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CALIFORNIA COASTAL COMMISSION Central Coast 725 Front Street Ste 300 Santa Cruz, CA 95060 (415) 427-4863



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05/22/96 L. Otter/cm

Staff: Staff Report:

12/19/95 1729P

Hearing Date: 01/10/96

Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.:

3-82-77-A3

APPLICANT:

MONTEREY PLAZA HOTEL

AGENT: John V. Narigi

PROJECT LOCATION: 400 Cannery Row, City of Monterey, Monterey County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Five-story, 291-room hotel

complex including a new restaurant, ballroom, retail shops, multi-level parking garage, public plaza and beach access. Included Buildings "A" and "B" on the Monterey Bay shoreline, and Building "C" on the inland side of Cannery Row.

DESCRIPTION OF AMENDMENT: Modify existing fifth floor level of Building "A" in the 287-unit (as built) Monterey Plaza Hotel complex. The existing roofline of this building would be altered to accommodate 4 additional guest units; a 6,071 sq. ft. full service spa and exercise facility; a 955 sq. ft. demonstration kitchen area; and outdoor deck areas of approx. 2,814 sq. ft. See Exhibit 1, attached, for full description. Will increase average building height to 55 1/2 ft.; existing maximum height will remain approx. 72 ft.

LOCAL APPROVALS RECEIVED: City Architectural Review, 10/25/95. 7Height7Variance and Use Permit, 10/3/95. CEQA: Categorically Exempt.

SUBSTANTIVE FILE DOCUMENTS:

- o Cannery Row LCP Land Use Plan.
- o 3-82-77 Cannery Row Plaza Associates

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the proposed amendment, subject to the conditions below. The amendment would add 4 more units. bringing the project up to its originally-approved 291 units. Together with the addition of a full-service spa and exercise facility, these improvements will enhance the visitor serving capacity of this existing hotel. No significant impacts on public views, parking capacity, circulation, or water supply will result. While the height of the rooftop addition may exceed the standard in the Cannery Row Land Use Plan, it will still be less than the existing maximum roof height and will not prejudice the completion of Monterey's Local Coastal Program.

<u>PROCEDURAL NOTE</u>: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby <u>approves</u> the amendment to the coastal development permit, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located seaward of the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

- II. <u>Standard Conditions</u>. See Exhibit A attached to original permit (see Exhibit 5, attached).
- III. <u>Special Conditions</u>. None. (The already-adopted Special Conditions are listed in the original staff report, attached as Exhibit 5.)

IV. <u>Findings and Declarations</u>.

The Commission hereby finds and declares as follows:

1. <u>Background and Amendment Description</u>. In 1982, the Commission approved Coastal Development Permit no. 3-82-77 for a 291-room hotel complex on the shoreline of Monterey Bay. The project includes a new restaurant, ballroom, retail shops, multi-level parking structure, public plaza and beach access. As built, only 287 units were completed. Previous amendments provided for temporary parking during construction of the hotel's garage, allowed temporary conversion of retail/storage space to conference room, allowed an additional parking facility, and provided for installation of a satellite dish antenna.

This amendment would modify an existing roofline, and includes a request to add 4 guest units. These units would be at a different location and would be larger than the 4 never-built units. All of the proposed changes will take place on the fifth floor level of Building "A" on the seaward side of historic Cannery Row. In addition to the 4 new guest units, the amended roof design will also accommodate a 6,071 sq. ft. full service spa and exercise facility, and related spaces as detailed in Exhibit 1, attached.

2. <u>Intensity of Use</u>. Section 30250 of the Coastal Act requires that new commercial development "be located within ... existing developed areas able to accommodate it ..." Cannery Row, formerly the locale of wall-to-wall industrial development during the sardine-canning era, is now well on the way to a complete conversion to visitor-serving use. No doubt, this is an "existing developed area."

When the original coastal permit application was analyzed, detailed consideration was given to the infrastructure issues of traffic congestion, parking, and water supply. The project included a 453-space parking garage. The permit was conditioned to require, among other things, that employees who carpool would be allowed free parking in the hotel garage; that employees using public transit would be reimbursed; that a shuttle service would be provided for hotel patrons; and that a series of post-construction parking studies be completed to determine the need for any adjustments in the parking mitigation program. And, the Monterey Peninsula Water Management District's water supply allocation to the City of Monterey was found to be sufficient to serve this priority (visitor-serving) use.

This original analysis, and the permit conditions attached, were predicated on the assumption of 291 rooms as requested by applicant. As originally conditioned, the Commission found the infrastructure adequate to accommodate a 291-room development. This present 4-room amendment will bring the total number of rooms up to the originally-contemplated 291. Therefore, with respect to the site's ability to accommodate the proposed additional

development, the amendment will not alter the original basis of approval. Accordingly, the project as amended will remain in conformance with Coastal Act Sec. 30250.

3. <u>Visual Resources</u>. Coastal Act Section 30251 requires that "development be sited and designed to protect views to and along the ocean and scenic coastal areas ..." This section also requires that new development be "visually compatible with the character of surrounding areas..."

The scenic character of Cannery Row has been described as "post-industrial rustic." This style is typified by large buildings with cannery-era architectural motifs, full occupancy of sites with no set-backs, and only fleeting (but intriguing) glipses of the sea from the street. The Monterey Plaza Hotel has been constructed with various elements of this style, including elevated pass-over bridges above the street. The proposed addition would alter the roofline profile of the "A" building within the hotel complex. However, the addition would be in the original style and therefore not alter the visual character of "The Row."

The proposed addition was also evaluated in terms of off-site views from more inland streets, the Monterey Peninsula Recreation Trail, and the Monterey Breakwater. The roofline of the "A" building, and consequently the proposed addition, will be visible from several relatively non-consequential vantage points on the Recreation Trail. It can also be seen from a cross-street intersecting Cannery Row, Drake Avenue. The most significant vantage point, however, is from the Coast Guard Breakwater, a high-use public facility about 0.3 mile distant. From each of these public vantage points, the proposed addition profiles against the sky, but will not result in the amended roofline being any higher than the highest part of the existing roofline. And, no scenic public views will be blocked or impaired.

Finally, the originally-approved design included two street-level ocean view corridors, between buildings. The proposed rooftop addition will have no effect on these scenic viewing opportunities. Therefore, while the proposed addition will be directly visible in scenic public views, particularly from the Breakwater, it is compatible in design with the existing hotel and Cannery Row in general, and will have no significant adverse impact on public visual resources. Accordingly, the project as amended will remain in conformance with Coastal Act Sec. 30251.

4. <u>Public Access</u>. Building "A", the locale of the proposed amendment, is located between the first public road and the sea. The permit as originally approved was subject to a number of conditions to provide for public access to and along the shoreline, which have since been implemented (see Exhibit 5). The proposed changes are located on the fifth floor of an existing building, and would not impair public access in any way. Therefore, the project as amended will remain in conformance with the public access and recreation policies of the Coastal Act.

5. <u>Local Coastal Program</u>. The Cannery Row Land Use Plan (LUP) was certified by the Coastal Commission on Nov. 3, 1981. The City of Monterey's Local Coastal Program has been divided into five segments. The Cannery Row LUP represents two of the five segments that have been certified to date. No LCP implementing ordinances have been submitted, and the Coastal Commission retains coastal permit jurisdiction.

The policies of the Coastal Act remain the standard of review for coastal development permits until the LCP is completed and certified. Review of the LUP is nonetheless useful to understand whether or not approval of a particular development would adversely affect the City's ability to properly complete its LCP.

In this instance, the only issue which the proposed amendment raises with respect to the LUP is the question of building height. The LUP basically calls for a building height limit of 50 ft. However, the City interprets this as an average, and doesn't count non-occupied building elements (in this case, an elevator housing) which extend above the main roofline. The Commission's originally-adopted findings for CDP 3-82-77 state:

The bayside height restriction for hotels is a 35 foot basic height up to a maximum of 50 ft. if the gross square footage of any story above 40 ft. is limited to 40% of the structure's outline (and a Use Permit is obtained). Elevator shafts and mechanical towers are excluded. The maximum basic height is an average of the main eave line and the top ridge line. Measurements from Cannery Row grade of Buildings A & B are a maximum 56.5 feet (50 feet average) in elevation. The areas above 50 feet are design features to screen mechanical appliances and elevator shafts. Floor area gross square footage above 40 feet is less than the 40% allowable under the LUP.

Thus, Building "A" as originally approved was in conformance with the LUP height standard, as the average height was 50 ft. and the maximum height (excluding the elevator mechanical housing) was 56.5 ft. and did not exceed the 40% floor area criteria. The amendment would increase the height of the main fifth floor roofline by approximately 2.5 ft., to about 58 ft. As measured on submitted plans, the existing maximum roof height is 72 ft. at the top of the elevator housing. Thus, the main roofline as amended would not exceed this existing maximum height and would still be about 14 ft. below the top of the elevator housing. Nonetheless, because the 40% criterion would be exceeded, the project does not strictly conform with the LUP; a height variance and use permit were necessary. These were approved by the City on Oct. 3, 1995.

Therefore, it can be concluded that while the project as amended would vary from the specific height limits, it would remain consistent with the purpose of the LUP's height standards—that is, to protect Cannery Row's historic scale and scenic character. Further, the project as amended would remain in conformance with the Coastal Act's visual resource policies as detailed in

Finding 3 above. Therefore, approval of the amendment will not prejudice the ability of the City of Monterey to complete its LCP in accordance with the policies contained in Chapter 3 of the Coastal Act.

6. <u>CEQA</u>. The City has determined that this amendment is categorically exempt from the California Environmental Quality Act (CEQA) environmental impact report (EIR) requirement. Overall project impacts and mitigations were identified in the certified Final EIR, dated August 31, 1981. No significant additional impacts have been noted for this amendment.

EXHIBITS

- 1. Applicant's Letter/Detailed Project Description
- 2. Location Maps
- 3. Site Plan
- 4. Elevations
- 5. Adopted Permit Staff Report 3-82-77 [selected portions]
- 6. Correspondence

1729P



November 16, 1995

400 Cannery Row Monterey, CA 93940 (408) 646-1700



Mr. Les Strnad
Supervisor, Planning & Regulation
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Les.

The Monterey Plaza Hotel seeks to remodel it's existing fifth floor level of Building "A", commonly known as the penthouse area, in order to maintain its' reputation and success in the current marketplace. The remodel involves converting the existing penthouse area within the existing roof structure into a full service spa and exercise facility of approximately 6,071 square feet. In addition, three guest room suites and one guest room, totaling four additional rooms, which were approved at the time of original construction. Although the hotel was approved for 291 rooms, only 287 were built. The remodel would also include outdoor deck areas of approximately 2,814 square feet, and an educational/demonstration kitchen room which is an integral part of the spa experience at approximately 955 square feet. All of these areas are currently accessible by the existing passenger or service elevators and stair towers. The spa and exercise facility will be used by hotel guests.

The addition of a spa and exercise facility into the hotel would ensure the economic stability of the hotel for years to come. The full potential of the hotel is compromised by the lack of this facility, which is commonplace in other hotels of this caliber. In addition, the creation of the three guest room suites will allow the hotel to better compete in the hosting of large, upscale conference gatherings, crucial to its' multi-seasonal profitability. In order to accommodate the interior space requirements of these functions in an appropriate and aesthetically acceptable manner, we are requesting a partial height variance of 5' 6" (to be measured from the midpoint of the existing roof slope 50' 0" above the center line of Cannery Row to the newly proposed midpoint of portions of the new roof structure). This variance would raise the current building height by 5' 0" in only partial locations and in the most extreme situation. (Please see accompanying drawings for clarification.) This variance would only raise 30% of the proposed roof form above the current maximum

APPLICATION NO. 3-82-77-A3

APPLICANT LETTERDETAILED DESCRIP.

Mr. Les Strnad California Coastal Commission November 16, 1995 Page two

penthouse height and would maintain a new maximum height still 14 feet below the existing elevator service tower. This variance will not only provide the adequate interior space, but would create a manipulation of roof forms and exterior elements consistent with the existing building vernacular and its surroundings. The proposed remodel does not hinder any views currently being experienced by surrounding neighborhoods. The view from Cannery Row looking west to east and east to west has no additional obstructions as well.

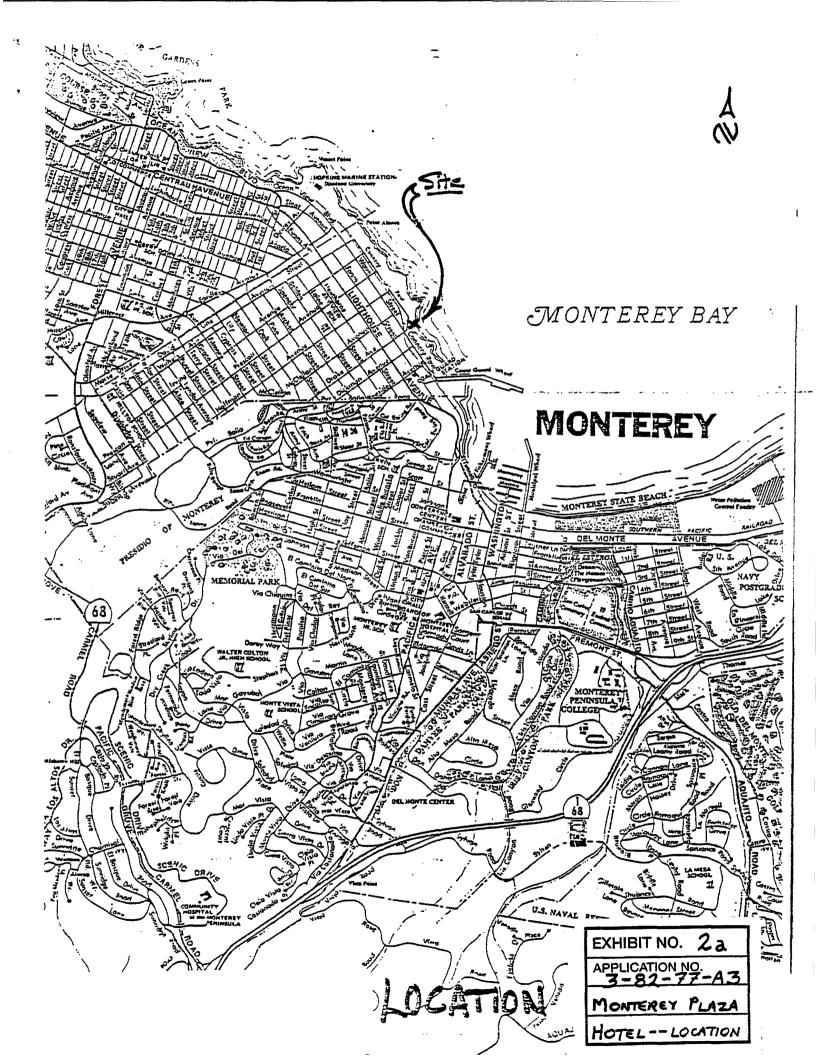
Sincerely,

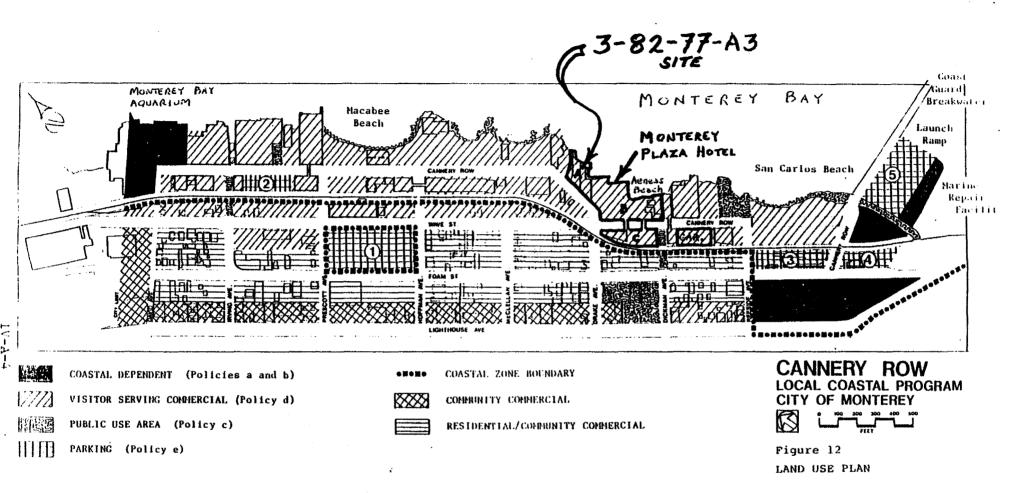
John V. Narigi

Vice President and General Manager

Representative for Monterey Plaza Hotel Limited Partnership

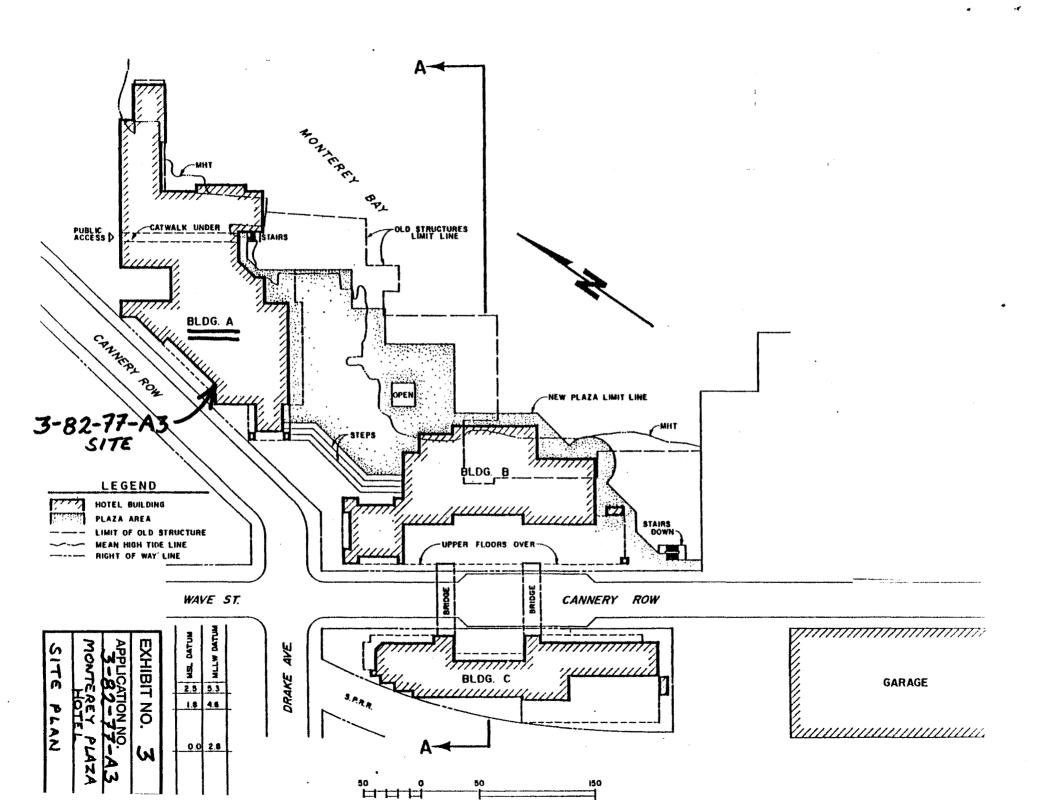
JVN/gd Enclosure





Hote: The above figure shows land uses for an area outside the coastal zone. This outside area is addressed because of policies in the Parking section which propose that any surplus spaces in this outside area be used to serve development in the Cannery Row coastal zone. To identify available surplus spaces, proposed land uses and their intensities need to be known. The proposed intensity of development for these land uses is identified in the next section, Development.

PROJECT LOCATION IN CANNERY ROW CONTEXT	APPLICATION NO. A 3	EXHIBIT NO. 26	
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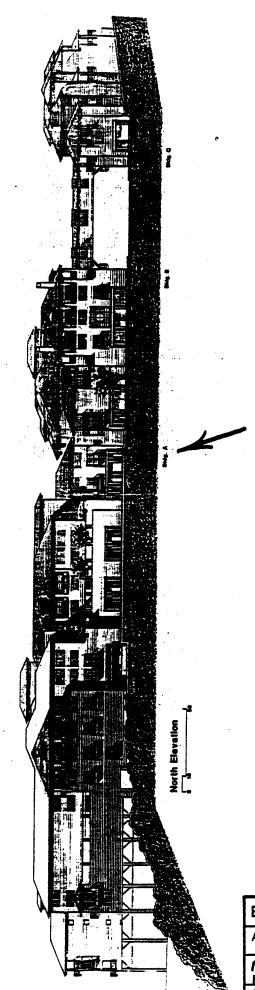


EXHIBIT NO. 4a

APPLICATION NO.

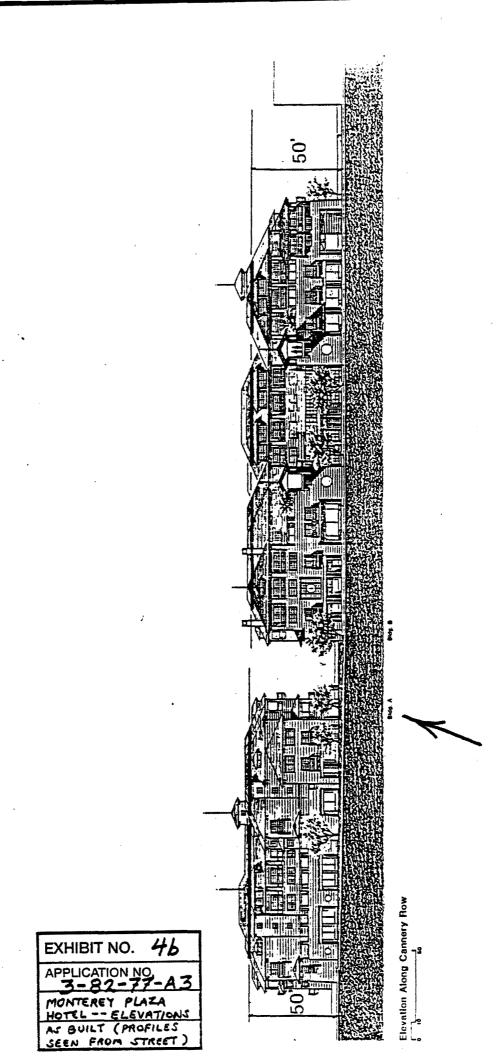
3-82-77-A3

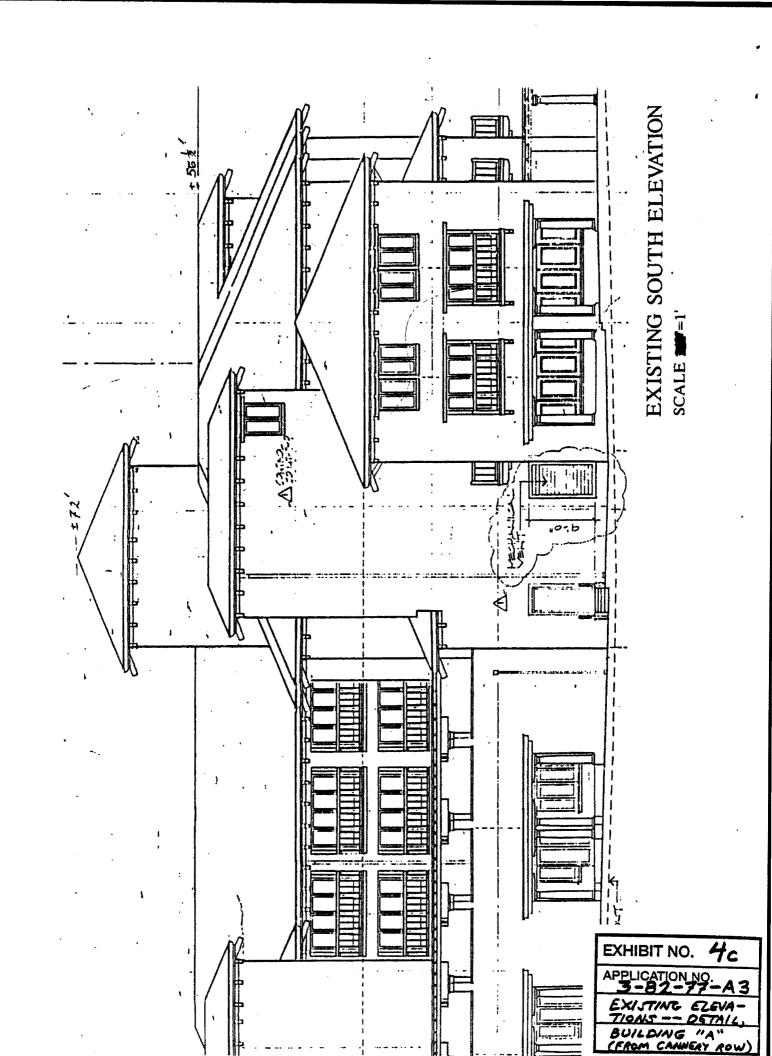
MONTEREY PLAZA

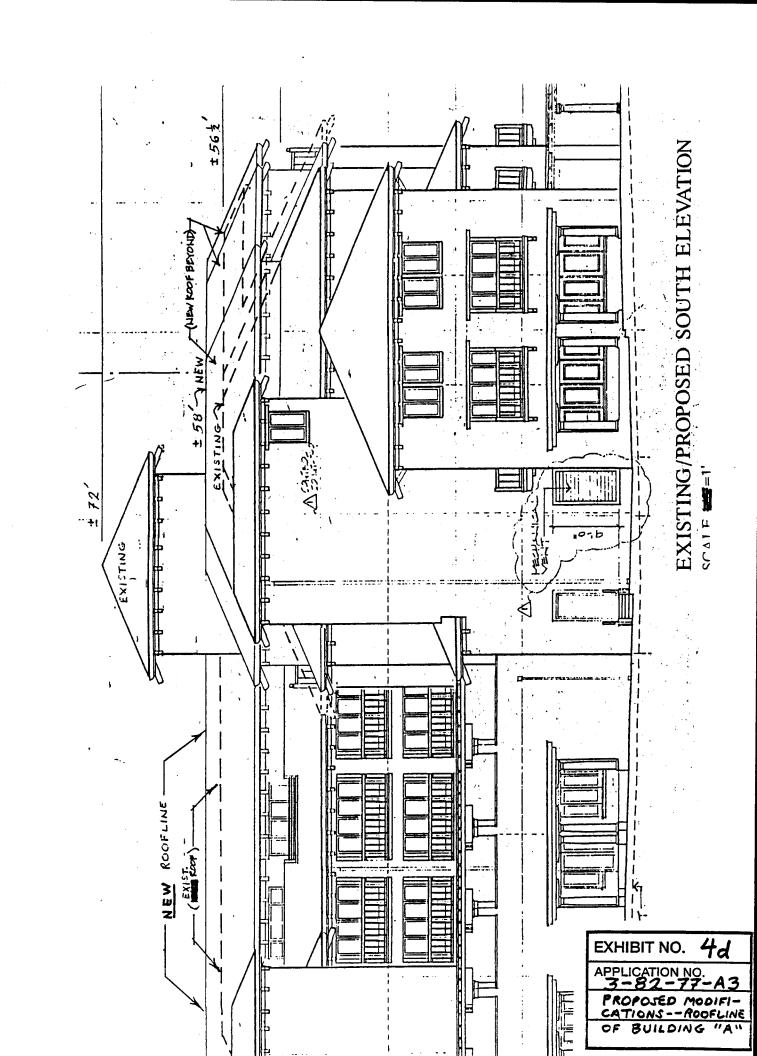
HOTEL -- ELEVATIONS

AS BUILT (SHOWING

BLOG. "A" IN PROFILE)







ADCPTED

E 3 (4/6/82

CALIFORNIA CUASTAL COMMISSION CENTRAL COAST DISTRICT 701 OCEAN STREET, ROOM 310 SANTA CRUZ, CA 95060 (408) 426-7390 ATSS: 8-529-2304 FILED: 3/24/81
49th DAY: 5/12/82
STAFF REPORT: 3/26/82
HEARING DATE: 4/20/82
STAFF: J.CHASE/DB/1t
Modified Conditions 4/20/82

REGULAR CALENDAR

EXHIBIT NO. 5

APPLICATION NO. 3-82-77-A3

ADOPTED FINDINGS

CONDITIONS (PART)

Ep. 2 omitted for brevity]

STAFF RECOMMENDATION: The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDED CONDITIONS:

Special Conditions

PROJECT DESCRIP-TION

1. This permit authorizes construction of the Pacific Plaza Hotel according to the plans as approved by Monterey City on August 31, 1981 (80-73 & U-81-01) and submitted to the Coastal Commission and as modified by these conditions. The project is approved in the following density: 291 hotel rooms, 17,835 sq. ft. commercial space (plus 2,139 sq.ft. in the Carriage House), 290 restaurant seats (two restaurants: existing Chart House 170 seats, new hotel 120 seats); 60 seat lobby lounge; 60 seat cocktail lounge; 4,968 sq.ft. ballroom/meeting room. Any changes in the plans shall require the review and approval of the Executive Director of the Commission or an amendment to the permit if the Executive Director determines that the change is substantial in nature.

LOCAL
AGENCY
CONDITIONS

2. This permit incorporates the conditions imposed by the City of Monterey (Use Permit 80-73, Special Permit 81-01, Parking Adjustment 80-92, Exhibit B) and with the modifications indicated in the following conditions. All plans, programs, or documents requiring review by Monterey City under Monterey City permit conditions shall be submitted for review and approval of the Executive Director. If compliance with those conditions requires a change to plans as approved by this permit, the permittee shall also submit such changes to the Executive Director for review and approval.

PHASE I DEMOLI-TION

- 3. PRIOR TO ISSUANCE of the permit, the permittee shall submit to the Executive Director for review and approval:
- a) a geology investigation of the bluff area, site of building A & B, identifying impacts of and mitigation for proposed excavation
- b) an outline for the procedure and timing of the demolition, dismantling, and construction operations and a mitigation and enhancement program including equipment/personnel, staging area locations and operations; the retention of those items which may be of historic value; observance of the construction mitigation measures outlined in the Environmental Impact Report (see Exhibit C); and observance of any mitigation and enhancement measures recommended by the Department of Fish and Game as approved by the Executive Director.

A biological baseline assessment of the intertidal area and an assessment of the nesting habitat of the shorebirds within the existing structures (methodologies to be approved by the Department of Fish and Game) shall accompany the outline. Mitigation measures shall provide for retention of important natural and mammade habitat in the rocky intertidal area, replacement of nesting sites for shorebirds, and provision to uncover and rebuild the sand beach.

The outline shall also include provision for an on-site recognized professional archaeologist to monitor those portions of the hotel site with potential for archaeology resources and evaluate significance and appropriate mitigation as needed in accord with the Commission's Statewide Interpretive Archaeological Guidelines adopted 12/16/81. (See Exhibit D attached).

ARCHAEO-

c) On the garage site a subsurface archaeological testing program by a recognized professional archaeologist, the test proposal to be accomplished in full consultation with local Native American organizations. Such evaluation shall be prepared by a qualified professional archaeologist or by other person(s) qualified in accordance with the standards of the State Historic Preservation Office, and shall be submitted for approval by the Executive Director.

If the archaeologic resources are found to be significant, permittee shall then submit a plan of mitigation, prepared by a qualified professional archaeologist and using accepted scientific techniques, prior to any disturbance of the surface area of the property. Such plan shall be submitted for review by the State Historic Preservation Office and the approval of the Executive Director. The plan shall provide for reasonable mitigation of archaeologic impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted upon completion of excavation, for review and approval by the Executive Director. (See Exhibit D attached).

HISTORI- d) Confirmation from the City of Monterey that they concur with the historical evaluation of Dr. Pursell which concludes that all buildings to be demolished EVALUATION are not historical resources.

PHASE II 4. Within 180 days of the effective date of this permit, and prior to commencement of foundation construction for each building, permittee shall submit to the Executive Director for review and approval:

GRADING

EXCAVATION a) a final grading and excavation plan;

FOUNDATION b) engineered structural plans for all foundation work (foundations, piers, footings, etc.) for all structures; and plans for modified storm drain outlets as required;

DRAINAGE

c) a final drainage plan including provision of grease traps in the parking structure to catch surface contaminants and a procedure for cleaning of the parking structure by mechanical sweeping with minimum use of hosing to avoid runoff. All roof and impervious surface runoff shall be clean and shall be discharged in a manner that prevents erosion.

PUBLIC d) a copy of the lease agreement or other legal arrangement between the perTRUST mittee and the City of Monterey for use of the area of the project site on tideLANDS lands, submerged lands and public trust lands which were conveyed to the city
by the State of California.

PLAN REVIEW

- 5. Within 180 days of the effective date of this permit, and prior to commencement of foundation construction, permittee shall submit to the Executive Director for review and approval:
- a) revised elevations, floor plans, and sections for the garage structure. The plans must provide for 453 parking spaces. The floor level of the top parking level must be below 35 feet as required in the Cannery Row Land Use Plan (Development Policy 3.g.l.c). The plans must assure that no vehicles will be visible from street levels. (See Exhibit E).
- b) final site plan, elevations, and floor plan for hotel structures A, B & C.
- (1) The two areas of building A & B which extend beyond the mean high tide line and beyond existing foundations shall be deleted. Cantilevered decking for public access shall be permitted to extend up to 12 ft. seaward of the mean high tide line (See Ex.)
 - (2) Adequate sections shall be provided to verify that the height of Buildings A & B above Cannery Row grade will not exceed those indicated in Exhibit G and that the lowest structural flooring element shall be at a minimum vertical elevation of 15.23 feet above mean high water. Alternatively, the structural flooring element may be lowered to 13 ft. above mean high water if supported by a favorable professional analysis of the storm wave and runoff hazard.
 - (3) Basement level area of Building A & B shall be redesigned as necessary to prevent substantial alteration of the bluff area in accordance with geologic data submitted per Condition 3.
 - (4) Plan shall include provision of such public amenities as benches in the plaza area, waste receptacles, water fountains, and other public facilities.
 - (5) Final site plan shall include provision of lateral access on the bayside of the Chart House building continuous with the Pacific Plaza Hotel lateral access (see Exhibit H).
- c) final landscaping plans using low water use plant species.
- d) a copy of plumbing fixture specifications for flow restrictors or aerators on all interior faucets and water conservation restaurant appliances.

MARINE ENVIRON-MENT

- 6. Within 180 days of the effective date of the permit and prior to commencement of construction of the buildings permittee shall develop and shall submit to the Executive Director for review and approval:
- a) a signing program to protect the intertidal and tidepool habitat from misuse by explaining the sensitive ecology of the area and prohibiting the taking of tidepool organisms without a permit;
- b) education and management program which includes provision of periodic monitoring and maintenance of the environmental enhancement features required in Condition 3(b)

PARKING & CIRCU-LATION

7. Permittee shall transmit copies of parking and circulation evaluations and information if required by City of Monterey under Conditions 3 & 21 to the Executive Director of the Coastal Commission for review & approval.

- 8. Permittee shall provide employee parking mitigation measures as indicated in Final EIR (p.3): 1) to allow any employee to park in the proposed garage at a reduced rate, 2) to allow employees that carpool to park in the garage free, and 3) to reimburse employees who utilize public transit.
- 9. Permittee shall provide a study by a qualified transportation/circulation consultant of the automobile parking impact of the project at the end of the first year's operation. Additional studies shall be provided by the permittee after the third and fifth anniversaries of the project being open to the public at Commission discretion. If any such study, as confirmed by the Commission indicates that the parking impact from the project is significant and unmitigated, the permittee shall confer with the Commission for purposes of a determination by the Commission on which of the following measures shall be required to be installed by amendment to this permit:
 - (1) Additional parking spaces
 - (2) Changes and/or reduction in hours of operation for the restaurant bar and retail shops
 - (3) Modifications to the valet system
 - (4) Modification of the shuttle system
- 10. Prior to commencement of operation permittee shall establish a shuttle limosine service to provide transportation for hotel patrons. The route and schedule for the service shall include daily trips to major visitor points, i.e., Carmel, Pebble Beach, Monterey, Pt. Lobos, etc. and to Monterey Airport. The route and schedule shall be submitted to the Executive Director for review and approval prior to commencement of operation of facilities.

ACCESS PLAN

- 11. Within 180 days of the issuance of permit, and prior to commencement of construction of the buildings, the permittee shall submit to the Executive Director for review and approval an access plan for the project which accomplishes the following:
- A deed restriction, the form and content of which shall be approved by the Executive Director, for the Pacific Plaza Hotel plaza and lateral accessway, including the Chart House site, Aeneas Beach, and the tidal area beneath the structures. The deed restriction shall provide secure areas such as the public plaza and interior building lateral access to be open at a minimum during normal operating hours. Access areas subject to tidal or storm wave action may be closed temporarily (during storms) to prevent hazards to public safety. Maintenance needs shall be provided. This deed restriction shall bind the permittee and any successor in interest and guarantee the right of the public to use the accessway. This deed restriction shall be for the permittee's interest in the property, whatever it may be, including those areas of tidelands granted to the City of Monterey.
- b) A signing program which identifies the public accessways and the hours that they are open and notifies potential patrons when tidal areas are closed due to high tides or high waves.
- c) Restoration plan for new beach, to be implemented by the permittee as identified in enhancement features required in condition 3(b).

ITY DIS-

- LIABIL- 12. Within 30 days of the issuance date of this permit, the permittee shall submit to the Executive Director, a deed restriction for recording, that binds the permittees and any successors in interest. The form and content of the deed CIAIMER restriction shall be subject to review and approval of the Executive Director. The deed restriction shall provide:
 - a) that the permittees understand that the project and construction site is subject to extraordinary hazard from waves during storms and tsunamis and the permittees assume the liability from those hazards;
 - b) the permittees agree that they will unconditionally waive any claim of liability as a result of the completion of construction of the project related to the hazards as identified above; and
 - c) the permittees agree that the construction in the face of these hazards may make them ineligible for public disaster funds or loans for repair or replacement of the project designated by the engineering plans attached to the application, in the event of future storms and related damage.

FINDINGS & DECLARATIONS: The Commission finds and declares as follows:

SITE &
PROJECT
DESCRIPTION

1. Site Description: See Exhibit 2, Existing Development. The project site, located in the Cannery Row area of Monterey City, consists of eleven parcels on both sides of Cannery Row Street, near its curve at Drake Avenue. The five parcels (APN 1-021-8,9; APN 1-031-2,9,10; total area ±2.5 acres) on the bayside contain the Chart House restaurant, three warehouse type structures - the Ferrante (containing an architectural firm), the Parr (vacant), and Western Fish Products buildings (contains two small businesses), and a large deteriorating cement platform, remnant of Oxnard Cannery, extending from the street frontage over the water on pilings. Other remnant pilings are located offshore. The buildings and platforms largely cover what is known as Aeneas Beach. Of the six parcels on the inland of Cannery Row Street, one (APN 1-022-21; ±20,390 sq. ft.) at the intersection of Cannery Row and Drake contains the Crispo buildings, an SFD and retail shops, formerly the Carriage Houses for the old Murray Estate which covered virtually the entire development site between 1880 and 1944. Two other parcels (APN 1-032-2,3; 19,000 sq.ft.) sandwiched between the Aeneas Storehouse and Enterprise Cannery commercial buildings are vacant. The three additional inland parcels (APN 1-033-1,8,9; ±21,446 sq.ft.) contain the California Seasons Building, commercial and retail shops located between Dickman and

Project Description: See Exhibit 3, Demolition Plan and Exhibit 4, Site Plan. The proposed development is a 291-room hotel complex including the following:

- a. demolish on the bayside 4 warehouse buildings as identified in the Demoliticn Plan, Exhibit 3, remove approximately 50,000 sq. ft. of concrete slab and 600 pilings;
- b. install 300 pilings;
- c. construct on the bayside portion of the site a 6 level hotel complex (207,630 sq. ft. floor area) in two major buildings (identified as A & B on Site Plan, Exhibit 4) to include:
 - (1) 207 guest rooms
 - (2) 120 seat restaurant
 - (3) 60 seat cocktail lounge
 - (4) 4,968 sq. ft. ballroom/meeting room
 - (5) 60 seat lobby lounge
 - (6) 6,797 sq. ft. commercial retail space
 - (7) 18,000 sq. ft. public plaza
 - (8) public pathway the length of the bayside of the building
 - (9) access to Aeneas Beach (which will be partially uncovered by building demolition)
 - (10) lobbies, office, storage, mechanical, and kitchen space

- d. demolish the California Seasons building and construct on the inland side of Cannery Row between Dickman and Drake a 5-level hotel structure (identified as building C on Exhibit 4) (64,296 sq.ft. floor area) to include:
 - (1) 84 quest rooms
 - (2) 8306 sq. ft. commercial retail area
- e. construct on the inland side of Cannery Row between Dickman and Reeside a seven level parking structure (includes roof top parking) including:
 - (1) 453 spaces 242 standard, 211 compact (223 tandem)
 - (2) 2720 sq. ft. commercial retail space
 - (3) 21,000 cubic yards of excavation
 - (4) remove 6 eucalyptus trees and 3 cypress trees

f. retain:

- (1) the Chart House Restaurant (170 seats) (7,000 sq.ft. floor area) with redesigned parking to provide 10 on-site parking spaces (3 tandem)
- (2) the Crispo buildings (art studio and antique shop 2139 sq. ft. and single family dwelling) with redesigned parking to provide 44 parking spaces (10 tandem)

DEVELOP- 2. The Coastal Act states:

MENT
PATTERNS &
TYPE OF
LAND USE

"Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and forseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area." (Section 30221)

"The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." (Section 30222)

"Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." (Section 30223)

Cannery Row, a 66 acre track along the shoreline of Monterey Bay, is a major visitor destination. The character of the Row evolved with the fisheries industry from a Chinese fishing village to a major sardine fishing and canning

[balance of original findings omitted for brevity]

CALIFORNIA COASTAL COMMISSION

EXHIBIT 5

EXHIBIT-A

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

- 1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration. If development has not commenced, the permit will expire two years from the data on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration data.
- 3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
- 6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

[balance of original exhibits omitted for brevity]

CALIFORNIA COASTAL COMMISSION Galifornia Goastal Commission

EXHIBIT NO. A

APPLICATION NO.

3-82-77

Standard

Conditions

California Canastal Commission

EXHIBIT 5



862 Lobos Street Monterey, California 93940 November 16, 1995

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

Dear Mr. Strnad:

The New Monterey Neighborhood Association is a resident and property-owner association that works to preserve and enhance the quality of life in Monterey's largest neighborhood. Ours is a frequently-heard voice in City affairs when projects under review potentially involve view impacts, traffic, or parking. I am writing to convey to you and the Coastal Commission the New Monterey Neighborhood Association's absence of concern over the proposed height increase by the Monterey Plaza Hotel.

View Impact was our first concern. We asked residents in the 300 block of Belden Street to join us in our review of this proposal since they currently look out on the roof of Monterey Plaza Hotel. The trees on the parcel of land northwest of the hotel effectively block the view of the hotel roof for residents farther to the north on that and other New Monterey streets. The view from Cannery Row Street toward the south will have the most notable change. In the opinion of the Neighborhood Association and a majority of the City Planning Commission, the change in roof design will improve the architectural aesthetics of the building. The residents and the Association concluded that there is no adverse view impact by the proposed roof alterations.

The hotel's original use permit and EIR were for 291 rooms and a fifth floor. This project completes the allowed 291 rooms and usable fifth floor. Since the spa and new guest rooms will be used by hotel guests only, the Association has no concern about additional traffic or parking; the original EIR addressed those impacts.

In order for the City of Monterey to issue a height variance for this project, they had to find that a hardship exists on this site. Because of the location of this lot at the unusually configured intersection of Drake and Cannery Row, the area dedicated to view cones is larger than on any other Cannery Row parcel. The view cones prevent development of allowed Floor Area Ratio.

We conclude that there is no public price to be paid with this proposed roof alteration in what is a highly sensitive view area. We support the project and urge you to vote its approval.

Sincerely,

Sharon a. Dwight

Sharon A. Dwight, President

EXHIBIT NO. APPLICATION NO.

CORRESPONDENCE

$\underline{\mathbf{C}}$ ANNERY $\underline{\mathbf{R}}$ OW $\underline{\mathbf{A}}$ SSOCIATION

November 15, 1995

Mr. Les Strnad Coastal Commission Central Coast Area Office 725 Front St., Ste. 300 Santa Cruz, Ca. 95060

Dear Mr. Strnad:

As President of Cannery Row Association, and representative of 100 businesses on Cannery Row, I encourage the Coastal Commission to grant the Monterey Plaza Hotel a permit for their spa project for which it has applied.

The Monterey Plaza is a major hotel on Cannery Row that continues to be a first class operation by upgrading it's interior and exterior and making necessary improvements to facilitate it's clientele.

To provide amenities comparable to other major hotels on the Monterey Peninsula such as the Marriott, Pebble Beach, Doubletree and the Hyatt, the addition of a health spa and it's adjoining suites are imperative. The original plans approved in 1981 allowed for rooms on the 5th floor. These rooms were never added. Architecturally and esthetically the Plaza will not change.

The City of Monterey has approved the height variance. Therefore, we, of the Cannery Row Association, feel it prudent for the Coastal Commission to grant the Monterey Plaza it's request for a permit for their spa project.

Sincerely.

Jan Hanson

President



November 16, 1995

Mr. Les Strnad California Coastal Commission 640 Capitola Road Santa Cruz, California 95062

Dear Les:

As an owner of the Cannery Row Company and one with a vested interest in the subject property I would like to go on record with my support of the completion of the Monterey Plaza Hotel as planned. The added improvements will allow the Monterey Plaza to compete in the current market place and maintain their reputation as a destination resort.

Architecturally, the changes in the roof design will compliment the existing roof. The project is planned in the most logical way which will continue to benefit the open space areas which, in turn, benefit the public and patrons of the hotel as well, as they visit Cannery Row.

It should be noted that the modification will have no significant impact on the surrounding neighborhood including loss of any view to the Monterey Bay.

Your assistance in reviewing this proposal will be greatly appreciated.

Very truly yours,

THE CANNERY ROW COMPANY

Theodore J. Balestreri Managing General Partner

Sr.

