

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
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# F16

**Prepared October 11, 2021 for October 15, 2021 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Stephanie Rexing, North Central Coast District Manager Erik Martinez, North Central Coast Coastal Planner Sara Pfeifer, North Central Coast Coastal Planner

**Subject: Additional hearing materials for F16  
CDP Waiver Number 2-21-0331-W (Mavericks Ventures LLC) CDP  
Amendment 2-20-0018-A1 (Dillon Beach Resort, LLC)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the reports for these items were distributed.

## Re: Public or Private Surf Spot?

Scott Miller <handmadeinmarin@gmail.com>

Thu 10/7/2021 8:58 AM

To: Martinez, Erik@Coastal <erik.martinez@coastal.ca.gov>

Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; Carl, Dan@Coastal <Dan.Carl@coastal.ca.gov>

Hi Erik,

Thank you for responding and clarifying.

Coastal Act Section 30211 States,"Development shall not interfere with the public's right of access **to the sea** where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation....." (Emphasis added).

This project will interfere with the public's right to access the surf spot. This is not something that should be taken lightly and certainly should not be given a simple waiver.

An actual CDP should be required, as in years past. The CDP should include the condition that the applicant document and record the actual number of "contestable" days during the season, which would give a more accurate picture of the scope of this denial of access (i.e. the public was denied the right to access quality waves x% of the time they existed.) This number could be as high as 100% (some years there are zero days and the contest isn't even held). Denying the public's right to access a coastal resource 100% of the time it exists is unacceptable.

The applicant's assertion that this is only one day out of 365 is false. If it was true they could hold their contest in July.

Issuing a real CDP with this condition would allow the Commission to better understand the degree to which this annual shut-out negatively impacts the surfing public going forward, and a more educated decision could be made as to what percentage of public access denial is acceptable.

So, to clarify:

I object to CDP Waiver 2-21-0331-W because it is not consistent with Chapter 3 of the Coastal Act as it will interfere with the public's right to access the sea to a degree that has not been measured or evaluated.

Thank you for your time.

-Scott M.

On Oct 4, 2021, at 12:30 PM, Martinez, Erik@Coastal <[erik.martinez@coastal.ca.gov](mailto:erik.martinez@coastal.ca.gov)> wrote:

Hi Scott,

Thanks for reaching out. The public can still use Mavericks Beach and surf elsewhere, but for the day of the competition Mavericks Ventures, the applicant, will have exclusive use of the Mavericks surf break.

-Erik

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**From:** Scott Miller <[handmadeinmarin@gmail.com](mailto:handmadeinmarin@gmail.com)>  
**Sent:** Monday, October 4, 2021 11:12 AM  
**To:** Martinez, Erik@Coastal <[erik.martinez@coastal.ca.gov](mailto:erik.martinez@coastal.ca.gov)>  
**Subject:** Public or Private Surf Spot?

Hi Erik,

The Proposed Permit Waiver for Mavericks Ventures LLC says, "The proposed event will not require exclusive use of any shoreline, trail or Harbor facilities, which will remain open to the general public."

Does this mean the general public will be allowed to access the ocean and go surfing?

Thank you,  
Scott M.

## DBR Permit Amendment (2-20-0018-A1)

Scott Miller <handmadeinmarin@gmail.com>

Fri 10/8/2021 10:22 AM

To: Pfeifer, Sara@Coastal <Sara.Pfeifer@coastal.ca.gov>; NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>

Hello Sara, Stephanie, Dan, John, and others,

Staff is correct that this CDP Amendment will only block private views, not the LCP-protected view. I have no objection to that conclusion. However, I *do* object to the amendment of a CDP that has not yet been issued while the applicant continues to *not* fulfill their existing obligations with little or no consequences.

Commission Staff was wise enough to issue a Notice Of Intent, rather than an actual CDP, in order to ensure the Special Conditions of Approval are completed *before* the additional units are brought in. The CDP is the "carrot". This is an amendment to the "carrot" which in theory makes it more appealing, which should encourage the "donkey" to get on with it.

But let's not forget about the "stick"....

DBR has not fulfilled/ is not fulfilling it's obligations under the NOI. Most notably, Special Condition 2.

Special Condition 2 is the cornerstone of the agreement reached by Commission Staff and the Applicant to address previous unpermitted development. Instead of paying a \$750,000 fine, they agreed to provide free parking hours which would reduce their revenue. After several years, the lost revenue will equal the penalty. Basically, the Commission agreed to give DBR an interest-free loan.

On February 23, 2021, DBR accepted the terms of this interest-free loan by signing the NOI.

Then, for several months, they continued to charge visitors full price for parking during the agreed-upon free hours. DBR effectively defaulted on their loan by fraudulently charging the public tens of thousands of dollars. This finally stopped, presumably when the "stick" came out.

DBR has stopped collecting money at the gate during free hours (thanks to the "stick"), but the required signage at the entrance is nowhere to be found. Quite the contrary. The "\$10 Parking" sign stays out long after 3pm, which serves as a deterrent to visitors who do not know it's actually free. They see the sign and choose not to enter, so they never find out it would have been free if they had. This is the equivalent of posting a "no trespassing" sign, but not putting up a fence. Not only is it tacky, it is a violation of the NOI and another form of non-payment of the interest-free loan.

This proposed enhancement of the "carrot" needs to also include an enhancement of the "stick". Enhanced penalties for continued violations of Condition 2 (and 3) should be a part of this amendment.

Thank you for all your continued work.

Sincerely,  
Scott M.