


CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060-4508
 VOICE (831) 427-4863 FAX (831) 427-4877

Attachment 4
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Please Review Attached Appeal Information Sheet Prior To Completing This Form.
SECTION I. Appellant(s)

Name: CA Coastal Commission, Commissioners Steve Kinsey and Mary Shallenberger

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Grover Beach

2. Brief description of development being appealed:

Construct a 150-room hotel, conference center, and restaurant at Pismo State Beach consisting of four buildings not to exceed 40 feet in height, totaling approximately 121,370 square feet and consisting of improvements to the existing public plaza, new walkways and paths, redesign of the existing parking areas, and riparian enhancement to Meadow Creek, and relocation of an existing recreational vehicle sewer pump station.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

At the terminus of West Grand Avenue at Pismo State Beach; West Grand Avenue to the south, LeSage Drive to the north, Meadow Creek to the east and the Pacific Ocean to the west, in the City of Grover Beach (San Luis Obispo County)

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

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 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<u>TO BE COMPLETED BY COMMISSION</u>	
APPEAL NO.	A-3-GRB-14-0002
DATE FILED	January 2, 2014
DISTRICT	Central Coast

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5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: December 2, 2013

7. Local government's file number (if any): 10-03

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Grover Beach, 154 So. Eighth St., Grover Beach, CA 93433 attn: Bruce Buckingham, Community Development Director

Pacifica Companies (Pacifica Hosts Inc.), 1785 Hancock Street, Ste. 100, San Diego, CA 92110, attn: Allison Rolfe

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jim Suty, President, Friends of Oceano Dunes, Inc., 15131 Garcal Drive, San Jose, CA 95127

(2) Tom Roth, Law Offices of Thomas D. Roth, One Market, Spear Tower, Ste. 3600, San Francisco, CA 94105

(3) Bruce Van Vort, Manager of Concession at Fin's Seafood Restaurant, 25 W. Grand Avenue, Grover Beach, CA 93433

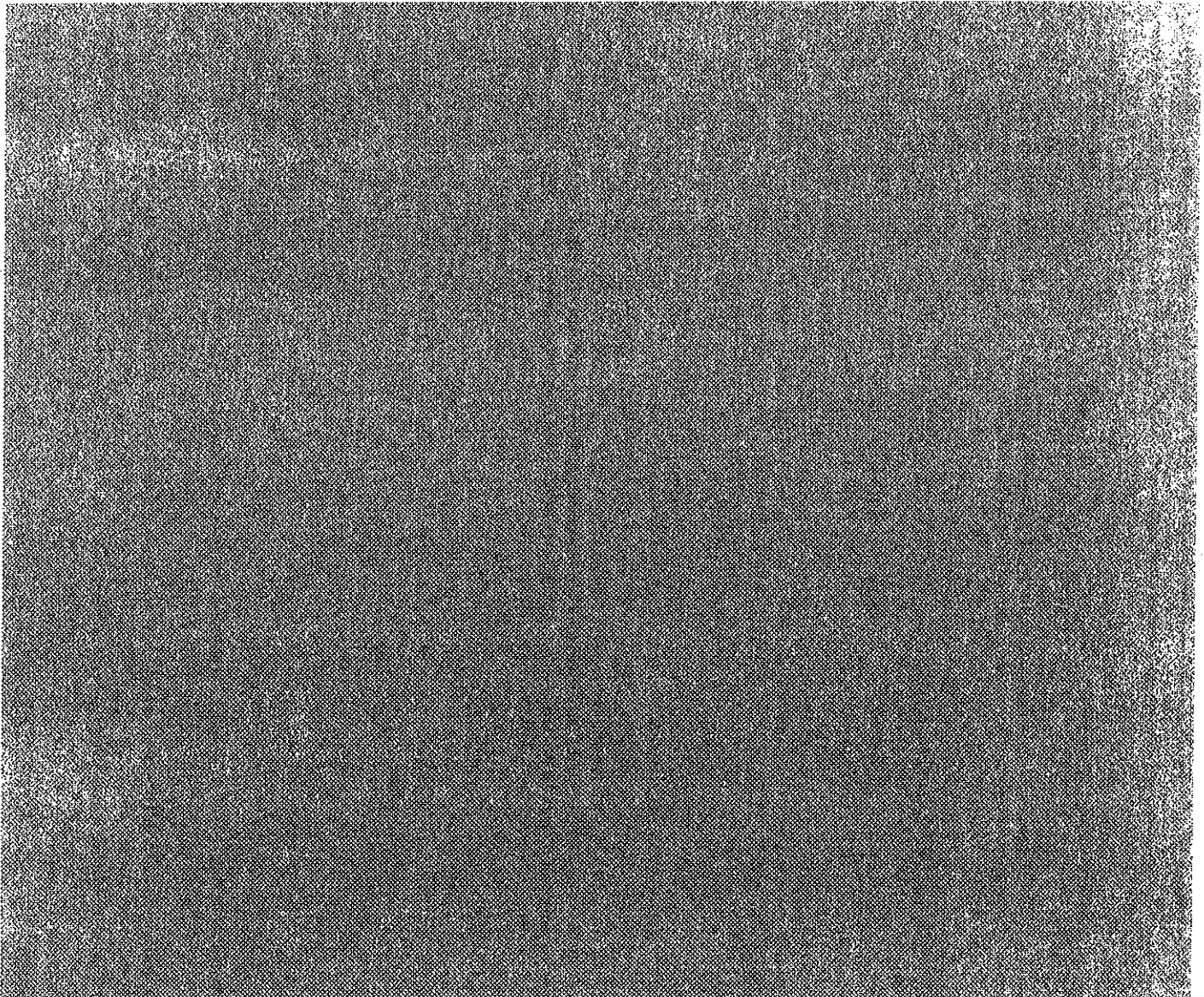
(4) CA Parks & Recreation, 340 James Way, Ste. 270, Pismo Beach, CA 93449-2880 attn: Andrew Zilke, District Superintendent ODSVRA,

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SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.



Reasons for Appeal: City of Grover Beach Coastal Development Permit 10-03 (Grover Beach Lodge)

The City of Grover Beach approved construction of a 150-room hotel, conference center, and restaurant consisting of four buildings up to 40 feet in height and totaling approximately 121,370 square feet. The approved project site is located within the boundaries of Pismo State Beach at the terminus of West Grand Avenue where it meets the beach. The approved project is inconsistent with the City of Grover Beach's certified LCP for the following reasons:

The shoreline in this area is a dynamic environment, and the site, based on its location, is subject to numerous coastal hazards. Grover Beach LCP Public Access and Recreation Policy 5.0(F)(1)(b) (cited in relevant part below) prohibits shoreline or bluff protection in the area west of Highway 1 (which is where the project is located). This policy further requires property owners to acknowledge and assume the risks from wave action, erosion, flooding, landslides or other hazards associated with developing at the shoreline.


The approved project, however, does not include a condition to prohibit future shoreline armoring to protect the new development, nor is it conditioned to require the property owner to assume the risks from hazards due to developing at this shoreline location. For these reasons, the approved project is inconsistent with the LCP's hazards policies, in particular LCP Policy 5.0(F)(1)(b).

Public Access and Recreation Policy 5.0(F)(1)(b) [in relevant part]. Armoring (including but not limited to seawalls, revetments, retaining walls, etc.) and similar responses to coastal hazards intended to protect development in the area west of Highway 1 (as shown on Figure 3) from coastal hazards (including but not limited to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, flooding, and the interaction of same) shall be prohibited. All development in such area shall be conditioned to require that property owners expressly waive any future right to construct such armoring or similar hazard responses that may exist pursuant to Public Resources Code Section 30235 and the City of Grover Beach certified LCP...

In addition, as a condition of approval of any development in the area west of Highway 1 (as shown on Figure 3) the property owner shall be required to acknowledge and assume all risks from coastal hazards (including but not limited to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, flooding, and the interaction of same) associated with development at this location, waive any claims of damage or liability against the permitting agency, and agree to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards...

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 1/8/14

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s)

Date: 1/8/14

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Mary K. Challenberger
Signature of Appellant(s) or Authorized Agent

Date: 1/8/14

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

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