



AGENDA NO: B-1

MEETING DATE: August 6, 2024

**AGENDA CORRESPONDENCE
RECEIVED BY THE PLANNING
COMMISSION FOR PUBLIC REVIEW
PRIOR TO THE MEETING**

8/6/24 Planning Agenda Item B-1: 1108 Front Street

Sean Green <[REDACTED]>

Mon 8/5/2024 9:47 PM

To: Planning Commission <planningcommission@morrobayca.gov>

📎 1 attachments (85 KB)

SSS - V-3-19-0130_City of Morro Bay_Surf St stairs_02-06-2020.pdf;

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Planning Commission and staff,

I neither support nor oppose today's proposed addition to 1108 Front Street but do respectfully ask you to pay close attention to the pedestrian right-of-way at the corner of Beach Street and Front Street for the sake of the public. Due to City Council's unauthorized removal of the Surf Street Stairs in 2019, the NE corner of Beach/Front has become the lone coastal access point for the entire Beach Street District, so please do what you can to maximize sidewalk width and visual clearance while minimizing obstructions, signage, landscaping, trash enclosures, etc., at least until the City addresses its Coastal Act violation a block to the north. For more context about the status of CCC Violation File No. V-3-19-0130 and its impact on the neighborhood, please see below and attached, and I thank you for your time and consideration.

Best wishes in your deliberation,

Sean Green
Morro Bay, CA

----- Forwarded message -----

From: **Sean Green**

Date: Wed, Jun 12, 2024 at 4:54 PM

Subject: 6/13/24 CCC Item 4 - General Public Comment - Morro Bay's Surf Street Stairs

To: <Executivestaff@coastal.ca.go>

Coastal Commission and staff,

My name is Sean Green, Morro Bay resident, Harbor Advisory Board member, and owner of both residential and commercial property within or adjacent to our city's Beach Street District. It pains me to have to come before you to ask for Coastal Commission help in enforcing our city's own coastal access violations, but our inability to police ourselves, and the ongoing harm that's been done to my neighbors, many of whom are seniors whose access to and enjoyment of the coast has been severely restricted these past six years, has left me no choice.

Three blocks away from today's meeting location there exists the first of four pedestrian staircases that have, for decades, provided primary coastal access from public blufftop to public waterfront:

1. [Bayshore Bluffs Coastal Access](#): pedestrian staircase + public restroom
2. [Olive Street Coastal Access](#): pedestrian staircase + public restroom
3. [Centennial Parkway Coastal Access](#): pedestrian staircase + public restroom
4. [Surf Street Coastal Access](#): pedestrian staircase + public restroom



To this day, three of four remain open, active, and popular to residents and visitors alike, while the fourth, through a series of rash, poorly justified decisions by former city leaders, no longer is. Despite serving as the primary pedestrian coastal access route for hundreds of Morro Bay residents, the public staircase at the western end of Surf Street, under the guise of public safety, was "temporarily" closed by Morro Bay city staff in 2018, fenced at both ends, and then, unthinkably removed by city staff and Council without notice to nearby residents in 2019, an action that essentially finalized the permanent closure of a longstanding public accessway the moment it was done.



Thankfully, not long after that series of regrettable decisions in 2018-2019, California Coastal Commission planners and enforcement personnel recognized Morro Bay's coastal access failures at Surf Street and initiated enforcement proceedings against us. In a series of communications, the most recent of which was dated February 6, 2020, state enforcement officer Pat Veesart reiterated to city planners the violations of the Coastal Act and our own LCP that resulted from the unlawful decisions and actions of city staff and Council.



February 6, 2020

Scott Graham
Community Development Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Re: CCC Violation File No. V-3-19-0130 Closure and removal of the Surf Street/Embarcadero public access stairway and the elimination of five coastal access public parking spaces

One excerpt from Mr. Veasant's letter re: Violation File No. V-3-19-0130 reads as follows:

As you know, the subject stairway has been used, for decades, by visitors and City residents alike, to access the popular Embarcadero area, as well as the beach and ocean. Thus, the unpermitted removal of the stairway eliminated a popular and well-used public accessway. Additionally, the City also placed "no parking" signage at the western end of Surf Street and "red-curbed" five coastal access public parking spaces; eliminating that public access feature as well. Although we understand that the City Council apparently took action to authorize these activities, they did not (and the City did not otherwise) take action on a CDP for same. Not only is this prohibited by the Coastal Act and the LCP, but it also means that the public did not have an opportunity to engage with this matter through the required CDP process. In addition, the Commission did not receive notice of this pending project and likewise was not afforded its required opportunity to comment upon and/or appeal the City Council's decision as it was conducted outside of the required CDP process.

In other coastal towns, because it's the right thing to do, far more complex, far more expensive coastal access staircases are repaired or replaced within months of unexpected closures long before the need for state oversight kicks in. Meanwhile, in Morro Bay,

- more than five years have passed since simple neglect caused the "temporary" closure of an important staircase
- more than five years have passed since the simple but permanent removal of neglected stairs violated the Coastal Act
- more than four years have passed since Mr. Veasant's most recent letter was received by the City of Morro Bay and simply ignored

Thus, the time has come for the CCC to step in, dictate the city's next steps, and mitigate the damages caused to residents, visitors, and my neighbors in the Beach Street District by mandating the restoration of longstanding public coastal access.

For what it's worth, and for your advanced benefit, I'll alert you of some responses you may receive from current city leadership - leadership I generally support on most city issues, who likely have positive intentions, and who objectively have improved our city's public and coastal accessways in recent years - in possible attempts to defer compliance, as well as the responses you may wish to have ready:

1. **Alternative pedestrian access exists at Beach Street nearby.** No, Beach Street is [severely sloped far beyond accessibility \(5-10 degrees\)](#). In fact, multiple seniors who used to walk the Surf Street Stairs daily have since sold and moved away precisely because they were unable to walk safely down nearby Beach Street to access and enjoy the public waterfront.
2. **Removing the staircase triggered ADA requirements for a new staircase that we cannot afford.** Two separate issues rolled in one for the sake of inaction. First, if ADA access is deemed infeasible from a physical or cost standpoint, there may be exceptions, especially if Morro Bay is simply wishing to restore a longstanding public staircase removed unlawfully. Second, grant funding and advocacy from state organizations like the CCC may help reduce the city expense of whatever option is selected.

Regardless, an entire city need not suffer indefinitely as the result of one irresponsible decision undertaken outside of lawful protocols with respect to Coastal Development Permitting.

3. **High staff turnover prevented city response to CCC's enforcement letters.** No, our hardworking Community Development department had surprisingly little turnover between 2019-2023. As for 2024, yes, there's been significant turnover that may justifiably delay initial response to this matter.

All that said, I wish to acknowledge in closing that I mostly support Morro Bay city leaders both past and present and will likely continue to do so moving forward. However, with respect to public access, coastal access, transparency, and community engagement, I refuse to let slide the serious breaches of public trust like those demonstrated throughout the "temporary" and permanent closure of the Surf Street Stairs. Most of my neighbors, as passionate as they are, don't have the time, energy, or capacity to dedicate huge chunks of their lives to defend the loss of public property or access, and so I am here hopefully representing well the many voices who've thanked me over the years for refusing to let go of this deeply frustrating and sometimes personal issue. As I've mentioned openly to members of our Public Works Advisory Board and our current Public Works Director, the city's failure at Surf Street predates current decision-makers; I harbor no ill will against those who played no part in these violations. All we can do, collectively, and with the Coastal Commission's help, is look forward and seek ways to right our wrongs.

Thank you for your time and consideration of this important item. The people of California appreciate your custodianship of coastal access and hope to see ours rightfully restored at the westernmost end of Surf Street in the months or years ahead.

Respectfully submitted,

Sean Green
Morro Bay, CA





timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). (emphasis added)

The removal of the public access stairway, closure of the area where it was located, placement of gates, fences, and "no parking" signage, and the elimination of five coastal access public parking spaces all constitute development as defined by the Coastal Act and the City's LCP. Pursuant to Section 17.58.020 of the City's LCP and Section 30600 of the Coastal Act, such non-exempt development (which is the case here) undertaken in the coastal zone requires a CDP. The above-described development does not appear to be authorized pursuant to a CDP and, therefore, appears to be a violation of the Coastal Act and the City's LCP.

Public Access

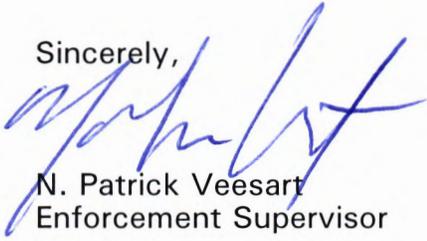
Coastal Act Section 30211 and LCP Section 17.48.280 requires that development not interfere with existing public access, such as the stairway and the parking spaces provided. As you know, the subject stairway has been used, for decades, by visitors and City residents alike, to access the popular Embarcadero area, as well as the beach and ocean. Thus, the unpermitted removal of the stairway eliminated a popular and well-used public accessway. Additionally, the City also placed "no parking" signage at the western end of Surf Street and "red-curbed" five coastal access public parking spaces; eliminating that public access feature as well. Although we understand that the City Council apparently took action to authorize these activities, they did not (and the City did not otherwise) take action on a CDP for same. Not only is this prohibited by the Coastal Act and the LCP, but it also means that the public did not have an opportunity to engage with this matter through the required CDP process. In addition, the Commission did not receive notice of this pending project and likewise was not afforded its required opportunity to comment upon and/or appeal the City Council's decision as it was conducted outside of the required CDP process.

Resolution

Since this matter involves loss of public access, and since protection of public access is a high priority for both the Coastal Commission and the City, we would like to begin resolution of this matter quickly. Resolution will necessitate the City applying for a CDP that will need to include authorization, after-the-fact, for the development that has already taken place and authorization for a replacement stairway and parking spaces. Most of this project appears to be in the City's CDP jurisdiction, but the base of the stairway is likely located in the Commission's original jurisdiction. As such, it may make the most sense for the Commission to process a consolidated CDP application, but we can discuss that when we discuss other parameters for resolution.

Please call or email me to let me know how the City intends to resolve this matter. My direct line is (831) 427-4885, and my email address is: pat.veesart@coastal.ca.gov. Thank you for your attention to this matter.

Sincerely,



N. Patrick Veasart
Enforcement Supervisor