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

Th10

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

For the

June Meeting of the California Coastal Commission

MEMORANDUM Date: June 15, 2006

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 June 15, 2006 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

3-06-020-W Santa Cruz Seaside Company, Attn: Carl Henn, Sr. (Santa Cruz, Santa Cruz County)

3-06-031-W Michael Langlois & Joanne Rochon (Asilomar Dunes Area, Pacific Grove, Monterey County)

DE MINIMIS WAIVERS

3-04-076-W City Of Pismo Beach, Attn: Dennis Dilzeit, Carolyn Johnson (Pismo Beach, San Luis Obispo County)

3-06-019-W Monterey City, Public Works Department, Attn: Tom Reeves, City Engineer (Monterey, Monterey County)

3-06-021-W Nada L. Kovalik (Pacific Grove, Monterey County)

TOTAL OF 5 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.

Applicant	Project Description	Project Location
3-06-020-W Santa Cruz Seaside Company, Attn: Carl Henn, Sr.	Boardwalk deck and piling replacement of approximately 775 linear feet and approximately 250 pilings to be implemented in three stages beginning approximately at the Roll-O-Rama game and extending to the west end of the Bumper Car building.	400 Beach Street, Santa Cruz (Santa Cruz County)
3-06-031-W Michael Langlois & Joanne Rochon	Repair emergency access driveway by replacing eroded gravel road with turf block covered by native dune sand and planted with dune plants native to the Asilomar Dunes area.	1663 Sunset Drive, Asilomar Dunes Area, 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.

Applicant	Project Description	Project Location
3-04-076-W City Of Pismo Beach, Attn: Dennis Dilzeit, Carolyn Johnson	Main Street Promenade, consisting of a wooden pedestrian walkway elevated on pilings running parallel to the shore on the sandy beach, with connections to Main St. and the existing pier plaza at end of Pomeroy St.. Other features include a new stairway to the beach, deck projections for viewing, benches, lighting, improved guard rail along plaza, a pedestrian drop-off at the end of Main St., and relocation of an existing pedestrian/emergency vehicle access ramp to the beach.	Main Street & Pomeroy & Beach Area, Pismo Beach (San Luis Obispo County)
3-06-019-W Monterey City, Public Works Department, Attn: Tom Reeves, City Engineer	Construct an asphalt-concrete trail and pedestrian bridge linking Van Buren Street to Artillery Street and the Presidio of Monterey.	Van Buren & Artillery Streets, Monterey (Monterey County)
3-06-021-W Nada L. Kovalik	As-built connection to sewer main including 120 ft. pipeline from residence to street; abandon septic system.	1342 Jewell Street, Pacific Grove (Monterey County)

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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: May 31, 2006

TO: Santa Cruz Seaside Company, Attn: Carl Henn, Sr.

FROM: Peter M. Douglas, Executive Director

SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-06-020-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13252 of the California Code of Regulations.

APPLICANT: **Santa Cruz Seaside Company, Attn: Carl Henn, Sr.**

LOCATION: **400 Beach Street, Santa Cruz (Santa Cruz County) (APN(s) 005-341-21)**

DESCRIPTION: **Boardwalk deck and piling replacement of approximately 775 linear feet and approximately 250 pilings to be implemented in three stages beginning approximately at the Roll-O-Rama game and extending to the west end of the Bumper Car building.**

RATIONALE: **Proposed development includes appropriate best management practices to protect water quality during construction. The project involves no significant impacts on coastal resources. Construction will be done during the off-season and will not interfere with vertical or lateral public access.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Thursday, June 15, 2006, in Santa Rosa . If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: STEVE MONOWITZ
District Manager

cc: Local Planning Dept.

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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: June 1, 2006

TO: Michael Langlois & Joanne Rochon

FROM: Peter M. Douglas, Executive Director

SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-06-031-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13252 of the California Code of Regulations.

APPLICANT: **Michael Langlois & Joanne Rochon**

LOCATION: **1663 Sunset Drive, Asilomar Dunes Area, Pacific Grove (Monterey County) (APN(s) 007-041-025)**

DESCRIPTION: **Repair emergency access driveway by replacing eroded gravel road with turf block covered by native dune sand and planted with dune plants native to the Asilomar Dunes area.**

RATIONALE: **Installation of the replacement emergency access route includes measures to protect the surrounding dune habitat during construction and replant the area disturbed during construction with native dune plants, as required by Coastal Development Permit CDP No. 3-82-164 for the existing residence.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Thursday, June 15, 2006, in Santa Rosa . If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: STEVE MONOWITZ
District Manager

cc: Local Planning Dept.
J M H Weiss, Inc., Attn: Kevin Weiss

CALIFORNIA COASTAL COMMISSION
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SANTA CRUZ, CA 95060
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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: June 6, 2006

TO: City Of Pismo Beach, Attn: Dennis Dilzeit, Carolyn Johnson

FROM: Peter M. Douglas, Executive Director

SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-04-076-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: **City Of Pismo Beach, Attn: Dennis Dilzeit, Carolyn Johnson**

LOCATION: **Main Street & Pomeroy & Beach Area, Pismo Beach (San Luis Obispo County) (APN(s) 005-181-002, 005-181-022, 005-181-029, 005-181-030, 005-181-048, 005-201-004, 005-201-019)**

DESCRIPTION: **Main Street Promenade, consisting of a wooden pedestrian walkway elevated on pilings running parallel to the shore on the sandy beach, with connections to Main St. and the existing pier plaza at end of Pomeroy St.. Other features include a new stairway to the beach, deck projections for viewing, benches, lighting, improved guard rail along plaza, a pedestrian drop-off at the end of Main St., and relocation of an existing pedestrian/emergency vehicle access ramp to the beach.**

RATIONALE: **The project will enhance coastal access and recreation by providing new and improved access routes, overlooks, and drop-off area. Repairs to the existing revetment will protect beach access and recreation, as well as visual resources, by reducing the footprint of the existing structure and maintaining a sand cover. Construction activities will minimize temporary disruptions to coastal access and recreation, and protect water quality, among other ways, by preventing equipment from coming into contact with coastal waters, containing and properly disposing all construction debris, and providing adequate personnel, flagging, and/or temporary fencing to ensure public safety during construction. Long-term water quality protection will be provided by a new storm water filtration system at the end of Main Street, selected in consultation with the Executive Director.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Thursday, June 15, 2006, in Santa Rosa . If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: STEVE MONOWITZ
District Manager

cc: Local Planning Dept.
R R M Design Group, Attn: Debbie L. Rudd

STATE OF CALIFORNIA THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: May 31, 2006

TO: City of Monterey Public Works Department, Attn: Tom Reeves

FROM: Peter M. Douglas, Executive Director

SUBJECT: Waiver of Coastal Development Permit
Waiver De Minimis Number 3-06-019-W

Based on project plans and information submitted by the applicant named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: **City of Monterey Public Works Department, Attn: Tom Reeves**

LOCATION: **Van Buren & Artillery Streets, Monterey (Monterey County) (APN 001-991-001)**

DESCRIPTION: **Construct an asphalt-concrete trail and pedestrian bridge across an unnamed creek, which will link Van Buren Street to Artillery Street and the Presidio of Monterey.**

RATIONALE: **Proposed development avoids disruption of riparian habitat and includes appropriate best management practices to protect water quality during construction. Project will enhance public access opportunities in this area of the coastal zone. The project involves no significant impacts on coastal resources.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of June 15, 2006, in Santa Rosa. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: STEVE MONOWITZ
District Manager

cc: City of Monterey Planning Dept.

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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: May 17, 2006

TO: Nada L. Kovalik

FROM: Peter M. Douglas, Executive Director

SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-06-021-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: **Nada L. Kovalik**

LOCATION: **1342 Jewell Street, Pacific Grove (Monterey County) (APN(s) 007-031-018)**

DESCRIPTION: **As-built connection to sewer main including 120 ft. pipeline from residence to street; abandon septic system.**

RATIONALE: **Proposed development involves no significant impacts on coastal resources or public access to the shoreline. The site does not contain plant species of special concern that have been identified elsewhere in the Asilomar Dunes. Following installation of the sewer line, the area of disturbance will be revegetated and maintained with native Asilomar Dunes plants by a qualified biologist.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of June 14-16, 2006, in Santa Rosa . If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: STEVE MONOWITZ
District Manager

cc: Local Planning Dept.

STATE OF CALIFORNIA – THE RESOURCES AGENCY

Arnold Schwarzenegger, *Governor*

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
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(831) 427-4863

Memorandum

June 14, 2006

To: Commissioners and Interested Parties

From: Charles Lester, Deputy Director, Central Coast District

Re: ***Additional Information for Commission Meeting Thursday, June 15, 2006***

Agenda Item	Applicant	Description	Page
Th12a, 3-03-15	**SC County Public Works**	**Pajaro River Breaching**	**1**
Th12b, A-3-05-73	**Porter**	**Correspondence**	**11**
Th12c-d, A-3-06-2 & -3	**Yandow**	**Correspondence**	**19**
Th13b, A-3-00-118-A3	**Khaloghli**	**Correspondence**	**23**

Th12a

JOHN LUNDELL
18951 ANSLEY PLACE
SARATOGO, CA 95070

RECEIVED
JUN 12 2006
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 8, 2006

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

Attn: Ms. Susan Craig

RE: Breaching the Mouth of the Pajaro River

Dear Members of the Coastal Commission:

I am writing in regard to the breaching of the Pajaro River. I urge the Commission renew the permit to allow the County of Santa Cruz to breach the mouth of the Pajaro River as needed to prevent flooding. When the breaching has not been done in a timely manner, the community of Pajaro Dunes and its Beach Road neighbors has been plagued by problems resulting from the flooding of Beach Road, the interior roads of Pajaro Dunes, and the neighboring farmland.

When flooding occurs, workers and guests are unable to reach Pajaro Dunes and the adjacent Palm Beach State Park, which are designated visitor use areas. When this happens, it has a negative impact on income of workers, agencies, and the County through reductions in the sales tax and transient occupancy tax. In the past, roads have been severely damaged and farmers have lost crops and top soil. Furthermore, telephone and underground electrical lines have been damaged by the flooding and have resulted power failures and one home fire which resulted in the loss of the home. The flooding and power loss also affects the sewer lift stations and can cause the release of raw sewage into the Watsonville Slough and Pajaro River.

I urge renewal of the permit to allow County workers to abate hazards and control flooding to safeguard the people and properties that the Coastal Commission is honor bound to help owners and agencies protect the land.

Sincerely,

John Lundell
President,
Pajaro Dunes Association

Th 12a

RECEIVED

JUN 09 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 7, 2006

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

Attn: Ms. Susan Craig

RE: Pajaro River Breaching

Dear Members of the Coastal Commission:

This letter is regarding the breaching of the Pajaro River. I urge the Commission grant the permit to allow the County of Santa Cruz to breach the mouth of the Pajaro River as needed to prevent flooding. The community of Pajaro Dunes and its Beach Road neighbors have been plagued by problems resulting from the flooding of Beach Road, the interior roads of Pajaro Dunes, and the neighboring farmland.

Workers and guests are unable to reach Pajaro Dunes which affects income of workers, agencies, and the County through sales tax and transient occupancy tax. Roads are severely damaged and farmers loose crops and top soil. Telephone and underground electrical lines are damaged by the flooding and have resulted power failures and one home fire which resulted in the loss of the home. The flooding and power loss also affects the sewer lift stations and can cause the release of raw sewage into the Watsonville Slough and Pajaro River.

I urge approval of the permit to allow County workers to abate hazards and control flooding to safeguard the people and properties that the Coastal Commission is honor bound to protect

Sincerely,

Janet Mahoney

Janet Mahoney
Homeowner

Ms. Janet Mahoney
134 Willet Cir
Watsonville, CA 95076

Th12a

RECEIVED
JUN 09 2006
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Alfred A. Hodder
P-76 Pelican Point
Pajaro Dunes, CA 95076

June 7, 2006

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

Attn: Ms. Susan Craig

RE: Pajaro River Breaching

Dear Members of the Coastal Commission:

This letter is regarding the breaching of the Pajaro River. I urge the Commission grant the permit to allow the County of Santa Cruz to breach the mouth of the Pajaro River as needed to prevent flooding. The community of Pajaro Dunes and its Beach Road neighbors have been plagued by problems resulting from the flooding of Beach Road, the interior roads of Pajaro Dunes, and the neighboring farmland.

Workers and guests are unable to reach Pajaro Dunes which affects income of workers, agencies, and the County through sales tax and transient occupancy tax. Roads are severely damaged and farmers loose crops and top soil. Telephone and underground electrical lines are damaged by the flooding and have resulted power failures and one home fire which resulted in the loss of the home. The flooding and power loss also affects the sewer lift stations and can cause the release of raw sewage into the Watsonville Slough and Pajaro River.

I urge approval of the permit to allow County workers to abate hazards and control flooding to safeguard the people and properties that the Coastal Commission is honor bound to protect

Sincerely,

Alfred A.Hodder

Th12a

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JUN 09 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Raymond Demere III
142 Puffin Road
Watsonville, CA 95076

June 07, 2006

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

Attn: Ms. Susan Craig

RE: Pajaro River Breaching

Dear Members of the Coastal Commission:

This letter is regarding the breaching of the Pajaro River. I urge the Commission grant the permit to allow the County of Santa Cruz to breach the mouth of the Pajaro River as needed to prevent flooding. The community of Pajaro Dunes and its Beach Road neighbors have been plagued by problems resulting from the flooding of Beach Road, the interior roads of Pajaro Dunes, and the neighboring farmland.

Workers and guests are unable to reach Pajaro Dunes which affects income of workers, agencies, and the County through sales tax and transient occupancy tax. Roads are severely damaged and farmers loose crops and top soil. Telephone and underground electrical lines are damaged by the flooding and have resulted power failures and one home fire which resulted in the loss of the home. The flooding and power loss also affects the sewer lift stations and can cause the release of raw sewage into the Watsonville Slough and Pajaro River.

I urge approval of the permit to allow County workers to abate hazards and control flooding to safeguard the people and properties that the Coastal Commission is honor bound to protect

Sincerely,

Raymond Demere III

Th12a

RECEIVED

JUN 09 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June , 2006

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

Attn: Ms. Susan Craig

RE: Pajaro River Breaching

Dear Members of the Coastal Commission:

This letter is regarding the breaching of the Pajaro River. I urge the Commission grant the permit to allow the County of Santa Cruz to breach the mouth of the Pajaro River as needed to prevent flooding. The community of Pajaro Dunes and its Beach Road neighbors have been plagued by problems resulting from the flooding of Beach Road, the interior roads of Pajaro Dunes, and the neighboring farmland.

Workers and guests are unable to reach Pajaro Dunes which affects income of workers, agencies, and the County through sales tax and transient occupancy tax. Roads are severely damaged and farmers loose crops and top soil. Telephone and underground electrical lines are damaged by the flooding and have resulted power failures and one home fire which resulted in the loss of the home. The flooding and power loss also affects the sewer lift stations and can cause the release of raw sewage into the Watsonville Slough and Pajaro River.

I urge approval of the permit to allow County workers to abate hazards and control flooding to safeguard the people and properties that the Coastal Commission is honor bound to protect

Sincerely,

Scott L. Demere
Puffin Place LLC
142 Puffin Place
Watsonville, CA 95076

Th 12a

Pájaro Dunes Association
2661 Beach Road • Watsonville, CA 95076
gatehouse@pajarodunesassociation.com
(831) 761-7744

RECEIVED
JUN 08 2006
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 6, 2006

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

Attn: Ms. Susan Craig

RE: Pajaro River Breaching

Dear Members of the Coastal Commission:

This letter is regarding the breaching of the Pajaro River. I urge the Commission grant the permit to allow the County of Santa Cruz to breach the mouth of the Pajaro River as needed to prevent flooding. The community of Pajaro Dunes and its Beach Road neighbors has been plagued by problems resulting from the flooding of Beach Road, the interior roads of Pajaro Dunes, and the neighboring farmland.

Workers and guests are unable to reach Pajaro Dunes which affects income of workers, agencies, and the County through sales tax and transient occupancy tax. Roads are severely damaged and farmers loose crops and top soil. Telephone and underground electrical lines are damaged by the flooding and have resulted power failures and one home fire which resulted in the loss of the home. The flooding and power loss also affects the sewer lift stations and can cause the release of raw sewage into the Watsonville Slough and Pajaro River.

I urge approval of the permit to allow County workers to abate hazards and control flooding to safeguard the people and properties that the Coastal Commission is honor bound to protect

Sincerely,

Carol Turley

Carol Turley
Manager
Pajaro Dunes Association

Th12a

RECEIVED
JUN 08 2006
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 7, 2006

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

Attn: Ms. Susan Craig

RE: Pajaro River Breaching

Dear Members of the Coastal Commission:

This letter is regarding the breaching of the Pajaro River. I urge the Commission grant the permit to allow the County of Santa Cruz to breach the mouth of the Pajaro River as needed to prevent flooding. The community of Pajaro Dunes and its Beach Road neighbors have been plagued by problems resulting from the flooding of Beach Road, the interior roads of Pajaro Dunes, and the neighboring farmland.

Workers and guests are unable to reach Pajaro Dunes which affects income of workers, agencies, and the County through sales tax and transient occupancy tax. Roads are severely damaged and farmers loose crops and top soil. Telephone and underground electrical lines are damaged by the flooding and have resulted power failures and one home fire which resulted in the loss of the home. The flooding and power loss also affects the sewer lift stations and can cause the release of raw sewage into the Watsonville Slough and Pajaro River.

I urge approval of the permit to allow County workers to abate hazards and control flooding to safeguard the people and properties that the Coastal Commission is honor bound to protect.

Sincerely,

Barbara W. Deméré

Barbara W. Deméré
142 Puffin Lane
Watsonville, CA 95076

Th12a

RECEIVED

JUN 08 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Unit No. 255
101 Shell Road
Watsonville, CA 95076
June 7, 2006

Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Coastal Commission hearing on June 15 on the sandbar breaching of the Pajaro River (Permit Number 3-03-015, Hearing Item No. Th12a)

Dear Susan,

I believe that it is important that breaching of the sandbar be allowed to prevent flooding of the road and the property adjoining Beach Road. I also feel it is important to eliminate any possible pollution from the nearby sewage treatment plant. The alternatives to breaching are not practical.

We have regularly seen instances with the current procedure where there is a high tide during a storm, and flooding is starting to take place, but the equipment to breach the sand bar could not immediately reach and work in the location because of the high waters and weather conditions. Often the flooding is not severe, but we have seen cases where it is severe, with the road made impassable and the properties being flooded. The sandbar should be annually breached before the emergency arises.

Thank you very much.

Sincerely,

Jim Sweet

Jim Sweet

Th 12a

To: Susan Craig

California Coastal Commission

725 Front Street, Suite 300

Santa Cruz, CA 95060

RECEIVED

JUN 07 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: support for 03-03-015 Pajaro River Breaching

As a homeowner at Pajaro Dunes, it is important that this sandbar breaching be allowed to prevent flooding of the road and our property; and to eliminate the possible pollution from the nearby sewage treatment plant. The alternatives to breaching are not practical or near term.

Please consider this a letter to support the staff recommendations.

William and Linda Desler
Shorebird #19
Pajaro Dunes North
101 Shell Rd
Watsonville, CA 95076.

Th 12a

Susan Craig

From: Kay Schroer [kschroer@sbcglobal.net]
Sent: Wednesday, June 07, 2006 4:11 PM
To: Susan Craig
Subject: Pajaro River Breaching

Kay Schroer
44 Pelican Point
Watsonville

June 7, 2006

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

Attn: Ms. Susan Craig

Re: Pajaro River Breaching

Dear Members of the Coastal Commission,

This letter is to request that the Commission grant the permit to allow the County of Santa Cruz to breach the mouth of the Pajaro River when necessary to prevent flooding. The community of Pajaro Dunes and Beach Road residends and farmers have long had problems with beach road flooding. The river and resulting backup into the slough have been carefully monitored by Santa Cruz County and only when absolutely necessary has the river mouth been breeched. For example, I do not believe it has been needed these past two years.

The permit is necessary to allow workers, guests, owners, conduct business and reach their homes; to prevent damage to the road and fields, protect utility lines, and prevent potential polutions problems from disruption at the water treatment plant. Pajaro Dunes homeowners recognize, appreciate and support the unique ecosystem in which we live and derive so much pleasure.

I urge you to approve the permit that allows the County to continue the fine job they do on flood control and hazard abatement.

Sincerely,

Kay Schroer

Th12b

McCabe & Company
Government Affairs Consulting

1121 L Street, Suite 100
Sacramento, CA 95814
(916) 553-4088
Fax (916) 553-4089

1400 W. Olympic Blvd., Suite 200
Los Angeles, CA 90064
(310) 312-9562
Fax (310) 312-9563

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 7, 2006

ITEM 12b
Thursday, June 15

Chairperson Meg Caldwell
Stanford Law School
559 Nathan Abbott Way, Owen House Room 6
Stanford, CA 94305-8610

Re: **Porter Single Family Residence Remodel and Addition, Santa Cruz County, CA**
Appeal #A-3-SCO-05-073

Dear Chair Caldwell:

We are writing on behalf of the Susan and William Porter, the applicants in the above-referenced appeal of this project to remodel of their home at 3030 Pleasure Point Drive in the Live Oak area of unincorporated Santa Cruz County. The Porters seek to add 2,031 square feet to an existing 2,812 square foot residence, the conversion of an existing roof area to a roof top deck, and the addition of a new detached 133 square foot workshop.

This project was approved by Santa Cruz County on September 14, 2005 and was subsequently appealed to the Coastal Commission by two individuals (James and Sandra Sheehan). In November 2005, the Commission conducted a substantial issue hearing at which time the staff recommended "No Substantial Issue." Based on questions by Commissioners, the Commission found Substantial Issue and the matter is now pending before the Commission in the *de novo* phase of its review.

We are in agreement with the **staff recommendation of approval** with the exception of special condition 2(a), which would prohibit the roof top deck. The staff has performed a thorough analysis of the issues raised by the appellants and those raised by Commissioners in their discussion of the matter at the substantial issue hearing. As staff has described in its report, this project is consistent with all relevant policies of the certified County of Santa Cruz LCP: it conforms to the development standards regarding remodels and the architectural style of the house is compatible with community character of the area. Additionally, as we will discuss in this letter, we believe the proposed roof top deck is consistent with the LCP.

Project Conforms to LCP Policy Regarding Remodel

At the substantial issue hearing on this project, the Commission requested additional information regarding the extent of structural alterations involved in the remodel of this residence. Engineering plans have been submitted which clearly demonstrate that house is in conformance with the Santa Cruz County LCP, as staff concludes in the staff report. As required under IP Section 13.10.265, "no more than 50 percent of the total length of the exterior walls within the nonconforming portion of the structure shall be moved, replaced, or altered in any way in any 5-year period" and in this project, only **10 percent** of the existing walls will be replaced. Furthermore, the staff's review found that the proposed

project meets LCP standards for floor area, lot coverage, and height requirements (Staff Report, p. 20, May 22, 2006).

As an extra precaution, the staff has added Special Condition 1 that requires a possible amendment to the permit if it is determined that 50 percent or more of the existing walls within the nonconforming portion of the structure require replacement for any reason within any five-year period. This is not anticipated to be the case and we accept the condition.

Architectural Style of House is Compatible with Community Character

We believe the proposed remodel is in keeping with the LCP since this modern house has been carefully designed to "ensure integration" and "visual compatibility" with the unique and varied character of the surrounding neighborhood (IP Section 13.20.130(b)(1)). As staff states in the staff report, "the project is consistent with LCP design criteria...and will join an eclectic mix of existing neighborhood residences without adverse impact to the character of the surrounding area or the scenic coastal views currently available to the public" (Staff Report, p. 21, May 22, 2006).

Request for Modification to Special Condition 2(a) Relating to Roof Top Deck

Our sole disagreement with the staff recommendation pertains to Special Condition 2(a) that prohibits the proposed roof top deck. The proposed roof top deck would sit atop an existing bedroom that is located in a geological setback area. Staff contends that because the proposed roof top deck changes what is considered to be unusable space (a roof) into usable space (a deck) it extends the "dimensions" of the nonconformity and is thus inconsistent with LCP Policy 13.10.265(e)(2) which states there can be "no increase in the nonconforming dimensions of the structure." The proposed conversion of the existing flat roof to a roof top deck will not increase the physical dimensions or area of the structure at all and will continue to be considered "uninhabitable" and thus not counted as an increased in square footage to the house. It will merely allow our clients to construct a railing and put patio furniture on the roof. Moreover, such an interpretation that a roof top deck is prohibited in the geological setback area would be unprecedented in the Santa Cruz County, which has consistently applied this LCP policy to allow this sort of improvement.

We respectfully disagree with staff's statement that the conversion "would increase risks to humans and property in the event of future erosion and bluff failure" (Staff Report, p. 15, May 22, 2006). The addition of this railing does not "present a potential threat to public health, safety or general welfare," since the deck is already accessible and the bedroom below it is already occupied: it does not change the fact that people can and will be using this portion of the house. Thus, no added safety issues are raised if this conversion is allowed. As the staff report states "the deck would not increase impervious surface area or extend the existing structure any further seaward into the setback" nor "result in a future need for shoreline armoring" (Staff Report, p.15, May 22, 2006).

We believe that the addition of the railing associated with the conversion of the roof top deck does not increase the nonconformity of the structure: it does not add any square footage to the deck, it does not increase the dimensions of the roof deck, and it does not encroach further seaward into the bluff setback. Therefore, we believe the addition of the deck railing and the conversion to a roof top deck is consistent with the LCP.

Conclusion

We urge the Commission to support the **staff recommendation of approval** for this project and request deletion of Special Condition 2(a), which would prohibit a rooftop deck.

Sincerely,

Cara Vallier
for
Susan McCabe

cc: Coastal Commissioners
Katie Morange, Coastal Commission staff
Steve Monowitz, Coastal Commission staff
Charles Lester, Coastal Commission staff

Th 12b

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JUN 13 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda # Th12b
Appl.# A-3-SCO-05-073
Ellen Mellon
Opposed

June 12, 2006

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

Members of the Coastal Commission:

I have read over the staff report for the proposed project at 3030 Pleasure Point Dr., Santa Cruz. I support the staff's recommendations regarding the removal of the deck as well as most of the recommended exterior design elements. However, the issue of the front façade window (second story, north side) is still not being addressed in accordance with the instructions from the Santa Cruz County Board of Supervisors (March 8. 2005). Those instructions to the applicant were to REDUCE the amount of glass in the front façade window. Substituting a zero transmission glass (is there really such a thing guaranteed 100% effective?) is not the same. The reason for reducing the amount of glass was not just to prevent a flood of light invading the neighbors' homes but mainly to protect the privacy of the neighbors. I believe the directive from the BOS should be carried out. Therefore, I oppose granting a permit until this issue is resolved.

Respectfully,
Ellen Mellon
Aptos, CA.

Th 12b

Donald Warren Darst
Attorney

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CENTRAL COAST AREA

June 3, 2006

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

RE: Permit number A-3-SCO-05-073
Thursday, June 15, 2006
Item No: Th12b

To Whom it May Concern:,

I live at 3052 Pleasure Point Drive, Santa Cruz, Ca. 95062. I have reviewed the application for the Porter's proposed new structure and I have the following concerns:

1. The proposed motorcycle garage portion of the structure will be constructed on non-compacted fill that was placed there by the previous property owners. I know this because I saw the concrete block wall constructed and the fill dumped behind it about six years ago. This proposed structure will be unsafe for the homeowners and the many beach goers who walk directly underneath the area. From the sidewalk to the beginning of the true down slope (under the fill) there is only eighteen feet which falls within the minimum front set back requirement;

2. The size of the building is too large for the neighborhood. The development utilizes a coverage area that depends on the overall size of the deeded property, much of which is under water or otherwise unusable. Contrary to the staff findings, the applicants have never worked with the neighbors over their concerns. Rather, the applicants have followed a "take it or leave it" approach;

3. The design of the proposed structure is not in keeping with the typical homes found here. I am informed that the roof is similar to the applicant's current home which is rusted, unsightly and aesthetically poor. The proposed building will have a large north facing bank of windows that will look directly into their northern neighbor's home and eliminate their privacy;

I believe in individual property rights and my main concern is for the safety of the homeowners and the beach users. I have seen no acknowledgement of the "land fill" problem. The size and incompatibility of the proposed structure should be a concern to the Commission as it is with the surrounding neighbors.

Sincerely,

Donald W. Darst

3052 Pleasure Point Drive • Santa Cruz, California 95062 • (831) 465-1142 • donalddarst@yahoo.com

Th 12b

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

Agenda No. Th12b
A-3-SCO-05-073
Donald Darst
Opposed

Re: Permit Number A-3-SCO-05-073

Attn: Staff

Dear Sir or Madam:

I have reviewed the staff recommendation for this appeal and project. I oppose the construction of the proposed project for the following reasons:

1. The proposed detached "shop" will be constructed on fill. The property has a front to rear depth at the proposed location of approximately fifty-three (53'). Considering the front twenty foot set back and the rear twenty-five foot (minimum) set back requirements there is only a maximum of eight feet for construction. However, approximately five years ago, I saw the previous property owner construct a concrete block retaining wall on the ocean edge of the property and back fill from that wall to eighteen feet from the front property line. Therefore, the actual top edge of the bluff in that location is eighteen feet from the front property line. This results in the proposed "shop" being constructed beyond the top edge of the bluff and, since it is to be constructed on loose fill soil, it constitutes a safety hazard for the occupants and those who are on the beach below the fill area. This is in violation of the setback requirements and common safety sense.

2. Contrary to Staff's conclusion that this structure will fit in with the surrounding homes, this proposed home is significantly different from ANY home in the adjacent area. In fact, one need only look at the Porters' current residence to see just how bad this type of design is for the surrounding neighborhood. The roof rusts and streaks making the home look shabby, the roofline resembles an airplane hanger and the Miami Beach design is better suited for South Beach than the Live Oak area. The head of the planning department who sat when this project was first presented stated that it was ugly and would never be approved.

3. The neighbors who have submitted written and oral materials in regards to this project have, overwhelmingly, opposed it.

Please send this project back to the drawing board. I have no objection to the construction of a new home on the property. I am only concerned with the safety of those who will be injured by the construction on fill (perhaps the engineers simply overlooked this area) and the inappropriate design.

Th12b

DISCLOSURE OF EX PARTE COMMUNICATIONS

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CALIFORNIA COASTAL COMMISSION

Name or description of project: Porter Remodel, Item 12b, June 15, 2006

Date and time of receipt of communication: June 5, 2006 at 12:00 p.m.

Location of communication: Teleconference

Type of communication: Meeting

Person(s) in attendance at time of communication: Susan McCabe and Cara Vallier, McCabe & Company

Person(s) receiving communication: Katcho Achadjian

Detailed substantive description of the content of communication:
(Attach a copy of the complete text of any written material received.)

Discussed application of the Porters to remodel their home in unincorporated Santa Cruz County. The project was appealed to the Commission, and although the staff at that time recommended no substantial issue, substantial issue was found in November 2005. The project is now before the Commission for de novo review and the staff is recommending approval. The staff has reviewed in detail the engineering plans which demonstrate that the remodel conforms to the Santa Cruz County LCP policy of having no more than 50 percent of the exterior walls removed; this project has only 10 percent. The staff also concludes that the house conforms with the LCP policy regarding community character. The sole issue of contention is the proposed roof top deck that the staff has prohibited. Staff feels that the conversion of a roof to a roof deck increases the dimensions of nonconformity of the structure currently in the geologic setback and that it is a threat to human health and safety. Applicants contend that the dimensions are not increased because there is no increase in square footage, no seaward encroachment, and no expansion of the area over the currently existing bedroom, and therefore the conversion should be allowed.

June 5/06
Date:

Signature of Commissioner:

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CENTRAL COAST AREA

Th 12 c-d

June 6, 2006

TO: Steve Monowitz - Central Coast District Manager – California Coastal Commission
CC: Mike Watson – Coastal Program Analyst – California Coastal Commissoin

Attached is my response to the combined Staff Report for appeal A-3-PSB-06-002 and A-3-PSB-06-003 on the June 15, 2006 hearing in Santa Rosa, California. Additionally, I will share some details of the current negotiations for a replacement path that has been proposed by Mr. Yandow.

I begin by sending compliments to the staff for a well researched, excellently prepared Staff Report. The issues were captured and framed correctly and I believe the recommendations are right on target. On June 15th, I plan to simply voice my support and encourage the commission members to follow the staff recommendations which are;
Denial of (A-3-PSB-06-002) and Approval w/conditions of (A-3-PSB-06-003).

As you know, there has been some recent discussion on a replacement path. Mr.Yandow (188 Seacliff) and his neighbor Mr. Williams (182 Seacliff) offered a settlement proposal to S.O.A.P. on May 26th. Essentially, the proposal is to build a 4' wide cement path running from the sidewalk on Seacliff to the rear of the property where it meets the bluff top at 182 Seacliff. The proposal contains many conditions and terms, some which could be acceptable and many which are not acceptable. The proposal for the replacement path asks that all claims of title with respect to the existing access path against Mr.Yandow's property be relinquished. Additionally, the proposal asks the City of Pismo Beach for some lot line adjustments.
One adjustment involves assigning 12 ½ feet of what is currently open space in the rear of 188/182 Seacliff to Mr. Williams lot at 182 Seacliff. Another adjustment would move Mr. Williams property boundary on the South side (existing path side) over 5 feet to what is currently Mr. Yandows property at 188 Seacliff. These lot line adjustments although not totally objectionable to S.O.A.P., pose issues for some of the other neighbors that reside on Seacliff. One specifically involves the loss of a significant view to the neighbors at 176 Seacliff.

Mr. Yandow, Mr. Williams, Mark Burnes (P.B. Planning Commission), Bill Rabenaldt (P.B. City Council), Mr. and Mrs. Nuzzo (176 Seacliff), and myself met last week to discuss alternatives and to try to reach a local agreement on the replacement path. Agreement was not reached, and although it is refreshing to see a genuine attempt to try to solve the blocked access path issue, there is still much that needs to be resolved before I will even consider bringing the proposal to the S.O.A.P. group for discussion and a vote on the proposal. Even if S.O.A.P. agrees to drop the pending lawsuit, and relinquishes all claims to the path property at 188 Seacliff, the fact remains that there currently is a historic coastal access path that remains blocked. As you know, a significant amount of people who participated in the Prescriptive Rights study believe that the path at 188 Seacliff needs to be re-opened. I tend to agree with them.

In the future, if negotiations prove successful, if local agreement can be reached, and proper permitting and approvals can be obtained for a replacement path, then perhaps the Yandow permit conditions (if the commission votes in favor of the staff report) can either be revised or new permits applied for to begin work on unraveling the complex web of issues that current embroil the 188 Seacliff path. We encourage the commission and the Attorney General's office to continue exploring ways to grant Prescriptive Rights for the 188 Seacliff path, and to seek remedies for the removal of the fences that currently block access to this historic access path.

Sincerely,

Tim Page
President – Save Our Access Path Inc

Th 12 c-d

Save Our Access Path Inc.
129 Baker Ave (Headquarters)
Shell Beach, CA, 93449
saveourpath@aol.com

May 27, 2006

To: Mark Yandow
CC: Bill Rabenaldt
Subject: Replacement Path Proposal at 182 Seacliff Dr., Shell Beach

Mark,
I'm addressing this to you and ask that you share it with Mr. Williams. I'm glad we could sit down and discuss this issue in a purposeful way yesterday morning. We appreciate your proposal/concept, and hope there is an ongoing dialogue to bring this endeavor to an amicable conclusion.

I had a chance to review your proposal with several of my colleagues from S.O.A.P. after our meeting. We recognize the effort you have put into this proposal, and appreciate the specificity of the proposed settlement. In general, S.O.A.P. supports the concept of a replacement path located at 182 Seacliff Drive, Shell Beach. We must ensure however, that any replacement access meet the criteria set forth by the Coastal Commission. It must be feasible, permanent, and equal to or better than the access it is replacing.

Your proposal certainly appears to be feasible, although some components are outside the control of the parties included. If we are able to come to an agreement on a replacement path, please be assured that S.O.A.P. will support and actively participate in any effort to seek the necessary approvals.

Your proposal would also provide a permanent solution. The only recurring obstacle therefore, is the requirements that any replacement path be equal to or better than the public access path it is replacing. The following counter-proposal addresses those concerns in what we believe is a fair manner for all parties.

If you and Mr. Williams agree, and members of S.O.A.P. concur, S.O.A.P. is prepared to relinquish all claims of title with respect to the existing access path, and to assist in all efforts to bring a replacement path into existence.

1. A path width of 48" does not adequately replace or provide an alternative public access to the 10' access path that currently exists. While we would be willing to recommend some compromise on this issue, 7' to 8' perhaps, we are not willing to accept a mere 48". This alternate path is proposed as a replacement and in exchange for relinquishment of a claim of right to the existing path which is 10' wide (9' ?"). It is not a newly developed access path, such as the public path in Cuyucos, nor should it be compared to the Naomi Viewing Deck path. Accordingly, we would recommend acceptance of an access path that is at least 7' wide.

2. The Auto-Locking Gate should not be required. For the past 40 years, folks have had uninterrupted access, with little or no problems, aside from what you allege occurred on the opposite side of your home from the path. As you know, there were few, if any reported problems of the nature you describe prior to 2005. Accordingly, we are not prepared to recommend acceptance of this proposed condition.

3. S.O.A.P. is not willing to pick up any of the costs associated with this replacement path. This replacement path is not S.O.A.P.'s idea, nor should we bear any of the costs. Please remember that this is not a proposal to create an access path from Seacliff Drive to the bluff area, but is an attempt to resolve a legal dispute arising from what S.O.A.P. believes was a wrongful blockage of a legitimate public easement. Accordingly, any costs associated with relocating the public easement must be borne by you, Mr. Williams and perhaps the City of Pismo Beach.

4. We see no justification for any extension fencing beyond the edge of the path where it meets the bluff top. S.O.A.P. has no objection to any proposed lot line adjustment by which the Williams property is extended into the existing open space area, as long as there remains adequate unencumbered/undeveloped land along the bluff for public access to the viewing point. The area along the bluff at that location (extending Southward along the rear of 182 and 188 Seacliff) is a well used path for beach and surf viewing. Your desire for privacy notwithstanding, this is public property and designated open space. Accordingly, the public should not be discouraged (by signage or fencing) from enjoying it. We are not prepared to recommend acceptance of this proposed condition.

If we are able to come together on the above 4 items, I will present the proposal to S.O.A.P.. If S.O.A.P. concurs with the replacement path, then we will support this action with the City, and with the Coastal Commission if required. If we are unable to agree, then S.O.A.P. will proceed with both its appeal to the Coastal Commission, and any and all available legal proceedings. If you have additional comments or need more information, please contact me at (805) 773-6665 or by email saveourpath@aol.com.

Sincerely,

Tim Page
President - Save Our Access Path Inc.

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06-002 & 003

Agenda Item: Th12c-d
Application #s A-3-PSB-

Jackie and Paul Kane
Opposed

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

In regard to the above referenced item, we are in opposition to Mr. Yandow creating any additional fencing on his property until the matter of public access by means of prescriptive right has been finalized.

Mr. Yandow has already erected not one, but three barriers across the public access path in question and has refused directives to take them down.

We ask the Commission to deny this application at this time.

Sincerely,

Jackie and Paul Kane
147 Baker Ave.
Shell Beach, Ca 93449

Th 13 b

Caspian Properties Inc.
1400 Quail St. Suite 275
Newport Beach, California 92660
(949) 250-0628, (949) 250-0620 Fax

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June 9, 2006

Mr. Steve Monowitz
California Coastal Commission
State of California
725 Front Street, Suite 300
Santa Cruz, CA 95060

831-427-4896-Phone Via Fax and a copy in the mail

831-427-4877 Fax

Re: Request to place the application on consent agenda item for 6-15-06 Hearing
7292 Exotic Gardens, Cambria, California
Permit No. 3-SLO-00-118-A3
(KK Ranch Palm Trees, Modular Home, and Well Amendment)

Dear Mr. Monowitz:

Please place the above referenced application for consent agenda item for the hearing that is coming up on 6/15/06.

I have downloaded the information and read the staff report and am glad that we can finally go forward.

Thank you for your assistance and I look forward to speaking with you soon.

Yours sincerely,

Khosro Khaloghli

Caspian Properties Inc.
1400 Quail St. Suite 275
Newport Beach, California 92660
(949) 250-0628, (949) 250-0620 Fax

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May 30, 2006

Mr. Steve Monowitz
California Coastal Commission
State of California
725 Front Street, Suite 300
Santa Cruz, CA 95060

831-427-4896-Phone Via Fax and a copy in the mail

831-427-4877 Fax

Re: 7292 Exotic Gardens, Cambria, California
Permit No. 3-00-018-A3
(KK Ranch Palm Trees, Modular Home, and Well Amendment)

Dear Mr. Monowitz:

Please find enclosed a letter from Mr. Chris Stier, Horticulturist on the palm trees.

Please forward the agenda, when it is ready for June meeting of Coastal Commission and if the item has staff support then I will request the item to be put on a consent agenda item.

If there are issues then the item needs to be scheduled for July. Thank you as always for your assistance in this matter.

Yours sincerely,

Khosro Khaloghli by

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TM Environmental Services, Inc.
2891 Industrial Parkway
Santa Maria, CA 93455

May 31, 2006

KK Ranch

To Whom It May Concern:

I was asked to conduct an inspection of the palm trees at KK ranch located at 7292 Exotic Garden Dr. Cambria, CA. The purpose of the inspection was to identify any palms that had female flowers or fruiting structures as these were trees that could reproduce and propagate unwanted seedlings.

I made the inspection of the trees on May 30, 2006. I looked at all palms and found 26 Phoenix canariensis that had no female flowers or fruiting structures. The typical flowering of *Phoenix canariensis* on the Central coast would run (depending on weather and temperature) between mid-March through mid-May. The absence of female flowers or fruiting structures means these trees are unable to reproduce.

Sincerely,

Chris Stier
Horticulturist
TM Environmental Services, Inc.

Opposition
Item #TH-13b

San Simeon Pines
SEASIDE RESORT
7200 MOONSTONE BEACH DR.
CAMBRIA, CALIF. 93428

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

Item #TH-13b
Permit #A-3-00-118-A3
San Simeon Pines
Opposition to revise permit

June 8, 2006

Re: Permit # A-3-00-118-A3
Applicant: Khosro Khaloghli

Dear Mr. Monowitz,

San Simeon Pines Corporation is opposed to any changes from the original permit granted to Mr. Khaloghli. San Luis Obispo County made the removal of the modular home and other temporary buildings a condition of the issuance of his permit. We feel that this condition should be adhered to.

We also feel that the non-native trees planted by Mr. Khaloghli without prior approval and in defiance of the permiting process should be removed due to their negative visual impact along this portion of Scenic Highway 1 and from some viewpoints along the nature trail at San Simeon Beach State Park.

It appears by the Public Hearing Notice received by us that water wells that he drilled were not permited as well. There was much discussion about any wells having an affect on the Leffingwell Creek area and were removed from the original permit. These wells should have been permited properly as all other applicants must do. The well closest to Leffingwell Creek will in all probability have a negative impact on the Leffingwell Creek aquifer.

It seems that all too often people in this area have gone out of their way to defy the conditions of the permits issued by the California Coastal Commission and the County of San Luis Obispo. It also appears to the general public that all too often these people get a "pass" on these conditions, rather than making them adhere to the regulations and restrictions that are in place for everyone else.

Mr. Khaloghli, from the beginning, has not wanted to comply with any building conditions he did not agree with. You should not let any applicant defy the permit processes and then be rewarded.

Sincerely,

William Bonser

William W. Bonser
President, CEO San Simeon Pines Corp.