clarity. With these changes, the City has indicated that it is in agreement with the staff recommendation. Please see the attached letter. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in strikethrough format indicates text to be deleted):

On staff report page 2, bottom of second paragraph:

...~~Within this area,~~ Except for any existing legally established and coastal permitted (or pre-coastal permit requirement) restrictions, and except for restrictions required to allow safe and normal traffic flow (i.e., a red curb area that restricts parking because there is inadequate space for both parking and through traffic, etc.), all other parking restrictions not recognized by CDP (including a preferential parking program, red curbing, no parking signs, etc.) would need to be removed to ensure such free unrestricted parking access.

On staff report page 9, bottom of third paragraph:

...~~Within this area,~~ Except for any existing legally established and coastal permitted (or pre-coastal permit requirement) restrictions, and except for restrictions required to allow safe and



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normal traffic flow (i.e., a red curb area that restricts parking because there is inadequate space for both parking and through traffic, etc.), all other parking restrictions not recognized by CDP (including a preferential parking program, red curbing, no parking signs, etc.) would need to be removed to ensure such free unrestricted parking access.





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COMMUNITY DEVELOPMENT DEPARTMENT

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September 1, 2009

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Amendment to CDP No. 3-04-027, City of Pacific Grove Parking Meters

Dear Mike:

We received and reviewed the draft staff report for the above noted project. We note that there are inconsistencies between the body text and Special Condition No. B.1. The full text of Special Condition No. B.1 is not discussed in the body text of the report. Special Condition No. B.1 allows for existing parking restrictions to remain if evidence can be provided that shows that the restrictions were put in place prior to February 1973, that the restrictions received prior Coastal Commission approval, or that the restrictions are required to allow safe and normal traffic flow (i.e. red curbs in areas where the roadway narrows).

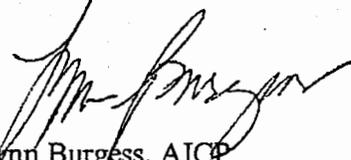
The City of Pacific Grove agrees with the Conditions of Approval as specified in Section II.D of the report. However, we ask that the body text of the report be amended in Section I.A, *Summary of Staff Recommendation*, and Section II.C, *Coastal Development Permit Determination*, to include the full language of Special Condition No. B.1. It has been our experience in the past that the full Coastal Commission staff reports are considered policy and we want to make sure that the report is clear to anyone reading or implementing the final permit determination in the future.

With the minor text modifications noted above, the City hereby requests that the project be placed on the Consent Calendar of the September 9, 2009 California Coastal Commission agenda.

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Mike, we thank you for the help and guidance that you've provided throughout this process. We appreciate the effort that you've put forth in moving this permit amendment forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Burgess". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lynn Burgess, AICP
Chief Planner

Cc: Jim Becklenberg, Interim Deputy City Manager
Karen Vaughn, Senior Planner
File