



To: Pismo Beach City Council

DT: 09/20/2016

Re: Agenda Item #5.1, CONTINUED CONSIDERATION OF APPEAL OF PLANNING COMMISSION DENIAL OF COASTAL DEVELOPMENT PERMIT AND ARCHITECTURAL REVIEW PERMIT RELATING TO REROUTING PUBLIC ACCESS AT 0 BLUFF DRIVE, PROJECT P15- 000128

Surfrider Foundation is dedicated to the protection and enjoyment of the world's oceans, waves, and beaches through a powerful activist network. Our San Luis Obispo chapter has become aware of an overwhelmingly alarming case where the Homeowners Association along Bluff Drive has engaged in a years-long campaign to improperly restrict public coastal access. We wonder how the Pismo Beach Planning Commission could vote unanimously to deny the rerouting of public access at 0 Bluff Drive, while a reduced membership of City Council could support it. Perhaps the Council was considering different information? Ensuring public access to the shared coastal treasures of California should be a high priority for the Council. In any event, Surfrider SLO supports pulling the above agenda item from the Consent Calendar, thus allowing the full Council to discuss the City's next steps on this important issue.

In the Council's discussion, we hope you will address our chapter's concerns and take action to support the Planning Commission's denial of the project. We request and recommend the following:

1. Ask Staff to produce a copy of the HOA's Coastal Development Permit (CDP) for the gate at 0 Bluff Drive. If no CDP is available, deny the project, direct the HOA to remove the gate, and ask the HOA to come back to the City with a plan which includes a CDP proposal for the gate.
2. If the HOA's CDP for the gate is produced, certified, and documented by Staff, explore Council interpretation of the blanket easement for public pedestrian and recreational access and all uses incident thereto which was recorded with the tract map on April 19, 1991, as Document No. 21165. If the Council does not agree that a blanket easement exists (as referenced here), we ask you to consider California Coastal Commission Staff's Notice of Violation dated January 8, 2016. Clearly, a blanket easement does exist and it is not within the HOA's right to decide how the public can legally use it to access the coast.

3. An independent study needs to be conducted which shows the HOA's rerouting of public access will quantifiably increase public safety (compared to removing the gate, appropriate signage, and other alternatives).

We hope the Council agrees with Surfrider's recommendations. A gate at 0 Bluff Drive must be fully compliant with the Pismo Beach LCP and with the Coastal Act, and the Council should be safeguarding public access within your coastal city. Additionally, we are hopeful the City will engage the CCC's offer of enforcement support to hold the HOA accountable for its obstruction of coastal access. The gate at 0 Bluff Drive requires a CDP, the City needs to protect and enhance public access, and the HOA needs to study and definitively illustrate that public safety will benefit from their proposed changes.

Thank you for your consideration.

Brad Snook

Co-Chair, Surfrider SLO

(805) 440-9489