

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th 3



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

*For the**MAY Meeting of the California Coastal Commission*

MEMORANDUM

Date: May 13, 1999

TO: Commissioners and Interested Parties
FROM: Tami Grove, Central Coast Area Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the exemptions, waivers, emergency permits, immaterial amendments, extensions, and assignments issued by the Central Coast Area Office for the May 13, 1999 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 Area.

SUMMARY OF ATTACHED MATERIALS

DE MINIMIS WAIVERS

3-99-016-DM Chris Mack; Scott Green (Carmel, Monterey County)

3-99-033-DM California American Water Company, Attn: Ron Slaccia (Pebble Beach, Monterey County)

TOTAL OF 2 ITEMS

DETAIL OF ATTACHED MATERIALS**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.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-99-016-DM Chris Mack Scott Green	Demolish single family dwelling (On Carmel Historic Survey's List of Notable Buildings, but structure has been significantly altered to destroy any architectural integrity).	2 Sw Of 8th Street On Lincoln, Carmel (Monterey County)
3-99-033-DM California American Water Company, Attn: Ron Slaccia	Replace about 50 linear feet of existing pipeline with 6" diameter steel pipe, which will be supported by two concrete blocks or pillars above the left and right banks of the creek.	Pescadero Canyon (between 2nd Ave. in Carmel and 17 Mile Drive), Pebble Beach (Monterey County)

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: May 3, 1999
TO: Chris Mack; Scott Green
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-99-016-DM

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: Chris Mack; Scott Green

LOCATION: 2 Sw Of 8th Street On Lincoln, Carmel (Monterey County) (APN(s) 010-193-02)

DESCRIPTION: Demolish single family dwelling (On Carmel Historic Survey's List of Notable Buildings, but structure has been significantly altered to destroy any architectural integrity).

RATIONALE: Proposed development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and it is consistent with the policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200).

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, May 13, 1999, 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: LEE OTTER
District Chief Planner

Handwritten signature of Lee Otter, District Chief Planner, with a checkmark to the right.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: May 5, 1999
TO: California American Water Company, Attn: Ron Slaccia
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-99-033-DM

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: California American Water Company, Attn: Ron Slaccia

LOCATION: Pescadero Canyon (between 2nd Ave. in Carmel and 17 Mile Drive), Pebble Beach (Monterey County) (APN(s) 008-161-03)

DESCRIPTION: Replace about 50 linear feet of existing pipeline with 6" diameter steel pipe, which will be supported by two concrete blocks or pillars above the left and right banks of the creek.

RATIONALE: Proposed development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and it is consistent with the policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200).

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, May 13, 1999, 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: LEE OTTER
District Chief Planner

Memorandum**May 13, 1999**

To: Commissioners and Interested Parties:

From: Tami Grove, Deputy Director, Central Coast District

Re: *Addendum for Commission Meeting of Thursday May 13, 1999*

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th 4b LCP Amendment 1-99	Monterey County	Correspondence	1
Th 4c LCP Amendment 1-98	Monterey County	Correspondence	2
Th 5b Appeal No. A-3-98-101	Bailey-Steltenpohl	Correspondence	3
Th 5e Appeal No. A-3-99-025	Moon	Correspondence	92
Th 6a Appeal No. A-3-98-114	SNG	Correspondence	93

RECEIVED

TX 46

DEPARTMENT OF TRANSPORTATION

50 Higuera Street
SAN LUIS OBISPO, CA 93401-5415
TELEPHONE: (805) 549-3111
TDD (805) 549-3259

APR 26 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



April 22, 1999

Mr. Rick Hyman
California Coastal Commission
Central Coast District
725 Front Street, Suite 300
Santa Cruz, CA 95060

5-MON-1-72.0/75.1
Hatton Canyon
5-019021

Dear Mr. Hyman:

On March 24, 1999, the Transportation Agency for Monterey County (TAMC) voted to move funding for the Hatton Canyon Scenic Highway to the Prunedale Bypass. By that vote, TAMC has eliminated the current funding for the Hatton Canyon Scenic Highway. The California Transportation Commission (CTC) must approve an amendment to the State Transportation Improvement Program (STIP), however, documentation from the CTC staff indicates that they will not oppose the TAMC action.

As a result of TAMC's revised funding priorities, Caltrans has stopped all work on the Supplemental Environmental Impact Statement/Report and all ongoing permit activity for the Hatton Canyon Scenic Highway.

If you have any questions or need any further information, please contact me at (805) 549-3182.

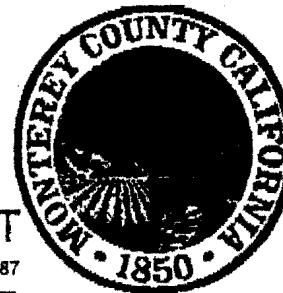
Sincerely

A handwritten signature in cursive script that reads "Gary Ruggerone".

Gary Ruggerone
Senior Environmental Planner
Caltrans District 5

TH4c

MONTEREY COUNTY



PLANNING AND BUILDING INSPECTION DEPARTMENT

☐ P.O. BOX 1208, SALINAS, CALIFORNIA 93902 PLANNING: (831) 755-5025 BUILDING: (831) 755-5027 FAX: (831) 755-5487
☐ MONTEREY COURTHOUSE, 1200 AGUAJITO ROAD, MONTEREY, CALIFORNIA 93940 (831) 647-7520 FAX: (831) 647-7877

WILLIAM L. PHILLIPS, DIRECTOR

May 11, 1999

Chair Sara Wan and Members
California Coastal Commission
451 Fremont St, Suite 2000
San Francisco, CA 94105-2219

Subject: Monterey County Local Coastal Program Major Amendment No. 1-98 (Wireless Communication) - Item Th4c of May 13, 1999 Agenda

Dear Chair Wan and Commissioners:

Please accept a minor modification to clarify the proposed standard for locating wireless communication facilities in Big Sur. Monterey County's intention is that the siting of these facilities will be consistent with viewshed policies of the Big Sur Coast Land Use Plan.

In order to clarify this consistency requirement, the following language is suggested for Section 20.64.310.H.1.j (Site Location, General Development Standards) of Amendment No. 1-98:

"Per the policies contained in the Big Sur Coast Land Use Plan, no development, including telecommunication facilities, shall be located in the critical viewshed. Wireless communication facilities shall be subject to the Big Sur Coast Land Use Plan viewshed policies."

If you have any questions, please do not hesitate to contact me or the Coastal Program Supervisor, Kate McKenna at (831) 755-5025.

Thank you for your consideration of this request.

Sincerely Yours,

William L. Phillips, AICP
Director

TN 56

CHARLES R. KELLER
 RONALD P. SCHOLL
 THOMAS R. JAMISON
 LARRY E. HAYES
 MARK A. CAMERON
 JOHN R. BRIDGES
 DENNIS D. MCCARTHY
 JACQUELINE P. MCMAHON
 DAVID C. SWENBERT
 LORIN A. KRUSE
 LONNIE TRUAX
 CHRISTOPHER E. PANETTA

FENTON & KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

POST OFFICE BOX 791

MONTEREY, CALIFORNIA 91942-0791

FACSIMILE (831) 373-7219

TELEPHONE (831) 373-1241

OF COUNSEL

LEWIS L. FENTON

E-MAIL ADDRESS

PANK@IX.NETCOM.COM

FROM SALINAS

TELEPHONE (831) 757-8939

May 4, 1999

RECEIVED

MAY 04 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**VIA FACSIMILE**

California Coastal Commission
 Central Coast Area Office
 Attn: Rick Hyman, Coastal Planner
 725 Front Street, Suite 300
 Santa Cruz, CA 95060

Re: Permit No. A-3-SCO-98-101 (Applicants: Fred Bailey
 and Greg Steltenpohl)
 Our File: 31147.27575

Dear Mr. Hyman:

Our firm represents the Applicants, Fred Bailey and Greg Steltenpohl, in the above-entitled appeal before the California Coastal Commission. Given the length, complexity, and other matters related to the staff recommendation, the Applicants are not prepared, and indeed it will be impossible, to respond to the staff recommendation at the May 13, 1999, meeting for which the vote on the application is scheduled. Therefore, the Applicants are exercising their right to a continuance and postponement of the hearing date. The Applicants assume that this postponement of the hearing will be to the next Northern California meeting scheduled in San Rafael during the week of July 13-16. The Applicants waive any applicable time limits for Commission action on the application.

For the record, the Applicants have never previously exercised their right to a postponement of the meeting. All that the Applicants have done is submit a 49-day waiver. The right could not have been exercised previously in any event since there was no staff recommendation to which the Applicants were expected or able to respond.

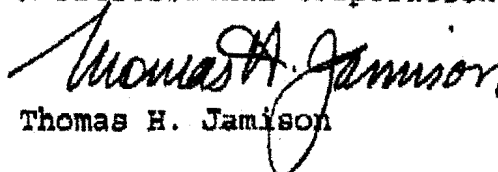
Please confirm to me that the matter will be postponed from the May 13, 1999, date to a subsequent date to be determined so

that the Applicants as well as the Appellants may be informed that there is no need to travel to Santa Rosa on that date.

Thank you very much.

Very truly yours,

FENTON & KELLER
A Professional Corporation


Thomas H. Jamison

THJ:lg

cc: (via fax):
Fred Bailey
Greg Steltenpohl

TH 5b

DAVENPORT CITIZENS FOR RESPONSIBLE NORTH COAST PLANNING

P.O. Box 252

Davenport, CA 95017

May 5, 1999

RECEIVED

MAY 06 1999

Coastal Commission Members and Staff
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: A-3-SCO-98-101 (Th5b); proposed modifications to staff report

Dear Coastal Commission members and staff:

Davenport is a designated special community to be protected and enhanced. (LCP 8.8, 8.8.2; PRC § 30253) Located on the Monterey Bay National Marine Sanctuary, Davenport is now surrounded by 7500 acres of open space, with 7 miles of beaches, owned by Trust for Public Land. Davenport's meadow is famous for its whale-watching opportunities (LCP 5.20, 8.8 Davenport Program) and public ocean vista of the Sanctuary. (LCP 5.10.3, 5.10.6)

We agree with the staff report that the Project is out of scale for the small-scale nature of Davenport, and should be substantially down-sized.

We agree with the staff characterization of Davenport: "working heritage," "dusty informality," "devoid of pretense," "eclectic frontier rustic."

We recommend the following modifications to staff recommendations:

1) Preserve Davenport's historic whale-watching meadow and public ocean vista, which is integral to the character of the town. We recommend commissioners restrict all new parking to the lower level and/or first floor of Project building, options proposed in the staff report. (LCP 8.8, 8.8.2, 8.8.4, 5.10.3, 5.10.6, 5.10.10); see staff report, p. 15, I.D.2

2) The public view down Davenport Avenue and from scenic Highway 1 is obscured by a 30' tall cypress hedge. (LCP 8.7.1, 5.10.3, 5.10.6, 5.10.9) The hedge also encroaches on the southern public beach access path. (LCP 7.7.a,b,c; 7.7.1; 7.6.2, 7.7.10, 7.7.13, 7.7.15) Hedge clippings are thrown into the adjacent riparian corridor. (LCP 5.2.2, 5.2.3) Staff recommends cutting the hedge back to 7 feet to restore the public view. We concur that the hedge be limited to 7 feet; but since monitoring the height has been found to be unenforceable and unrealistic over the years, we recommend that the hedge be removed and replaced with specific

plants that will not exceed 6' in height, are non-invasive, and which will not encroach on the public access path. See staff report, pp. 25-27, VI.B and VI.D.

3) The proposed greenhouse and boat residence should not be permitted to obstruct the public ocean view down Davenport Avenue or from Highway 1. (LCP 5.10.3, 5.10.6, 5.10.9) See staff report, p. 15, I.D.3.

4) A change to Special Use ("SU") zoning is not justified because the necessary findings to support it cannot be made:

- i) The character of the development in the area has not changed and is not changing;
- ii) The proposed use was anticipated, discussed and discarded when the 1994 General Plan ("GP") was adopted;
- iii) Neighborhood Commercial zoning ("NC," or C-1) is not an error;
- iv) Neighborhood Commercial zoning (the 1994 GP zoning) is consistent with the General Plan designation. (LCP 2.13, 2.13.3); see Santa Cruz County Code 13.10.381, 13.10.382; see staff report, p. 49.

A change in zoning to SU is a dangerous precedent for the coastal zone, because it allows developers to ignore and override GP zoning. The zoning on the subject property has changed 4 times in the 20 years that the developers have leased/owned the property (Agriculture to Unclassified to NC to SU), all to accommodate the developers. At least twice there were no public hearings.

5) The developers have chosen not to have a left-hand turn lane into the lower level parking lot (going north on Highway 1). We recommend a left-hand turn lane to avoid circulation through town and past the school. (LCP 8.8.4); see staff report, p. 24, V.F.b.

6) The myoporum trees that front the Project building on Highway 1 encroach on Caltran's highway right of way and create a pedestrian hazard. (LCP 7.7.c, 7.7.1, 7.7.12, 8.7.1, 5.10.3) Myoporum is invasive and may invade nearby riparian habitat. (LCP 5.2.2., 5.2.3) We recommend removal and replanting with a specific species that will restrict horizontal growth to 5 feet in order to provide safe pedestrian access along Highway 1 to the beach and the public ocean vista. See staff report, p. 25, VI.B and p. 17, III.D.

7) We recommend that any additions to the uses described for the Project be processed according to a Level 5 permit (public hearings). See staff report, p. 25, VI.A.

Susan Young

Susan Young, member
Citizens for Responsible North Coast Planning



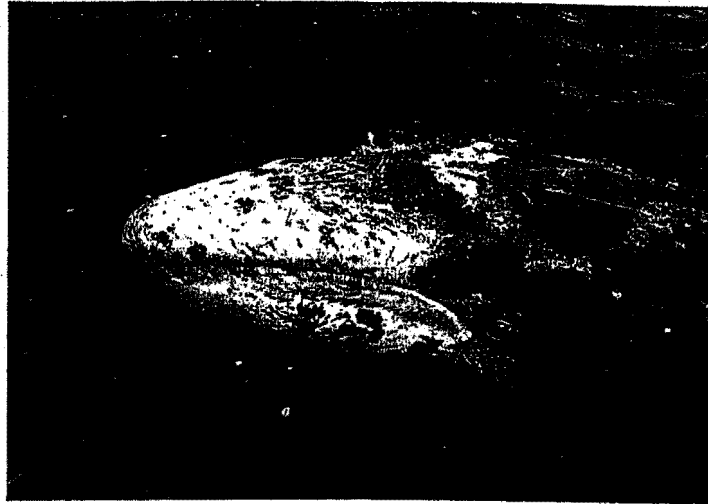
From The Monterey Bay Shoreline Guide,
by Jerry Emory
(published by University of California Press
& the Monterey Bay Aquarium, 1999), p. 49

SANCTUARY NOTE
CALIFORNIA GRAY
WHALE WATCHING

One of the most spectacular ways to view California gray whales (*Eschrichtius robustus*)—and numerous other marine species—is to hop on a whale-watching boat in Santa Cruz or Monterey and motor out into the marine sanctuary. But for a topside, distant view of these 30- to 50-foot beauties, park across the street from Davenport's commercial area, get out of your car, strap on some binoculars, and start looking.

From late November through January patient observers here (and from coastal bluffs all along the bay's shore) can see the tell-tale spouts of grays—and even their tails, or flukes. Unlike some other whales, grays don't have pronounced dorsal fins. Instead, look for a series of small humps along their arching back (near the tail) as they swim by and then sound (dive down).

During these winter months the grays are migrating south, often just beyond the surf zone, from their feeding grounds in the Bering Sea to their birthing and breeding grounds off Baja California—a short swim of some 5,000 to 7,000 miles . . . one way! Pregnant females come by first, heading for the warm waters of Baja's lagoons to deliver their 1,500- to 2,000-pound calves. When the grays return north in the spring they



Gray whales can be seen offshore during their southward migration each fall and winter.

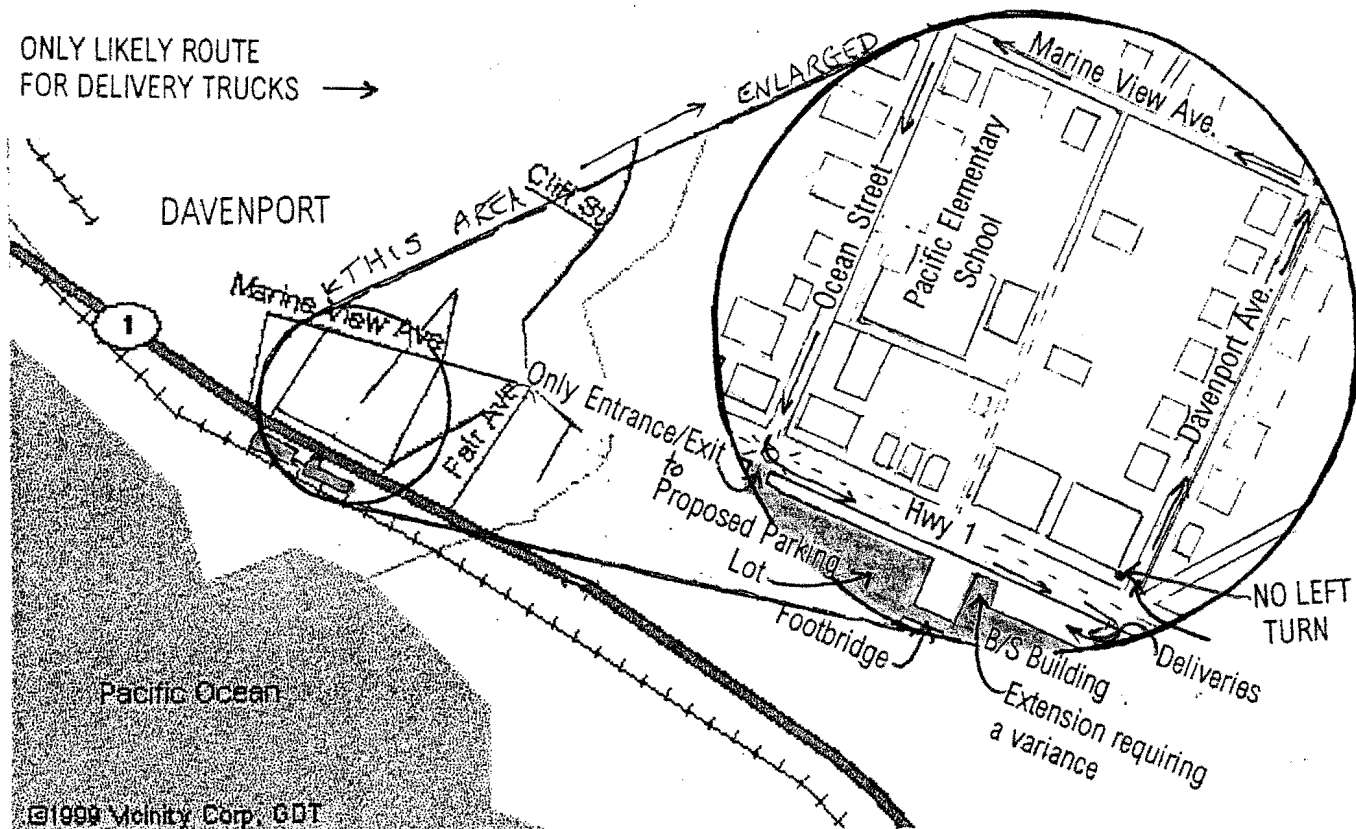
swim farther offshore and are less likely to be seen.

Gray whales are actually more black than gray, but a coating of hitchhiking white barnacles, orange whale lice, and pale scars (from scraping against the ocean floor and rocks while feeding) lighten them up.

Grays feed on amphipods—small crustaceans—that live in the mud of the ocean floor. They also eat plankton, microscopic plants and animals that float in the open water. Instead of having teeth (like sperm whales, for example), they have comblike plates in their mouths called baleen. When feeding, gray whales scoop up muck from the ocean floor, or close their mouth around a mass of plankton, then they use their gargantuan tongues to press the water out through the baleen. The amphipods and

plankton stay behind. Gulp: big meal! It sounds improbable, but their diet of these minuscule pieces of food helps them attain an adult weight of some 40 tons.

Once there were three populations of gray whales. A North Atlantic population is now extinct, probably because of overhunting. A western North Pacific, or Korean, population is still in existence, but very few whales remain. The population off California's coast—the eastern North Pacific stock—was hunted to near extinction in the late 19th century. In 1947, however, this population was given full protection by the International Whaling Commission, and it has since rebounded to some 23,000 individuals, close to its original size. (For more about whales and whaling, see pp. 155-157.)

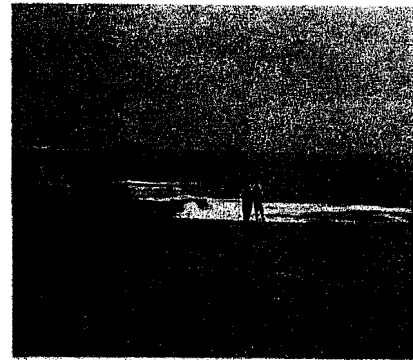


According to the presentation to the Board of Supervisors, delivery trucks heading north on Highway 1 would not be permitted to turn left into the delivery area of the proposed project because there is no room for a turning lane. Upon seeing the NO LEFT TURN sign, it is logical to us that the driver would do as all other tour bus and truck drivers in Davenport seem to do now, turn right instead, onto Davenport Ave., then left onto Marine View, left again onto Ocean Street, then left onto Highway 1 and back down to where they can take a right turn into the delivery area. This route would take them along the side and front of Pacific Elementary School property, where children are discharged and picked up twice a day under already extremely dangerous traffic conditions. This is completely unacceptable.

When this point was brought up to the Board of Supervisors, one supervisor indicated that this was very unlikely, that the trucks would proceed to the proposed parking lot where they could take a left turn into the parking lot, then turn left in the parking lot and proceed down to the delivery area of the building. This, however, is not possible because the two areas do not connect. Access to the building from the parking lot is by footbridge. The portion of the existing building, which extends into the highway right-of-way, for which the developers have asked a variance from the Board of Supervisors, blocks any possibility for access to the delivery area from the parking lot. The only other (unlikely) possibility would be for these large trailer trucks, with a wide turning radius, to pull into the parking lot, maneuver around all of the parked cars and go back out onto the highway turning south in order to turn right into the delivery area.

At this time, we are aware of no traffic plan that could safely serve the town and the Bailey/ Steltenpohl project.

Save Davenport Meadow!



1999

January

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

February

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

June

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September

S	M	T	W	T	F	S
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

November

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

TH 56
RECEIVED

Harry C. Wain
725 Swanton Road
Davenport CA 95017

APR 30 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

April 26, 1999

SUBJECT: APPEAL A-3-SCO-98-101 (Bailey/Steltenpohl Project)

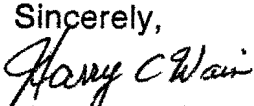
Dear Members of the Coastal Commission;

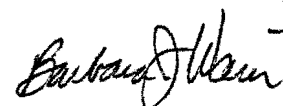
My wife Barbara and I reside on the north coast of Santa Cruz County and we are writing to you to express our concerns regarding potential development of the Bailey/Steltenpohl project. As you know, the residents of Santa Cruz County have, for many years, been holding at bay the continuing pressure to develop the north coast for commercial gain of a few at the expense of the citizens of the world who visit here to view the irreplaceable natural beauty with which we are blessed. To my knowledge, at least two attempts to build large housing tracts and one attempt to install a nuclear power plant have been turned aside in the past. There are strong interests here in preserving, rather than developing, the north coast and the people of Santa Cruz, along with the help of major environmental organizations, have managed to purchase for preservation most of the coastal land between the north side of Santa Cruz and the south end of San Mateo County.

The proposed development has the potential to reduce ocean views by replacing the meadow with a large private parking lot. In general, commercial development has been banned on the ocean side of Highway 1 in order to keep ocean views unspoiled. We would hope that if any ocean side development is inevitable, that it would be limited in size, not block views and not create traffic problems. Any development that would increase the traffic problem in Davenport is a concern for us. At this time, we are aware of no traffic plan that could safely serve the town and the Bailey/Steltenpohl project as presented. (*See attached traffic information and map.)

We think that a conference center on the Bailey/Steltenpohl property could be lucrative for the owners but that it is not needed here and is inappropriate here. This is not Monterey or Carmel.

Sincerely,


Harry C. Wain


Barbara J. Wain

TNSb

5-3-99

Dear Stof -

The support proposition #21.

There already has been too
much nibbling.

We know the area of
the store, gift shop and room.

The ocean side needs
keeping open.

Thank you
for asking us
for

Joseph M. Hammerquist
#1 McIntosh Court
Novato, CA 94949

RECEIVED

APR 26 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Nancy Ann Powell
930 Rosedale Avenue, Space 44
Capitola, CA 95010

TH 5b
APR 29 1999

CALIFORNIA
COASTAL COMMISSION

April 21, 1999

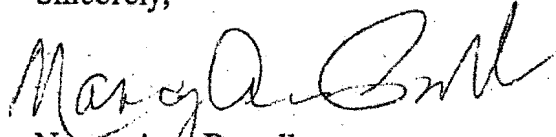
State Coastal Commission
#45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

To Whom it May Concern:

I am vehemently opposed to the proposed 70 + parking lot to be built on the northcoast landmark (Davenport).

That area should be left alone for our generation and future generations to enjoy.

Sincerely,


Nancy Ann Powell

/nap

cc: Sam Farr, U.S. Congress
Barbara Boxer, U.S. Senate
Diane Feinstein, U.S. Senate

For Santa Rosa Meeting May 13, 1999

Davenport, Calif.
May 4, 1999

RECEIVED

TH 56

California Coastal Commission
725 Front Street, 3rd Floor
Santa Cruz, California 95060

MAY 05 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Members:

I came to Davenport from Gregory Heights on Ben Lomond Mt. when two years old. Went to school there, met my wife there, were married in the local church and raised two children there up to college level.

My parents opened Gregory's in 1924. After the war my brother, Francis, and I took over the business and operated it for 44 years. In that time we purchased two properties, one housing the U. S. Post Office and the other across the street with a run down and inoperable service station. We reconditioned the buildings and opened the service station--in competition with the one we were operating.

Community Service--

1. Secretary and then president of the Davenport Improvement club.
2. Organized the Davenport Vol. Fire Department in 1932.
3. Director Joint Highway District #9, an arm of the Division of Highways to expedite the construction of Highway #1 from Santa Cruz to San Francisco.
4. Site Committee to locate Dominican Hospital.
5. Site Committee to locate Cabrillo College.

There are only a very few commercial lots left in Davenport. It therefore makes good sense to make improvements and modernize the buildings that are on the existing commercial property.

What makes me damn mad now, is that the Davenport Vol. Fire Department has to take their trucks to Santa Cruz in order to get gas. That is not progress.

I believe the Greg Steltenpohl-Fred Bailey project is workable and will benefit the town as a whole. I therefore give it my full and hearty support.

Sincerely,

Alvin V. Gregory
Alvin V. Gregory

P. O. Box 33
Davenport, Ca 95017
831-426-1081

TN 56

RECEIVED RECEIVED

MAY 05 1999

MAY 05 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

R

E

C

E

V

E

L

MAY 04 1999

May 1, 1999

P.O. Box 1576
Burlingame, CA 94010

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105-2219

Re: Bailey-Steltenpohl Project

Dear Sirs:

While visiting Davenport last weekend we noticed the petitions and flyers at the Davenport Cash Store and the bakery denouncing the captioned development.

We have visited the delightful San Mateo-Santa Cruz county coast for decades, and have always been enraptured by its beauty considering its proximity to such a large urban area. Probably the only place we enjoyed as much is the Swiss Oberland - Lake Thun, and the charming Swiss towns of Interlochen and, higher in the mountains, Grindelwald. These were places, though, where one could dine while watching the sunset over the natural wonders, arise to morning mists in the heart of the rugged domain, and survive boring business meetings by drinking in the scenic views from the conference room.

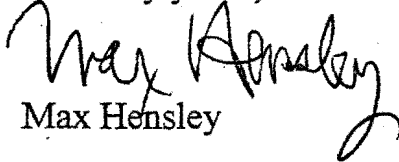
The Swiss have managed to do something that seems to completely escape United States developers and regulatory authorities in scenic areas: The ability to build visitor services facilities while still maintaining the charm and scenic beauty of the settings. Probably the most delightful hotel we ever visited was Hotel Giessbach, located adjacent a waterfall high above Lake Brienz. The setting and style were perfect, and the public was free to visit the

falls, either by vernicular from the lake below or by car. Commission staff members wanting to see how development and natural beauty can complement one another should visit this area of Switzerland.

So now we return to Davenport, where another coast-side developer casts himself upon the shoals of regulatory purgatory. (I use the term purgatory, rather than hell, because these people never seem to get to the end except when they go bankrupt.) I could tell very little about the nature of the proposal, since the inflammatory literature put out by the Cash Store was long on hyperbole and short on facts. So I can't say that what the developers are proposing is more like Sacramento than Switzerland. Nonetheless, I am convinced that the coast needs more visitor facilities, that the ones that exist are pitiful and hardly adequate to keep up with the area's burgeoning population, and none of them brings the scenic values of the coast to anyone other than drive-throughs and surfers. I do find it hard to believe that this development could be worse than the present worn out warehouse surrounded by mangy bushes.

Thus, despite my firmly held environmentalist credentials I think you should give serious consideration to this project, provided it can be accomplished without serious visual impact. The choice is Switzerland or the sorry status quo. I hope you and the developers can find a way to cooperate and give the public what it has been denied for years in this area: a coast side development that brings the best of the coast to all visitors.

Sincerely yours,


Max Hensley

P.S. I have no commercial interests on the coast, I do not know the developers and have no financial interest in this development, and I harbor no animus against the Cash Store people (excepting their self-evident mercantilism).

TH 5b

California Coastal Commission, members and staff
45 Fremont St. Suite 2000
San Francisco, CA 94105-2219

RECEIVED

RECEIVED

MAY 05 1999

MAY 04 1999

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Honorable Members of the Commission,

This letter is to **strongly oppose** the development planned for 22 018 square feet on the Westside of Highway 1 in Davenport. What is **priceless** about this lot is that it offers an unobstructed view of the ocean and passing whales. There are enough shops and restaurants on the other side of the highway, and that 's where any development should happen if the citizens of Davenport should desire so. Who needs the shops, a conference center, etc. anyway?! They exist in Monterey and Santa Cruz and in the Bay area. Why spoil this pristine area?

Sincerely,



McLaughlin,
445 High St.
Santa Cruz, Ca 95060
831/426-1597

California Coastal Commission, members and staff
45 Fremont St. Suite 2000
San Francisco, CA 94105-2219

TH 50
5-1-99
RECEIVED
MAY 04 1999 MAY 05 1999

Honorable Members of the Commission,

This letter is to **strongly oppose** the development planned for 22 018 square feet on the Westside of Highway 1 in Davenport. What is **priceless** about this lot is that it offers an unobstructed view of the ocean and passing whales. There are enough shops and restaurants on the other side of the highway, and that's where any development should happen if the citizens of Davenport should desire so.

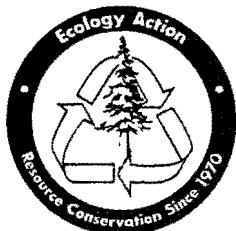
The proposed development plan reflects the values that unfortunately run our society—money and things to buy instead of open land, nature, habitats for animals—all of which nurture and enrich heart and soul at no cost. Whenever I come to Davenport from Santa Cruz, it is to sit there by the cliffs and let myself be absorbed and drawn away from worries, pain, whatever, looking at the endless distance, or the spout of one of the sea giants, passing by. And that's what the other people do as I observed: draw, photograph, write, and exchange a remark about the beauty they witness. That's why people stop here, wander, linger. They can buy things elsewhere, if the Davenport shops aren't enough.

Please think of the future, the need for open coastal areas, given the projected population growth. Perhaps an important factor in our society's high crime rate is that people are getting increasingly remote from nature, their souls and hearts dried and hardened, fed by things and money, instead of the love and appreciation of what has always been provided free for our nurturance on the planet.

Sincerely,

S. McLaughlin

Sigrid McLaughlin, PhD
445 High St.
Santa Cruz, Ca 95060
831/426-1597
e-mail: sigrid@coincidence.net



RECEIVED
MAY 04 1999

CALIFORNIA
COASTAL COMMISSION

RECEIVED

Ecology Action

P.O. Box 1188 • Santa Cruz, CA 95061-1188

831•426•5925 • Fax: 425•1404

email: ecoact@ecoact.org

www.ecoact.org

MAY 05 1999

4/29/99

TN 56

Dear Commissioners,

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I would like to express my strong opposition
to development on the west side of Highway 1 —
specifically the development proposed in Davenport.

The proposed development is not consistent with
the vision I feel the community holds for
our region and coastal area.

Sincerely,

Mahlon Aldridge

Director, Pollution Prevention Programs.

please copy a circulate to all commissioners

RECEIVED

RECEIVED
MAY 04 1999
CALIFORNIA
COASTAL COMMISSION

MAY 05 1999

May 1, 1999

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, California 94105-2219

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TH 56

Dear California Coastal Commission,

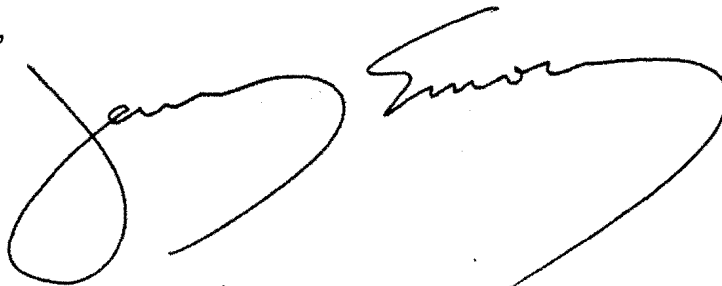
I am the author of the recently published book *The Monterey Bay Shoreline Guide* (University of California Press and the Monterey Bay Aquarium). I spent a good portion of my youth exploring and camping along the shores of the greater Monterey Bay, including watching Gray whales from the bluffs of Davenport. My research for this particular book included exploration of the historic town of Davenport. Not only is Davenport a well-preserved Central California coastal town with a deep and rich history, but it is also home to many historic buildings. Additionally, its coastal bluff area has been famous, for decades, as an informal but excellent whale-watching site.

I am writing to express my concern for this site since I understand that the coastal bluff fronting the town is now in danger of being paved over to make way for a large parking lot—the Bailey-Steltenpohl Project. I have been informed that, although the developers have planned two or three benches behind their parking lot for whale-watching and relaxation, those who want to watch whales or take in the magnificent view will have to find their way through the parking lot to arrive at the benches, and once there it is my belief that the whale-watching experience and the vistas will be significantly degraded by the activities associated with a large, active parking lot (not to mention the inevitable pedestrian traffic across Highway One and the hazards that will pose).

Perhaps a better use of this area would be a version of the present site, but much improved: A restored California coastal bluff full of native coastal chaparral scrub species and wildflowers—a small but significant slice of coastal prairie which one predominated here. This way, visitors could not only visit historic Davenport and its existing vibrant business district on the inland side of Highway One, but also enjoy the unparalleled views of the Pacific Ocean, the Monterey Bay National Marine Sanctuary, and migrating Gray whales. The Bailey-Steltenpohl development would, for all intents and purposes, obscure the ocean view for all visitors frequenting the existing businesses in Davenport.

I urge you to consider the implications of this development on Davenport's business community, frequent visitors, and whale-watching enthusiasts.

Sincerely,



RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

TH 5b

45 Fremont Street Suite 2000
San Francisco, CA
94105-2000

Dear California Coastal Commission members and staff:

My name is Brittany Gordon from Los Altos. Please do not pave over the west side of Highway 1. Restaurants, parking lots, and stores or shops, I think personally would be very boring, instead of a beautiful meadow. People from Davenport would like a beautiful scene of the sea, instead of development.

Brittany Gordon
Los Altos, CA 94024

May 4, 1999

THSB

California Coastal Commission
members and staff
45 Fremont Street, Suite 2000
San Francisco CA 94105-2219
May 3, 1999

RECEIVED

MAY 05 1999

CALIFORNIA
COASTAL COMMISSION

To the members and staff of the Commission:

I am in opposition to the Bailey-Steltenpohl project, which would turn a beautiful public meadow in Davenport into a commercial development. As a resident of the Bay Area, I drive the Coast Highway from time to time, and it is foul weather indeed which prevents me from passing at this meadow and partaking of its peaceful, natural ambience and beautiful vistas.

A development such as the one proposed seems entirely contrary to the character of Davenport and of this stretch of the Coast Highway, and a serious harm to its future.

It also sets a dangerous precedent: the first development on the seaward side of Highway One in this section of Coast. I would hate to see ^{seaward} development ruin the character of Davenport as it has done so devastatingly in Pacifica, for example.

I respectfully urge the Commission to SAY NO to the Bailey-Steltenpohl project.

signed,

Ken Eklund
526 Fuller Avenue
San Jose CA 95125

RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

TN 5b

45 Fremont St. Suite 2000
San Francisco, CA
94105-2219

Dear California Coastal Commission staff
& members,

My name is Jonathan and I have a
request to make. Please don't let Bailey +
Steltenphol Project get into action.

Jonathan Wang
Cupertino, CA 95014
May 4, 1999

RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

TH 5b

45 Fremont St. Suite 2,000
San Francisco, CA 94105-
2219

Dear California Coastal Commission Members &
Staff,

My name is Tom Amos and I have heard about an idea to build a parking lot and a bunch of stores and restaurants on the west side of Highway 1. I personally think this is a bad idea. The scenery on the west side on Highway 1 is very beautiful. It would be a shame to see everything destroyed. That land is a habitat to many animals. Instead of a parking lot for cars could turn it into a reservation. It would be a nice place to relax and people could enjoy the natural wonders of God's creation.

Tom Amos
2143 Jet. Ave.
Mt. View CA, 94043

You can contact me
at this address

RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

TH 56

301 East Duane Ave.
Sunnyvale, California
94086

May 4, 1999

California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

Dear California Coastal Commission,

My name is Sophia Sedillo. I have considered the Bailey Stettenphol Project and ~~have~~ think you should not build more shops, restaurants, streets, and parking lots in the city of Davenport. It would be much more pleasant to look over a meadow of wildlife to the ocean instead of a filthy parking lot. I believe you should leave Davenport as it is.

Thankyou for considering my letter and please respond, as my adress is shown above.

Sincerely yours,

Sophia Sedillo

May 4, 1999

TA 56

RECEIVED

MAY 06 1999

Dear California Coastal Commission
Members and Staff,

CALIFORNIA
COASTAL COMMISSION

I would like to express my concern about the proposed development west of Highway 1 in the town of Davenport. The coastal environment there would be forever changed and impacted.

The view would be destroyed, litter would occur because of all the shops, and it may be harder to view the whales migrating.

The pristine nature of the coastline in that area would be lost.

Please seriously consider stopping this development.

Sincerely,

Carolyn Sedillo
301 E. Duane Ave.
Sunnyvale, CA
94086

RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

TNSb

691 Sheraton Dr
Sunnyvale, CA 94087
May 4, 1999

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105-2219

Dear C.C.C. Members and Staff:

I support your idea for not building a parking lot or building a whole new city in Davenport. Davenport is better the way it is now. I think people should preserve the little peaceful place that this earth has. Thank you.

Sincerely,
Daphne Wu

PETITION To the Coastal Commissioners:

We, the undersigned, are opposed to proposed development on the ocean side of Hwy. 1 in Davenport (Bailey-Steltenpohl Project) due to the following violations of the Local Coastal Program:

TR 50

1. Zoning change is inconsistent with the Local Coastal Program; sets precedent for coastal development based on farm buildings; uses spot zoning to accommodate developers
2. Project is TOO BIG; does not fit the small-scale nature of Davenport
3. Cumulative impact and growth-inducing impact not studied
4. Destroys Davenport Meadow (destroys historic whale-watching & public ocean vista, scenic Hwy. 1 road vista)
5. Does not protect Davenport's status as a designated Special Community
6. Excludes public from established public parking areas
7. Water availability and sewer capacity not proven

PRINT NAME	SIGNATURE	ADDRESS
1. Erin Banks	<i>Erin Banks</i>	Mission Springs Outdoor Ed 1050 Lockhart Gulch Rd Scotts Valley, CA 95066
2. Heather Hadaway	<i>Heather Hadaway</i>	Same
3. Melissa Kime	<i>Melissa Kime</i>	266 Tabernacle dr. Scotts Valley CA 95066
4. Barbara Wanner	<i>B. Wanner</i>	1050 Lockhart Gulch Rd. Scotts Valley, CA 95066
5. Todd Wanner	<i>Todd Wanner</i>	1050 LOCKHART GULCH RD. SCOTTS VALLEY, CA 95066
6. Debbie Lennox	<i>Debbie Lennox</i>	1050 Lockhart Gulch Rd. Scotts Valley, CA 95066
7. Janet Bandy	<i>Janet Bandy</i>	596 Middlebury Dr Sunnyvale, Ca 95066
8. Mark Reynolds	<i>Mark Reynolds</i>	495 Pinevale Rd. Baldwin Creek, CA 95006
9. James Wilcox	<i>James Wilcox</i>	25 Frontier Rd Scotts Valley, CA 95066
10. Lon Rokk	<i>Lon Rokk</i>	PO Box 7988 So Lake Tahoe, CA 96158
11. Anne Soderstrom	<i>Anne Soderstrom</i>	MSOE 1050 Lockhart Gulch Rd Scotts Valley CA 95066
12. David Moen	<i>David Moen</i>	Mission Springs / O.E. 1050 Lockhart Gulch Rd. Scotts Valley, CA 95066
13.		
14.		

RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

RECEIVED
MAY 06 1999
CALIFORNIA
COASTAL COMMISSION

5/5/99

TA 56

To whom it may concern
@ the California Coastal Commission,
We the Signed people below are appalled
@ the thought of such a foreign
commercialized development scheme
being pushed on the small scenic
town of Davenport.

Please do not allow
the Bailey-Steltenpohl project
to happen. We are all in
agreement that this would be
in fact no "progress" @ all +
would destroy a ~~certain~~ quality
the town has held throughout
times past. Sincerely,
David Moen

RECEIVED **IN 56**

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

45 Fremont Street
Suite 2,000
San Francisco 941
05-2219

Dear California Coastal Commission members
and staff,

I am writing about the construction
in Davenport. I think that we should
preserve the wildlife. What would you
like to see a parking lot or meadow?
I hope you will not let the Bailey-
Selterpohl Project go through.

Sincerely yours,
Andrew G. Sun

My address: 1258 Cranberry Ave.
(If you respond)

RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

TH56

501 Hawthorne Ave.
Los Altos, CA 94024
May 4, 1999

Dear Coastal Commission,

I think that you should not do the Bailey-Steltenpohl project. It would not be good to change Davenport's meadows into parking lots. Also, do not put a chain of stores like fast food places along the west side of highway 1. Please change your mind.

Sincerely,

Kathleen Chang

RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

TH 56

512 Sunset Way
Redwood City, CA 94062

May 4, 1999

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105-2219

Dear C.C.C. Members and Staff:

I believe that making a meadow
in Davenport a parking lot and shopping
center is a very big inconvenience
to the people of Davenport. I hope
your decision is against the Bailly-
Steltenport plan.

Sincerely,
Ubra Lewis

RICHARD TERDIMAN
542 CHENERY STREET
SAN FRANCISCO 94131
(415) 587-5402

TH 56

MARCH 25, 1998

RECEIVED

To: Planning Commission of Santa Cruz County

MAY 07 1999

Re: Davenport Odwalla Development Project

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Commissioners:

I am employed in Santa Cruz County (as a member of the UC Santa Cruz faculty), although I reside in San Francisco. When in the Santa Cruz area I live with a friend in Davenport.

I am writing to express my strong opposition to the proposed zoning changes in connection with the development project for the area now occupied by the Odwalla Corporation's packing shed. I believe that this development project will be strongly detrimental to the quality of life in Davenport, and that it will severely impact the extraordinary natural beauty of the coastal area in Davenport village. I think it would be a terrible mistake for the County to allow this development in Davenport.

The multi-use facility proposed will require a zoning change for "special use" that I strongly urge you *not* to approve. The proposed facility will change the entire character of the bayside coastal area in Davenport. The increase in parking spaces, the two story structure and associated constructions that are proposed by the developers will affect three-quarters of the bayside area of Davenport village. It will dominate the village and entirely change the current rural and peaceful character of one of Santa Cruz County's most beautiful locations. The increase in traffic and in transients will severely impact the quality of life in Davenport. This is the wrong place for a facility of the kind proposed. I hope you will agree that the wonderful character of Davenport should be preserved, and vote to oppose the special use zoning.

I thank you for your attention to my opinion concerning this project.

Sincerely,

(Professor) Richard Terdiman

June Reuben
P.O. Box 267
Davenport, Ca 95017
March 23, 1998

TH 56

To Whom It May Concern.

As a resident of Davenport, I am writing to express my concern about the proposed changes to the Odwalla facility on Highway 1 in Davenport. I feel it is important that any business coming into Davenport be a nonpolluting, small scale venture. I think this is important in order to maintain Davenport as a community centered small town. I am particularly concerned about increased traffic, parking, and partying at night in front of my house.

Sincerely,

June Reuben

June Reuben

RECEIVED

MAY 07 1999

CALIFORNIA
COAST GUARDIAN
CENTRAL COAST AREA

1998

FROM: PATRICK TEMPLETON
70 DAVENPORT AVE DAVENPORT
POB 76

THS'b

CONCERNING: 'ODWALLA' PROJECT - DAVENPORT

I AM A CALIFORNIA NATIVE AND A RESIDENT
BY CHOICE OF DAVENPORT FOR THE 2ND TIME

I AM OPPOSED TO ANY DEVELOPMENT ON
THE OCEAN SIDE OF OUR COAST HIGHWAY

WE HAVE AN OBLIGATION TO FUTURE GENERATION.
& THE NATURAL WORLD.

OFFICE SPACES & HOTEL SPACES CAN
BE TEN THOUSAND OTHER PLACES.
THERE IS ONLY ONE COASTLINE.

THE PROPERTY SHOULD BE PURCHASED BY
A GROUP OR INDIVIDUAL WHO... WILL RESTORE
IT TO A NATURAL CONTINUATION.

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PATRICK
TEMPLETON

281

EXHIBIT K

Sandra Schauble

TN 56

March 17, 1998

Planning Commission
Santa Cruz County, Calif.

re: Odwalla Project, Davenport

Dear Sirs,

As a Davenport resident, I have concerns about this project. The most outstanding concern I have is the size of the parking lot. The square footage of the lot, compared to the square footage of the entire town is visually overwhelming. Also, one of the aims of the Coastal Zone requirements is to minimize obstructions to ocean view. This parking lot seems to have the opposite effect. If a ninety car lot is required for the use of the building, then maybe the proposed use is too broad for the size of the building.

The traffic flow, and particularly the access to the parking lot from the highway, is another concern. I feel there should be extensive discussion and review with the town citizens about this. More safety measures should be taken into account.

This is a large project for Davenport. The impact on the water and sewer systems of the town will be large. I am concerned that the proposed use by the Odwalla project and the actual use, once it is built, are very different amounts. I do not want to pay more in the future for the sewer and water of someone else, who is not a resident. With the installation of the sewer and water systems in this town, promises were made by the county to the residents. The results cost the residents a lot more on their tax bills every year. The response from the county was "Sorry, we were wrong. but this is the way it is." It would be good to avoid future statement like that.

Sincerely Yours,

Linda Schauble

Linda Schauble
Davenport Resident
205 San Vicente Street
95017

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

265

EXHIBIT K
36

SF, CA 94123

MARCH 19, 1998

TH 56

PLANNING COMMISSION
701 OCEAN ST RM 525
SANTA CRUZ, CA 95060

RECEIVED

MAY 07 1999

TO WHOM IT MAY CONCERN:

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I wish to protest, as strongly as possible against this proposed development in Llanenport, doesn't anything mean anything anymore except money? I am appalled at ODWALLA'S proposal.

Although I moved away from Santa Cruz last year I do return every month or for business and hope to re settle there here, Stopping in Llanenport on my way here, I get out of the car, breathe fresh air, see space + remember the past. It is a rare moment of refreshing sanity in a California more + more covered with high speed, high stress freeway.

I know the economic pressures on are strong but please stand up tall like the brave souls who voted against development the Marin Headlands. This open space is the California and keeps our life style and proper values high.

Sincerely, Heavily
W. Long

13 May 1998

TSB

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ms. Denise Holbert, Commissioner
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

Re: Steltenpohl / Bailey Project

Dear Ms. Holbert:

This will be the third letter I have written regarding the proposed expansion of the "Odwalla Building". In my most recent letter dated October 10, 1997, I stated, "I am not opposed to this project per se." Last fall I was a lukewarm supporter and continued to be very concerned about the size of the parking and pedestrian safety. But a great deal has changed since then and I am now alarmed by what may happen to the face of Davenport if our community is not allowed a voice in its future.

Davenport is a very small and very scenic community. It is also unique along the coast because the character of the historic town has not been spoiled by the tourist-based commercial businesses that have boutique parts of the coast from Big Sur to Mendocino. Historically, the retail businesses have been located on the east side of Route One.

Today, there are five projects planned for Davenport that threaten to change forever the historic character of the town. These are:

- The Steltenpohl / Bailey Expansion (submitted to the County)
- Dave Leurs Barn Remodel (submitted to the County)
- Licursi Project
- New US Post Office
- Coast Dairies public access Impact

If these projects were distributed evenly throughout Davenport the impact would be very different. The cumulative impact of all these projects is magnified because they all occur along the 1000' Route One frontage of a very small town.

Let me make one thing clear, I am not opposed to the commercial redevelopment of Davenport. However, each project and its impacts must be considered as part of the bigger picture which anticipates and plans for a Davenport that is different than it is today. That bigger picture now includes five significant projects.

As a member of the team that is starting to plan for the future of Coast Dairies, I am convinced that tourist traffic along the North Coast, and particularly in Davenport, is going to increase considerably.

Regarding the Steltenpohl / Bailey project, I have these specific concerns:

- Placing a commercial venture of this size on the west side of Route One results in a series of impacts that will change forever the way Davenport looks and the way it functions for vehicles and pedestrians.
- The parking lot is too big to be placed in the scenic viewshed of the town and sets a precedent for continuation of parking west of Route One to the north of this project. Why place 72 cars in the one view of the ocean for which Davenport is famous?
- The safety of pedestrians crossing Route One has not been addressed in a satisfactory or responsible manner in the staff report. The importance of this single issue can not be over emphasized as the number of visitors in cars and on foot is going increase dramatically over the next ten years.

This is not an easy issue for a small community like Davenport. We see each other regularly. I hope a compromise can be reached that allows for improvement of the property without adversely impacting the town. To say that this person is for and that person is against, misses the point. The issue here is to plan responsibly for Davenport.

My recommendations are as follows:

- I recommend the community meet to with planning staff to fully understand the cumulative parking impact of all that is planned for the Route One corridor in Davenport.
- I strongly urge Greg and Fred to hold their application until those impacts are understood and planned for.
- If they feel they must move forward, then I must recommend reducing the size of the project and resulting parking by eliminating the second floor addition.

Sincerely,

John Barnes

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

THE CLOSEST COASTAL TOWN TO CALIFORNIA'S LATITUDINAL MIDPOINT.....THE BEAUTIFUL CALIFORNIA EQUATOR



Davenport is a small town of about 200 people located on the north central coast of California, half way between San Francisco and Monterey. There is no gas station but there are a few sights to see and shops to browse. Hopefully, this map will help you to enjoy your visit and our town.

MARKET and DELI. Say "Hi" to the Ayyad Family.
A great place to pick up that picnic lunch.

DAILY 8-5 PHONE: (408) 423-1363

95017

LOBBY: M-Sat: 7-7 Sun: 8-5 Closed holidays.

WINDOW: M-F 8-12:30/1:30-4 Sat 8-10:30 (408) 426-9533

MEXICAN FOOD

Tacos, Comidas Corridas, y Mariscos.

HRS: Fri-Sat 10-7; Sun-Thur 10-6:30 PHONE: (408) 425-7742

BAKERY, BAR & GRILL. OCCASIONAL LIVE MUSIC.

A Davenport landmark. Watch out for the bear claws!

HOURS: open Daily @ 6:30 AM **PHONE:** (408) 423-9803

Fine landscape watercolors and a real whale hedge.

FEATURING THE NEW SC WATERCOLOR SOCIETY

WALL. Feb. '98 Featured Artist- **SUE HASS.** Bonny Doon

HOURS: 10-7; closed M/T. **PHONE:** (408) 458-1259

Only traffic light on Highway 1 between Half Moon Bay and Santa Cruz. Blew down in the storm of 1995. Took 2 days to repair.

Award winning K-6 elementary school and pre-school.

PHONE: (408) 425-7002

THE MUSEUM OF ART AND HISTORY

HOURS: weekends 10-2 **PHONE:** (408) 429-1964

The highlight of any visit to Davenport.

USED GOODS

Good place to pick-up a bargain. Benefits Pacific School.

HOURS: 11-5 Fri. Sat. Sun. PHONE: (408) 423-9338

Featuring works by local artists and Ormware's great line of

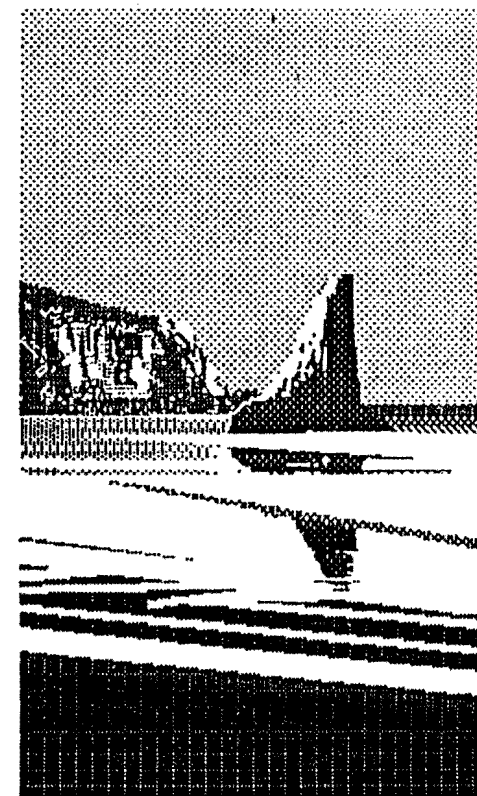
kiln-fired functional glassware. **GRAND OPENING 12/6 - 12/5**

HOURS: 10-5 daily PHONE: (408) 479-5107

The juice giant's former headquarters... what next??

OLD

DAVENPORT, Ca.



Davenport Rock

STREET MAP
AND
VISITORS GUIDE

12. **New Davenport Cash Store**
RESTAURANT, HED & BREAKFAST, GIFT SHOP.
Davenport's most popular attraction.
HOURS: am-9pm PHONE: (408) 426-4122 / 425-1818
13. **Old Barn**
Once a factory producing the drums and the boxes used to ship artichokes and sprouts.
14. **Davenport Resource Center**
BILINGUAL COMMUNITY CENTER
Resource-Services. Rotating art exhibits.
HOURS: 9-5 M-F PHONE: (408) 425-8115
15. **St. Vincent de Paul Church**
CATHOLIC CHURCH PHONE: (408) 471-1701
Dedicated in 1915, this church was modeled after a church in Switzerland and built with cement from the local cement plant.
Daily Mass 6pm; Sat. 7-8pm (Spanish); Sun. 10am.
16. **David Boye Knives Gallery** KNIVES, FINE
ARTS and CRAFTS VALENTINE'S SALE 10% Gallery-
wide sale. HOURS: Daily 10-5, incl. Holiday Mondays.
Closed M/T. PHONE: (408) 426-6046
17. **Lundberg Studios** WORLD RENOWN
CONTEMPORARY ART GLASS. Experience the finest!
HOURS: 10-4 daily PHONE: (408) 423-2532
18. **Aeolus Boats**
BUILDERS OF FINE WOOD BOATS.
Visit and be amazed. Boat building is still an ART here.
HOURS: 9-5 M-Sat PHONE: day 423-5681 or eve 462-2896
19. **Davenport Surfsail**
WINDSURFING REPAIR & EQUIPMENT
Closest shop to Scott Creek and Waddell Creek.
HOURS: 9-3 W-Sun PHONE: (408) 429-6051
20. **The Davenport Rock**
Don't miss this Davenport favorite.
21. **Davenport Beach**
BEAUTIFUL SMALL BEACH.
This beach can be very dangerous under certain conditions. The rocks and cliffs at either end should only be explored with extreme caution. Please remove all your own trash.
22. **Whale Watching Area**
GRAY WHALE MIGRATION: JAN. - MAY.
Call year-round marine life HOTLINE... (415) 474-0488
23. **Davenport Railroad Cut**
Said by many to be a "CUT ABOVE" all other railroad cuts.
24. **The Washing Machine**
When the surf and tides are right, this area fills with sea foam.
25. **Sunset Grove**

26. **Davenport Fire Station**
DAVENPORT'S OWN VOLUNTEER FIRE HOUSE.
When caught by the tide, call for a ride.
EMERGENCY: 911 BUSINESS: 457-2466
27. **RMC Cement Plant**
The big thing over behind the trees.
28. **North Highway 1 (in miles)**
1.7 SWANTON RD. / DAVENPORT LANDING
2.8 SCOTT CREEK (windsurfing)
6.3 GREYHOUND ROCK (views, picnic, beaches)
7.7 WADDELL CREEK (windsurfing)
RANCHO del OSO (museum)
BIG BASIN STATE PARK (redwoods)
10.3 ANO NUEVO (elephant Seals)
17.0 PIGEON PT. LIGHTHOUSE (hostel)
20.1 DEAN HOLLOW (beach, tide pools)
22.7 PESCADERO (beaches, Butano S.P.)
27.3 SAN GREGORIO (beaches)
38.5 HALF MOON BAY
67.3 SAN FRANCISCO
29. **South Highway 1 (in miles)**
0.7 CABBAGE BEACH
1.2 BONNY DOON BEACH
2.2 PANTHER BEACH
2.9 LAGUNA / SAND HILL BLUFF
3.9 RED, WHITE, & BLUE BEACH
5.2 4 MILE BEACH
5.8 3 MILE BEACH
7.1 WILDER RANCH (mountain biking, bluff trails)
9.0 SANTA CRUZ (Western Dr. / 1st. Light)
51.0 MONTEREY

LOCAL NEWS

February 1998 - ♡ Sweetheart Specials at the Whale Hedge and David Boye Knives Gallery. A new menu at the Davenport Cash Store. Electricity, phone and potable water! Lots of Gray Whales headed south!

About \$4 mill. more needed in contributions to buy the Coast Dairies Land from the developers. Talk to the Folks at the Whale Hedge for details..... And leave your donation in their fishbowl!

Produced by
WHALE HEDGE STUDIO
Bill Fravel WATERCOLORS
51 OCEAN ST. DAVENPORT, CA.
Closed M/T, Open 10-7 or HOLLER at the Hedge

Private viewing: CALL (408) 458-1959



March 16, 1998

County of Santa Cruz
Planning Department
701 Ocean Street
Santa Cruz, CA 95060

TH56
RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Planning Commissioners:

When people hear that I live in Davenport, the response is nearly always a comment like, "What a great little town," or, "You're lucky to live there. I've always liked that little community."

I think that most people who have spent any time at all in Davenport -- from taking a walk on the cliffs or visiting Lundberg Studios to living in the town for over 10 years, as I have -- can't help but notice the uniqueness of this tiny community.

It worries me, therefore, that a development such as the expansion and rezoning of the old Odwalla packing plant site is being considered when there seem to be so many potentially damaging aspects.

I've read the study and the numerous letters of complaint about the project. Many of my questions remain insufficiently answered, and my own concerns are similar to a number of those already expressed: **increase of traffic, possible pollution from runoff or water contamination, cross-traffic impact, increased parking impact upon neighborhoods, dramatic increase in usage of natural facilities in the area, additional challenge to pedestrians, limitation of access routes to beaches and cliffs, etc.**

One of my strongest concerns is what seems to me to be an extraordinary visual impact on a spectacular viewshed already limited by the existing Odwalla property and the large trees surrounding it. Both the proposed expansion and the parking lot couldn't help but adversely affect the view for everyone, from passing motorists and tourists to residents and customers at local businesses.

But I feel that the two most challenging problems are these:

- This rezoning and development seems to me potentially to be a very significant, **precedent-setting action** -- this site is already the largest commercial facility on the ocean side of Highway One, all the way from Santa Cruz to Half Moon Bay, and now it's to be expanded? It fronts one of the area's most breath-taking views of the Monterey Bay National Marine Sanctuary. This area seems an obvious one to protect stringently, or at least to develop only in the most careful and appropriate manner.

EXHIBIT K

- And perhaps most the most important, yet most elusive, reason of all is this: that the proposed project would surely significantly impact Davenport's **quality of life**. I'm not just talking about my own experience as a resident, or worrying in a "Not In My Back Yard" manner. Small towns are like fragile ecosystems: adding a significant development, with all of its attendant changes, can't help but drastically affect such a community's balance.

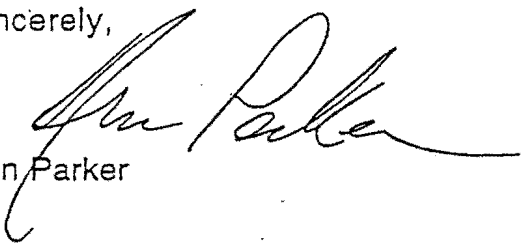
As you read this letter, think of your own personal experience with Davenport: don't you agree that its unique character is worth protecting? I think this quirky little town is important to anyone who ever spent ten minutes buying stamps in the post office, or a day with their family in the beach cove, or an overnight at the Cash Store Inn. Once this unique blend of community is gone, it's gone.

I know that life isn't static, that change is inevitable and change is often accompanied by growth. I also don't think that Davenport has to always remain just the same as it is. I'm not anti-development, per se, and in my job as public relations director for the Santa Cruz Seaside Company I often deal with issues of growth and development.

But I am against inappropriate development, and this particular project just seems too big and too ambitious for little Davenport, at least at this point in time.

Thank you for your time and energy in considering all aspects of this project. I know that a tremendous amount of effort and expertise has already gone into the process, and I appreciate that dealing with this project is not an easy task. But like most things that challenge our time, energy, imagination and spirit, I think that this issue is worth the effort.

Sincerely,


Ann Parker

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

21 Ocean St
Santa Cruz, CA 95060

ENCLOSURE K.

TH5b

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

D. Handloff
80 Coast Rd
Davenport, CA (residence)
121 Maple St
Santa Cruz, CA 95060
mailing address
3/16/1998

Dear Sirs,

I am writing in concern of the proposed development on the Osvallo property. I have been a resident of Santa Cruz County for twenty-two of my forty-four years. My sister and brother reside here where they are raising their families. I have been spending my summer vacations here since age four and I have seen changes, some of which like the building of the Dream Inn, have damaged the beauty of our previous coastline. The proposed expansion of this building must be turned down for several

reasons:

(1) Damage to viewshed. - Historically, before the non-native hedge was cultivated (in violation of code), the ocean could be seen from the Marine View end of Ocean St. Since the Bailey/Oswald security hedge exceeds height and width allowances, the obscured view is over twice that of the original parking shed. Had the owners of this building been interested in the needs of this community of 250 residents, they would not have required the action of the city (1976) to get the necessary permits and stay within the law for their development. I have seen a history of disregard for the needs of the community by the owners of this development. Why would they behave differently this time?

(2) Inadequate water and sewer resources are a major concern of Davenport and Santa Cruz County. A development of this scale needs more review. I have studied the water use report (212)

That a restaurant serving ~~only~~ people
only 3 employees. My estimate is 8-12 depending on the
level of service. Gross distortions of the facts should make
even the most pro-coastal-development planners postpone granting
of permits until applications are rewritten with some degree
of plausibility. I doubt if \$40,000 sewer hook up fee will cover
the long term expense of this project and its impact on the syst.
3) I have concerns of the square footage of this project exceed in
its present size. Also in the reports citing traffic, water, + view
impact, different square footages are mentioned. A consistent
figure has not arrived at before the project can be reviewed. Others
can expect the developers to change their projections during
the construction phases of the project. At the very least, I object
to the height being raised on the roofline. These guys will make
a lot of money on this packing shed without needlessly impacting
the community even further.

MAY 07 1999

Parking lot runoff is of concern to the community. What
happens when the silt/grease trap gets overwhelmed because the
traffic ~~estimated~~ impact has been ~~deliberately~~ underestimated.
The parking lot is a visual nuisance. I would like to see its
size reduced substantially and/or different materials used than
asphalt. I prefer the meadow as it sits now.
Traffic flow on Hwy 1 and in Davenport old town will be considered
acted. No provisions for sidewalks, bike lanes, and traffic lights
are emphasized in this report. Generally, when a developer
submits the retail/lodging/and restaurant capability of a town
are assessed to mitigate the damage/impact on the
community.

273

EXHIBIT K

In conclusion, I ask the planning commission to require
an environmental impact report, some kind of town plan, ~~to~~ and not
take data from the developers before granting this permit.

TNSb

338 Swanton Road
Davenport, Ca. 95017
March 24, 1998

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

RECEIVED

MAY 07 1999

RE: Odwalla Proposal APN: 58-121-04

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

It has long been my impression that California, and Santa Cruz in particular, has made a commitment to the protection of our coastline and its fragile resources. The thoughtful acquisition of the magnificent Coast Dairies properties and the designation of the Monterey Bay as a National Marine Sanctuary must then stand in stark contrast to the rubber-stamping of a project of this scale and intent that can do nothing but degrade the delicate environment that surrounds it.

The spectacular bluffs and beaches of the North Coast have long been the jewel of our County's coastline and the enjoyment of magnificent ocean views from Highway One and Davenport has shaped the character of this small community for generations. This viewshed is a birthright that has been free and available to everyone and the thought that my child will enjoy this experience only from across a parking lot full of sport utility vehicles and luxury sedans or from the windows of yet another day spa or conference center is profoundly saddening. The development fees that would accrue to the local school district from this project would surely seem a sort of blood money, paid in exchange for something infinitely more precious and valuable to our children-- THEIR right to enjoy what WE have always enjoyed.

The viewshed IS a precious resource--equally as valuable and worthy of preservation as a natural reserve or a forest of old-growth redwoods. The fact that an EIR was not even required for this project is an outrageous rebuff to the North Coast environment and the resources it contains.

The rural character and charm of Davenport cannot be recreated a la Main Street Disneyland once it is destroyed. The proposed project is truly a wolf in sheep's clothing, masquerading as opportunity for our community, while covering up the inescapable fact that it will reward its developers far more richly than anyone

else. It seems that neither of the applicants wishes to make a real contribution to Davenport, as neither of them chooses to reside there. Perhaps they don't wish to drive home through traffic that is increased by "only" 306 vehicle trips per day.

The General Plan has established the zoning parameters for the purpose of bringing developers into compliance, not the reverse. The notion that this project has been carried along with the knowledge that it IS NOT and HAS NEVER BEEN in compliance, leads one to assume that its developers have had reason to believe that a re-zoning was a fait accompli. Surely, it cannot be true that the body that should by rights be protecting our North Coast is, in fact, betraying it?

The original zoning of Neighborhood/Commercial was designed to meet the needs of local communities and there is no reason to assume that this need is now different. The serving of tourists, however revenue-enhancing this may be, must not take precedence over the welfare of Davenport and its citizens.

You have heard from many North Coast residents about the certain impact of this project on their neighborhood and the inability of such a small community to absorb the effects of a development of this scale. You are obligated to consider this impact most seriously. The arbitrary re-zoning of this rare ocean-side parcel to allow a project of this scale is a frightening omen of a future where our only tangible experience of the natural world is paved with asphalt and littered with empty paper cups.

I must urge you, as guardians of our most valued and irreplaceable resources, to re-consider the hasty approval of this project, and to ask yourselves how you will feel when you next drive up the North Coast to stroll on its beaches or watch whales migrating from its bluffs. Will you be proud to share with your children and grandchildren your role in the preservation of Santa Cruz County's coastline, or will you be ashamed to admit your complicity in allowing the beginning of the end--not only of our pristine coastal environment, but also of a small town, the quintessential small town, and its way of life.

RECEIVED

Sincerely,

MAY 07 1999

Claudia Weaver

Claudia Weaver

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

To: Santa Cruz County
Planning Commission

16 March 1998

From: Karen C. McNally
P. O. Box 211
Davenport, CA 95017

RECEIVED TH 56
MAY 07 1999

I have owned a home in Davenport for 16 years and I strongly urge you to postpone for one year your decision to rezone the Highway 1/Davenport Avenue area (from C-1 to SU) for the Bailey-Steltenpohl project to expand the old packing shed (now occupied by Odwalla) and pave a parking lot for new visitor services. In this period an overall plan should be developed to assess the net impact and future directions and needs of Davenport's small "Old Town" of 200 population in light of the recent sale of all surrounding properties by Coast Land Dairies, to be placed in a land trust. Davenport is a north coast "island" for future commercial development and, perhaps, could be spoiled if allowed to change, rezone by rezone, without an overall and comprehensive plan.

I am opposed to a rezone at the present time because:

1. It establishes a precedent for commercial tourist facilities on the ocean side of Highway 1 along the north coast of Santa Cruz County.
2. It spoils the historic "Steinbeck" style views of ocean, agricultural and farm housing along the north coast.
3. Crime is likely to increase in the small community of Davenport with an increase in transient visitor facilities. Centered around church, school, volunteer fire department, general post office and a few "home grown" businesses, Davenport is a fine model as a stable, diverse town of 200 that is now nearly crime free. Have Santa Cruz County planners carefully examined other similar towns to predict the effects of an influx of new visitors on Davenport's crime rates?
4. The unique property on the ocean side of Davenport should be obtained from the owners and preserved for use as a public viewing area. Bailey's lack of good stewardship and lack of concern for the town are clear when one sees that he currently grows high hedges, often untrimmed, causing serious impediment of the ocean view from the town and highway.
5. The current zoning of C-1 should be maintained with uses that serve the neighborhood/town, not services that draw more tourists. Davenport already does its share, putting up with, for example, fume-belching tour buses that unload visitors on a daily basis. No new commercial projects should be approved and no zoning changed without a careful look at all impacts,

including crime, and a solid town plan. Davenport needs time to reach to its new status as an island in the newly preserved properties surrounding it. We hear that two more developments for tourists are now being planned. Parking problems, traffic hazards and circulation across Highway 1, unsafe sidewalks and walkways for pedestrians young and old, underdeveloped water and sewer facilities, and other town problems must be solved in the context of an overall town plan that looks to the future needs of the community before properties are rezoned.

6. What seismic code is being observed? UBC (Uniform Building Code) was updated following the 1994 Northridge earthquake to reflect new knowledge about peak ground accelerations in the near field. A magnitude 7 earthquake is likely on the San Gregorio fault, only 3 miles away from the proposed project, and within the economic lifetime of the structure. A peak horizontal ground acceleration of 75-100% g and 30 seconds duration of strong ground shaking would not be surprising. Have all elements of the structure been designed to this standard, for the safety of its occupants? Furthermore, new studies of seismicity along the San Gregorio suggest that it lies closer to the land than the previous poorly constrained earthquake locations would indicate. The scale of the proposed remodel (nearly doubling its size) certainly warrants the use of the most up-to-date knowledge pertaining to earthquake-safe construction, unless Santa Cruz County is willing to put its residents and visitors at risk in the quest for new development. Considering the recent loss of life and property damage in the 1989 Santa Cruz mountains earthquake, I would think the County would be extremely cautious about new development along the north coast corridor from Davenport to Ano Nuevo where this major fault makes its closest approach in Santa Cruz County. With each earthquake, new legal liability is established for local governments.

Other concerns should be addressed as future studies identify issues that could negatively impact the town, and are not now foreseen. I urge you to postpone your rezoning action for one year.

Sincerely,

Karen C. McNally

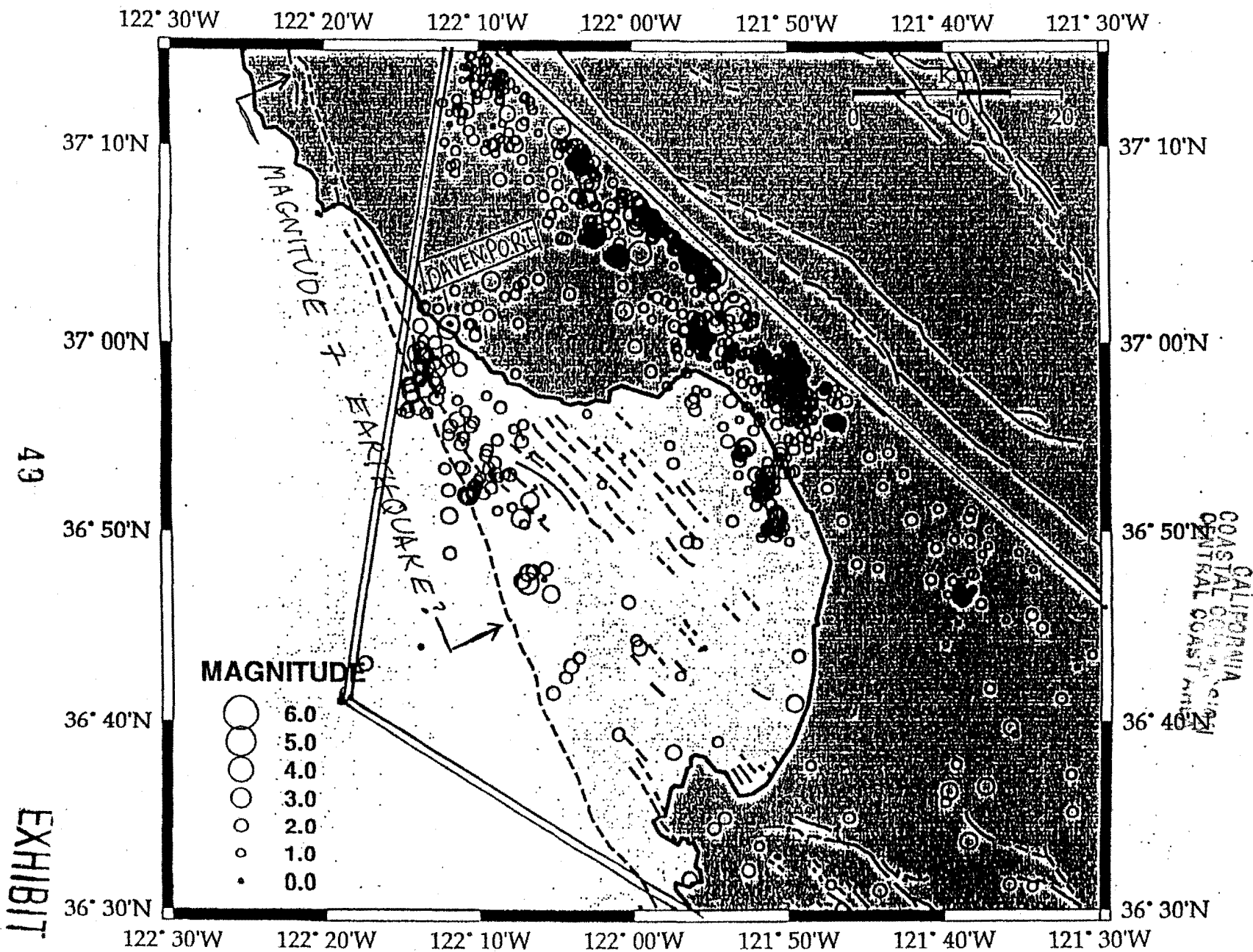
Karen C. McNally
Ph.d, Earth Sciences

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SEISMICITY OF MONTEREY BAY (NCEDC) - 1989-1997



MAY 07 1999

RECEIVED

Thib

43

EXHIBIT H

50

RECEIVED

40 Davenport Ave.
Davenport, CA 95017
March 16, 1998

MAY 07 1999

TH 56

Dear Planning Commission:

Back in the late 1960s and early '70s, I was sympathetic to Proposition 20, the proposition that created the Coastal Commission. At that time I thought our object was to try to restrict growth on the ocean side of the road, so people going by could share the ocean with the rest of us--to maintain the coast as a beauty asset, not just for Californians, but also for other Americans and the rest of the world. I thought it would be really difficult to stop growth, but it would be quite simple to retain a viewshed. That's why I'm upset at the project proposed here, because in my memory -- I used to stop along here in the 1950s -- I've always enjoyed the ocean view from Davenport. I didn't think anybody owned it. The land was sold for a pittance; why didn't the County buy it then to preserve it? There was even a sign that said "Davenport California, Grey Whale Migration, Jan thru May." (Mr. Bailey wanted to remove the sign; I said it's not yours to destroy. It was supposed to be preserved and not destroyed, but I don't know where it is now.) I'm very disappointed that it's even being considered to develop Davenport's ocean view now. I thought the people who are representing us would be agreeing that we should preserve the coast for future generations. The Monterey Sanctuary extends north of Davenport, and so includes the Davenport coastline. I can't understand why we would want to develop here. Normally, we determine the worth of a project by writing down the pros and cons, and I can think of many cons, but not one pro, except for money.

Cons: It's going to destroy the view that people have cherished for many, many years. I'm worried about safety--there's not even a sidewalk on either side of the road. I've discussed that with County planners and Supervisor Gary Patton. I told them that when I was a boy in Saskatchewan, Canada towns had a sidewalk allowance. Everywhere there were wooden sidewalks. But apparently there is no allowance for a sidewalk--what about all those kids? Cars are going by at 45 mph (that's if they're going the speed limit), big cement trucks whiz by and can't brake in time for pedestrians. There is no pedestrian lane, no stoplight, and it's irresponsible to think there won't be an accident when there will be young children crossing Highway 1 back and forth to visit commercial establishments on both sides. There's no safe crossing.

A good example of what happens when the ocean bluffs are overdeveloped--when I went to Malibu in the 1970s, I had to

get permission to go through a pizza parlor to get down to the beach with my kids.

When County planner Kim Tschantz came up to present the project, he said the zoning was neighborhood-commercial, and when I questioned, "How did it serve the neighborhood?" Mr. Tschantz replied that "neighborhood" didn't really mean "neighborhood," "neighborhood" didn't mean that its intent was to serve the neighborhood. Now I see that the zoning is being changed to "commercial." There wasn't a hearing on this--I thought when a zoning change was proposed that there should be a neighborhood hearing about it. Mr. Tschantz seems to have just sat down and changed it.

Since the Coast Dairy land purchase people might say, now we've got lots of views, but this is Davenport's view--it's the only town from Santa Cruz to Pescadero, where someone can stop to eat, walk around and look at the ocean from our town bluff.

At the meetings, they always say that we're really lucky to have someone like Mr. Bailey, someone who knows Davenport, to develop the parcel. But Mr. Bailey lives in Hawaii, not in Davenport. One of the first things I was taught at University, never trust anyone's word on a contract. Mr. Bailey implies we have security, we can trust Mr. Bailey, but I'm afraid this is just the beginning--that there will be further development in the future--raising the height and cutting off access to the beach.

Mr. Bailey and Mr. Steltenpohl--I'm very disappointed with them. I thought they led a life of consideration for people before property. They must know in their true hearts that this project will benefit only a few people and not the majority, disregarding future generations. My wife and I have owned our house in Davenport for nearly twenty years, and we've lived here permanently for thirteen years. We are of an age now where we need to be closer to the services that one needs as one grows older. My point is, I'm opposing this because I think this project is wrong, not that I have any personal stake in it. We owe it to future generations to preserve this view.

Painfully,

Bob Lee

Bob Lee

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

271

EXHIBIT 1

WHALE HEDGE STUDIO
Bill Fravel WATERCOLORS

TH 5b

March 15, 1998

County of Santa Cruz
Planning Commission
Kim Tschantz, Planner
701 ocean St., Room 400
Santa Cruz, Calif. 95060

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Kim & Planning Commission:

Thank you all for your efforts to include and inform the residents of Davenport regarding the warehouse (Odwalla) project on Highway 1. We have reviewed the revision of the Environmental Review Initial Study and mitigations proposed by the owners. It seems that you have made the best decisions possible in considering a building/parking lot project of this size. Our concerns continue to be regarding:

Scope of the Project:

1. Addition of square footage to existing building (+9791 sq. ft.)
2. Addition of a second floor to the building
3. Creation of a large, non-public parking lot

All of this, on the coast side of Highway, does not seem to indicate a "protective" stance in planning for the North Coast. Rezoning to accommodate such a large project for the space, especially when considered in context of the size of Davenport, is questionable.

Traffic

Traffic testing was certainly not at what has been the peak over the last three years. While summer months are very busy, Davenport is fast becoming a destination for Gray Whale Watching (Jan. through May). The town is also a pit stop for tour buses, the number of which has also increased over the same time period.

Marilyn Fravel, Representative

51 Ocean St.

PO Box 178

Davenport, CA

95017-0178

(408) 458-1959

Toll Free Fax/Phone 1-888-WhaleHedge

EXHIBIT K

269

Steltenpohl/Bailey Project
Fravel Family - P.2

Was the forthcoming "park" (Coast Dairies Land) around Davenport, and expected increase in traffic and congestion, considered in traffic review? Are there recently updated traffic projections regarding traffic on Highway 1 near this part of the Sanctuary? We hope we can assume that the traffic issue will receive weightier consideration as planning continues.

Access

Historically, folks walk all over the new parking area to access the cliffs and enjoy our beautiful view of the Pacific. While a primary path to Davenport beach is to be eliminated, other secondary accesses will also be lost. How has this been studied or included in your planning?

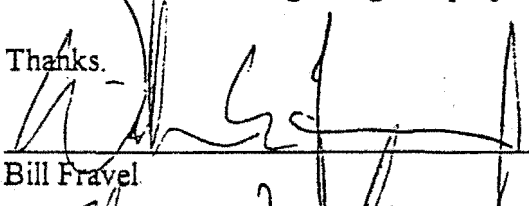
Planning Process

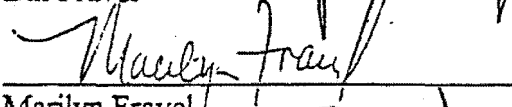
We know you must be aware of other, new development that is happening in Davenport on Highway 1, including remodeling of "the old barn" at Davenport Ave., and new building plans to replace the old Foresters' Hall, in front of the Davenport Jail Museum. The lack of address of all of these developments in a more definitive planning process for the Highway 1 frontages does not make for complimentary planning for traffic, parking, usage, permits/waivers, etc. In a town the size of Davenport (population 200 and lots of kids and dogs), and within such a small area for consideration, we strongly encourage a more inclusive and comprehensive approach to planning for that area.

We are all in a special position to design projects and plans that reflect the Santa Cruz County long-standing commitment to preservation, stewardship, and coastal access.


We are counting on you, the Coastal Commission and the owners to continue that commitment as decisions are made regarding this project.

Thanks.


Bill Fravel


Marilyn Fravel


Emery Fravel


Muggs Fravel

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

268

EXHIBIT
54

BRUCE LEE
P.O. BOX 407
DAVENPORT, CA
95017

Mr. Kim Tschantz, Planner
701 Ocean Street
Santa Cruz, California 95060

Re: Application No. 95-0685
Greg Steltenpohl
Fred and Bren Bailey

TH 5b
RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Mr. Tschantz,

After viewing the Environmental Review Initial Study, I have several concerns about this project.

- I feel the project is simply too large for the community. A project of over twenty-thousand square feet, almost a cubic mile of earth excavation and requiring a parking lot of 72 cars in a town with a population of around 200 people is quite significant.
- Size and Scope.
The projects size and scope need to be evaluated in light of the other commercial development currently happening in Davenport. There is a wine tasting room and art gallery being built as well as the reconstruction of the hall at Marine View and Highway 1 both *directly across the street from the proposed project*. For the public good, County planners need to keep the big picture of the amount of development and that development's impact on a community in mind when granting applications. Has the additional construction going on in Davenport been considered here?
- Service to Community.
The project does not directly serve the community. Despite claims to the contrary, there is no evidence of this.
- Special Use Permit.
I strongly object to the granting of a special use permit for this project. I'm especially concerned about what the zoning change should mean if the land was purchased and redeveloped.

BRUCE LEE
P.O. BOX 407
DAVENPORT, CA
95017

RECEIVED

MAY 07 1999

- Right of passage and beach access.

The public has established a right of passage over the meadowland, which cannot be revoked. Despite the mysterious disappearance of the whale watching sign shortly after the purchase of the property, townspeople and visitors from all over the world have used that meadow for years as a whale watching sight as well as for beach access. It should not be turned into a private asphalt lot.

- Parking.

The growth of parking problems in the town has not been properly addressed. There is already a parking problem in Davenport, and this project, despite providing private parking spaces, actually worsens the problem of public parking in Davenport by removing space currently used for public parking.

The counties requirement for an asphalt lot with white and blue markings should be waived or reconsidered. A black asphalt lot would destroy the quality and mood of the beautiful vista on the ocean side of the highway.

- Inaccurate traffic study.

Because the traffic report was done on perhaps the lowest possible days in the year for traffic volume, they cannot be accurate for peak traffic conditions. While there is no traffic study done in this area in peak months, the change in traffic volume could be an order of magnitude. While this project will not contribute significantly to the overall volume, traffic hazards and accidents as a result of cars turning into and from the proposed development in a significantly increased traffic volume are possible and likely.

- Lack of Environmental impact report.

In light of the environmentally sensitive North Coast, and in light of the recent proposed purchase of the Coast Dairies land for a public park, is this kind of development appropriate for a small historically significant town central to newly acquired public land? I do not believe so. It is baffling to my why a full Environmental impact report was not required.

For the above reasons, I think the size and scope of this project should be reevaluated.

sincerely,

Bruce Lee

page 2

EXHIBIT 76

267

March 1998

To: Santa Cruz County Planning Commission

From: Frank Wylie, 1900 Smith Grade, Santa Cruz, CA 95060

Subject: H-4 95-0685, 3500 Coast Highway 1, Davenport APN(s) 005812410

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
COAST AREA

THS'b

I find it reprehensible that Santa Cruz county which holds itself as an environmentally concerned advocate proposes to mar the coastline at Davenport. The coastline from Half Moon Bay to Moss Landing is one of our greatest assets and nowhere is it marred by a commercial structure (except farm buildings). The one exception is the abandoned Odwalla building, a tall, unsightly corrugated metal building that blocks one's view of the ocean. It blocks the view at one of the most attractive bluffs on the coast, and area where the whales come close and whale watching is popular.

The quaint village of Davenport is home to about 250 people. It already has a variety of different restaurants and three places which serve alcohol. There is also a small grocery and a post office and a B and B. The addition of any large project would seriously, and negatively, change the character of the village. Currently, all commercial structures and the post office are located on the "land" not the ocean side of Highway 1. Additionally and importantly, as a larger business is added, it would cause a greater traffic hazard. Davenport is located on a hill and it is very difficult to see the traffic in both directions because of this hill. As a result, there is a serious traffic problem which has resulted in a least one fatal accident. The addition of a major restaurant-inn-micro-juicery (micro brewery at the first hearing), etc. would further exacerbate the traffic problems.

This proposed development is a site left over from the railroad from which the land was purchased. (Most will recall it as the onetime home of Odwalla which brought business and jobs to Davenport and then whisked them away.) The current warehouse building is situated directly on the property line, and it is proposed that they be allowed to keep the building there and expand it (almost doubling the size by converting it to a two story structure and raising the roof line further. If they are granted that very basic exception, building on the property line, is it possible that a lot of other people in Santa Cruz County will want to claim similar exceptions? Also, those denied the same special privilege may wish to claim why the County's rules are "different for some people."

The experience of Odwalla should teach us that times change, and enterprises change hands, and things change. Although we are assured that Odwalla has nothing to do with this project, one of the partners is the president of Odwalla.

The notice of public hearing states that the request is also to excavate 1,350 cubic yards of dirt from this wonderful, scenic bluff overlooking the sea. That's a lot of dirt (about 4,406 large wheelbarrows full) and as we know, many excavations grow in the process. The purpose: to place a large parking lot and thus creating a larger traffic problem as traffic would then enter (going both north and south) from both sides of Highway 1.

Why do we want to destroy a great natural bluff in favor of a parking lot? Why do we want to add a new big, mixed purpose building which has been describes as a lodging for visitors, a caretaker's residence, a restaurant, micro-juicery offices and retail uses. Doesn't that essentially give them license to conduct almost any business there in the future?

Why indeed do you propose to destroy a bluff and enlarge and heighten an ugly corrugated building to obstruct the public's view of the Pacific.

How can the County of Santa Cruz propose to so destroy one of the loveliest sections of our coastline and replace it with a crass, unattractive commercial beach front ? That would be a travesty of great dimension, especially for an area which takes pride in its protection of the coastline.

P.S. Would the Commission consider a suggestion? At the hearing in Davenport, the planning person entered and sat and talked with the owners of the Odwalla site. That perception may not contribute directly to the concept of impartiality that the Commission seeks. .

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RECEIVED

P.O. Box 252
Davenport, CA
95017
March 25, 1998

MAY 07 1999

RE: Statement to Planning Commission:

To whom does the Santa Cruz County Planning Department owe a duty? To the developers of a parcel? Or to the community? Surely the Planning Department owes its primary duty to the community and the County. But in this case the County Planning Department has seemed to present a done-deal to the community without adequate attention paid to community concerns such as parking, traffic and the destruction of the town's viewshed. Neighbors have expressed to me their feeling of hopelessness in the face of this project. And why shouldn't they feel this way--for County Planning seems prepared to grant the developers special exceptions in order to do this. Why?--Why is County Planning willing to grant a variance and a rezoning in order to allow the project to go forward; why has County Planning decided that an EIR in specific relation to this project is not necessary?

I have already written to you about the necessity for an EIR. Here I want to comment on the zoning change request. I would also like to request that the Planning Commission postpone their final decision until neighbors have had a chance to respond to the staff report in writing.

1) Variance: The developers have requested and County Planning recommends granting an area variance, due to the existing packing shed not being set back far enough. The relief requested is the relaxation of the setback requirements to 0 feet for the reconstruction of 25 lineal feet of the building. Has County Planning really looked carefully at the traffic consequences of such a variance? Isn't there already a hazard in that the proposed facility abuts a busy highway? The existence of the new facility with an attendant increase in vehicular and foot traffic will exacerbate already-existing pedestrian and traffic problems. County Planning argues that allowing the variance will preclude the necessity of a building extension, which would result in further obstructions of ocean views. However, has County Planning thought of just limiting the project's size--why would an extension even be necessary? A variance is allowed when it is based on "unnecessary hardship" to the landowner. I do not think it is an "unnecessary hardship" to limit the size of a project in accordance with the legal setbacks. "Mere hardship" is not enough.

2) Special Use permit: The requested zoning change from Neighborhood Commercial to Special Use in and of itself is suspect. Special Use is defined as involving situations requiring particular attention and special treatment due to the neighborhood ramifications of the special use. The implicit condition for granting such a zoning is that the relief granted must neither ravish the general plan for the neighborhood nor amount to such preferential treatment as to constitute spot zoning. Spot zoning, by definition, is invalid because it amounts to an arbitrary, capricious and unreasonable treatment of a limited area within a district.

In this case, the requested relief *does* conflict with the General Plan and it amounts to the preferential treatment of spot zoning.

1) It is unreasonable and capricious for County Planning to find that the criteria of the General Plan were met for granting Special Use zoning. The General Plan designates the parcel in question "Neighborhood Commercial." County Planning itself notes, "this designation allows small scale [sic] commercial businesses to meet the needs of individual urban neighborhoods and rural communities and visitors to those areas." (See p. 8 of Staff Report.) The current zoning of "Neighborhood Commercial" is already very flexible--this zoning primarily promotes services for the benefit of the neighborhood and surrounding rural area, but at the same time and at the same scale can serve visitors. As such, the "Neighborhood Commercial" zoning is quite desirable for our small town. In contrast, the Special Use zoning would allow units that were primarily visitor-serving. Such a use would not serve the community, nor would it aid in maintaining the integrity of our neighborhood. County Planning suggests that the proposed multi-use facility would "contribute to established centers of community activity and commerce." However, our neighborhood already has a place for meetings, nor do we need offices. The Neighborhood Commercial zoning fits the community's needs; a SU mixed zoning does not.

2) A granting of a Special Use zoning would be spot zoning because the County Planner is fitting the zoning to the project instead of the project to the zoning. This is preferential treatment for the developers and thus is invalid.

The Model Land Development Code allows special development permits based upon a finding of compatibility with surrounding areas and with developments already permitted under the general provisions of the ordinance. The Bailey project, as it stands, is not compatible with the surrounding area. It is important that we preserve the integrity of the neighborhood, and a project of this size will do the opposite. I am not opposed to Mr. Bailey exercising his right to develop his parcel--however, the development should be of a size that *contributes* to the character of the community, not *overwhelms* the community. Mr. Bailey should not be allowed special exceptions to the general plan in order to overbuild the parcel.

What Davenport needs is a town plan; we need to coordinate *all* of the development in our town--not just grant it on an ad hoc basis. We care about our town.

"Don't it always seem to go,
That you don't know what you've got 'til it's gone,
They paved paradise and put up a parking lot."
--Joni Mitchell, "Big Yellow Taxi"

Thank you.

Susan Young

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Bruce A. McDougal
PO Box J
Davenport CA 95017
March 24, 1998

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

RECEIVED

TH 5 B

MAY 07 1999

Members of the Commission:

I have serious concerns about the Bailey/Steltenpohl proposal for the old packers warehouse in Davenport. I raised some of these in my letter to Planning in response to the Negative Declaration (see attachment 12M of the Revised Environmental Review) but I do not feel they were addressed in the staff's revision or in the Staff Report to the Commission. They include, but are not limited to, the following points.

1. The destruction of the existing meadow and historic whale watching and scenic viewshed to build a parking lot on the ocean side of highway 1, in the very center of what has been declared a Special Community, clearly is contrary to the intent and purpose of the Coastal Act. The proposed lot has been "sited and designed to minimize impacts as much as possible", but this is not enough. The meadow is a part of the view, and the only way to save the meadow, and the character of the Davenport community's historic ocean vista is to deny, or dramatically reduce, the scale and scope of the project.
2. This area has always been open and accessable, and used by the public for parking, enjoying the ocean vista, and beach access. The Davenport Beach is designated for Primary Public Access, and any development calls for public automobile parking (GP 7.7.14-7.7.16) The proposal to close the area to public parking, and limit pedestrian access to two paths to the beach, denies to the public the right to park and pass which has been acquired prescriptively by long public use. I do not understand why this is not addressed in the staff report. This right must be preserved, even if this application is denied. The suggestion that the adjoining property can and will be used by the public is not the point. The staff report (P.26 c.) refers to possible future development, and if the public is excluded from the present propoal, it will establish a precedent. There may also be an effort to close access to this area too, because of traffic concerns. The obligation to the public goes with the property, and cannot simply be ignored.
3. The project is too large to be assimilated into a tiny coastal community without forever altering its character. The General Plan specifies (8.8.4: Davenport Character) "Require new development in Davenport to be consistent with the height, bulk, scale, materials, and setbacks of existing development: generally small scale, one to two story structures of wood construction". This building is already the largest building in town, and doubling that is inconsistent with the above conditions.

4. The proposed uses are not directed at serving the immediate community, as required; and a change in zoning as requested to allow almost any use invites an even greater removal from any community connection. The owners do not reside in the community, and their only business there is the building itself, and its potential for rent or sale.

5. The impacts on the water and sewer are to be "mitigated" by the applicant paying for improvements to the water and sewer systems. This needs a lot of explanation. We have always been told by Public Works that these systems were designed to allow the full buildout of all vacant properties in the community. It is likely the warehouse was never included in this calculation, and so it is fair that they are a special case. But if this proposal puts such a strain on the systems that they need to be expanded to accomodate it, what will be the case when those of us who have been promised buildout go to build?

At this point there happens to be a deal cooking with RMC Lonestar to expand the water system to accomodate them (but nobody else) that can be stretched to include the warehouse, for a price. But what happens then? Do we in fact have the reserve capacity to accomodate future buildout, or don't we? And if we don't, isn't now the time to expand while the system is being refitted?

Meanwhile, the sewers and pump station in oldtown (the central core of Davenport) are awaiting grant money to replace them. There will be no expansion of the existing sewers; and after the grants, there will be a \$35,000 local share to be absorbed by the district. The applicants are being asked to pay connection fees for system upgrades; but is this simply absorbing the district share of the cost, without expansion? Again, where does that leave us re: capacity and future buildout?

I hope your actions on this proposal will reflect the love and concern for our precious coast for which Santa Cruz County is famous.

Sincerely,



RECEIVED

Bruce A. McDougal

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Att: Santa Cruz County Planning Dept.

From: Kristen Raugust

454 Swanton Road, Davenport, Calif., 95047 07 1999

RE: Greg Steltenpohl for Fred Bailey

March 22, 1998

TSB
RECEIVED

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Planning Dept , and to whom it may concern,

As a long time resident of Davenport, I am outraged and concerned that you have declared the proposed project by Fred Bailey and Greg Steltenpohl, as a negative environmental impact to the North Santa Cruz County coast.

During this crucial period, I seriously recommend that you re-evaluate your decision in good conscience.

Please take into account that even though the size of the project is not nearly as big, as say the proposed Coast Land and Dairy proposal, it would impact the North County in just as big a way.

I have listed below my reasons that an Environmental Impact Report should and must be done, to maintain the integrity of the North Coast and to insure further protection of the Monterey Bay Sanctuary. I am in complete contradiction to the assessment of your planner, Kim Tschantz. I think he did a incompetent job and his actions and motivations should be looked at. This project is too big and important not to have more people involved.

A) View shed. I dispute the contention that there is a minimum impact on the view shed area in the north end of town. In fact there is much more view shed blockage than the two residential and one commercial area than you have insinuated. In fact many more residential and business properties will lose there views. This must seriously be looked at again with more modeling done to know exactly what view interruption will take place.

As I speak, this very moment, there are people from all over the country and all over the world, stopping to sit in the beautiful meadow and watch the fabulous whale migration. If the building rise and the parking lot are to be allowed, the public would not have this accessibility. They would not have the oportunity to stop and walk or sit and enjoy the extrodinary rare view.

B). Sewer and water. The sewer and water situation is already maxed out. The system already needs to be enlarged and improved. Who will burden the cost and maintain it? This is another area that

really needs more study and planning. This is very important because if and when failure occurs the brunt of it ends up in the Monterey Bay Sanctuary.

C) Parking and traffic. Again, another monumental problem for Davenport already. With the current traffic flow and speed limit, disaster is already waiting to happen. There needs to be a very thorough and comprehensive study done. I don't feel that enough of attention to this problem has been done. There are no turn lanes or any indication that the speed limit is to be lowered soon. This is not a minimal problem but a maximum one.

D) Biotic and biological. Here, there are more plants and animals that will have their lives and habitats destroyed than meets the eye. We must take a longer and harder look at this. The meadow is an integral part of this cycle. Not only that but people have enjoyed the biotic beauty of the meadow for scores of years.

E) Beach access. Now this is a big issue. I highly disagree with you that there will be minimal impact in this area. In fact there will be an gigantic impact. Not only will the parking lot being on the meadow create a physical barrier, it will create a physiological and emotional one also. Then with the proposed plantings and the fences people will feel intimidated to even go down to the ocean. There is not enough access to Davenport beach as it is.

F) Soil. With the parking lot being built, the soil in the meadow will be destroyed and lost forever. We mustn't let this happen. It could disrupt the drainage and flow of water in the north end of town. Erosion is a potential hazard here. I don't feel there has been adequate evaluation of the soils at the south end of the property also. What about the old underground gasoline tank? Was there a permit issued for removal? Was there any leakage into the soils in which water drains down into San Vicente Creek which in turn runs into the Monterey Bay Sanctuary? Was the soil tested? These are questions in which I don't think were adequately answered in the short period of time spent on the soil problem.

G) This project would be growth inducing and have an accumulative impact on the area.

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL OFFICE

H) Re-zoning of the proposed project site to SU is very rare. It would be extremely inappropriate for a small community such as Davenport.

So in closing, I want to strongly encourage you to change your mind and request that an Environmental Impact Report be done in it's entirety. It must be done thoroughly and thoughtfully because the welfare of this unique and pristine area is at stake. For current and future generations.

Sincerely,
Kristen Raugust

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

March 23, 1998

To: Planning Commission
County Building
701 Ocean Avenue
Santa Cruz, 95060, Ca

From: Marcia McDougal
Box J
Davenport, Calif 95017

Re: Steltenpohl/ Baily project
Odwalla Building
Davenport California

TH 56
RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

There is a BIG controversy in the SMALL town of Davenport. There is a proposal for a big change. This change is about something much larger than the little town of Davenport. It is about commitment to the California Coastal Plan, the whole coast of California. The proposed project violates the purpose of the Coastal Plan, which states clearly its purpose to keep the coastal corridor from development on the coast side of the highway. Further, we have not only the coastal act to conform to, but the Monterey Bay Marine Sanctuary to protect. This is our legacy to pass on to future generations. This coast belongs to the whole globe, to anyone who drives down it. It renews the human spirit to look out to sea. It's not for a few to take away for personal gain. Instead it demands stewardship.

The town of Davenport is small, and the proposed project is too large. It would drastically change the character of the town. Enlarging the Odwalla building and taking out the meadow and replacing it with cars and asphalt; and then importing growth to 'cover up' this insult to the environment is excessive and insensitive. The peregrine falcon lives in the meadow. There are always people found in its grassy field, taking in its beauty. It is the only place in Davenport that allows this kind of grace. Each season this meadow has been the focus point for watching whales as they pass closest to this shore entering the bigger Monterey Bay. This proposal excludes the public in exchange for private, commercial use. Since World War II, this grassy meadow has always been open to the public for walking and parking at the top. For decades the Whale Watching sign proudly stood at the top of the meadow acknowledging the grey whale

migration, part of the history and symbol of the town. It mysteriously got knocked down shortly after the property was bought by Baily/Steltenpohl. The sign was never replaced.

The project wants to change the zoning from C-1, General Plan Designation: Neighborhood Commercial which includes community use, to SU multiple use. An intrinsic threat here is that if the zoning change is granted, the SU makes the real estate more attractive for future sale. It would also have a large impact on Davenport. It is not appropriate.

Historically the community has been excluded from this property. Pre-Steltenpohl, when the property changed hands from the packing building to Bailey, the path to the beach was blocked from the community for over a year. (see enclosed note from the planning dept. 1976) A path was not recreated until a threat from the community of a grand jury proceedings was acted upon by the county (see enclosed petition from 1976). After this a hedge was planted to hide a fence, which was erected without a permit. This hedge now is over 25 feet tall, blocking the ocean views from Highway one and a large portion of Davenport Avenue. This does not reflect an attitude of concern for the community.

Those supporting the project appreciate the Baileys excellent aesthetic taste, as do my husband and I who were instrumental in their purchase of the packing shed property for just that reason. But this is not the issue.

We have businesses in Davenport and know that more commercial development brings more commercial traffic, therefore more business for everyone. However, we would trade that for the very quality of life that attracted us to this small town thirty years ago. It is rare to find a coastal village with the character of Davenport. It's place on the coast is idealic. It needs protecting. Please don't take it's heart and soul away.

Marcia McDougall

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE

TH 5b

to: April 28, 1976

to: Mike Miller, Coastal Commission

from: Ed Dielski, Planning *ED*

subject: Fred Bailey

An inspection of the Bailey site on Friday, April 23rd revealed that fences have been constructed with gates along the rear and front of the site. A sign has been posted which reads "No Beach Access".

Please inform me of the Coastal Commission hearing for Bailey.

EB:ld

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

petition to Coastal Commission to Request that the matter of access to
Davenport Beach be clarified for local use of same access to the beach
along south side of present walk as it has been in use for over 100 y
If Attorney General investigation is necessary, we hereby request it.

May 12, 1970

RECEIVED

MAY 07 1989

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

OFFICE				
WILSON JONES				
1	2,007 E. Pacific	Box 23	Davenport Calif	
2	13,000 E. Pacific	Box 23	Davenport Calif	
3	1255 Pacific St. Davenport Calif			
4	1255 5th Ave. Davenport Calif			
5	2200 Pacific St. Davenport Calif			
6	1700 Pacific St. Davenport Calif			
7	1700 Pacific St. Davenport Calif			
8	1700 Pacific St. Davenport Calif			
9	1700 Pacific St. Davenport Calif			
10	1700 Pacific St. Davenport Calif			
11	1700 Pacific St. Davenport Calif			
12	1700 Pacific St. Davenport Calif			
13	1700 Pacific St. Davenport Calif			
14	1700 Pacific St. Davenport Calif			
15	1700 Pacific St. Davenport Calif			
16	1700 Pacific St. Davenport Calif			
17	1700 Pacific St. Davenport Calif			
18	1700 Pacific St. Davenport Calif			
19	1700 Pacific St. Davenport Calif			
20	1700 Pacific St. Davenport Calif			
21	1700 Pacific St. Davenport Calif			
22	1700 Pacific St. Davenport Calif			
23	1700 Pacific St. Davenport Calif			
24	1700 Pacific St. Davenport Calif			
25	1700 Pacific St. Davenport Calif			
26	1700 Pacific St. Davenport Calif			
27	1700 Pacific St. Davenport Calif			
28	1700 Pacific St. Davenport Calif			
29	1700 Pacific St. Davenport Calif			
30	1700 Pacific St. Davenport Calif			
31	1700 Pacific St. Davenport Calif			
32	1700 Pacific St. Davenport Calif			
33	1700 Pacific St. Davenport Calif			
34	1700 Pacific St. Davenport Calif			
35	1700 Pacific St. Davenport Calif			
36	1700 Pacific St. Davenport Calif			
37	1700 Pacific St. Davenport Calif			
38	1700 Pacific St. Davenport Calif			
39	1700 Pacific St. Davenport Calif			
40	1700 Pacific St. Davenport Calif			
41	1700 Pacific St. Davenport Calif			
42	1700 Pacific St. Davenport Calif			
43	1700 Pacific St. Davenport Calif			
44	1700 Pacific St. Davenport Calif			
45	1700 Pacific St. Davenport Calif			
46	1700 Pacific St. Davenport Calif			
47	1700 Pacific St. Davenport Calif			

JOHN HENRY CURTIN P.O. BOX 36 DAVENPORT, CALIFORNIA - 95017

JOSE A. CURTIN P.O. BOX 36 DAVENPORT CALIF. 95017

AGNES LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

JOHN G. LAMARTE P.O. BOX 107 DAVENPORT CALIF. 95017

P.O. Box 252
Davenport
CA 95017

RECEIVED

March 15, 1998

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST

TH 5b

The Planning Commission
Santa Cruz County

Subject: Plans for development of the former Odwalla site in Davenport

Dear Members,

I write in order to have my views on the planning of development for the Odwalla site taken into account by both your Commission and the County Board of Supervisors. As a resident of Davenport, I have some specific concerns, two more general concerns, one very general concern, and two complaints.

I am not against sustainable development, to use the term currently fashionable in California's political processes. I gather that the land formerly occupied by the Odwalla factory is owned by Mr. Fred Bailey, who wishes to develop it for other purposes. Apart from Mr. Bailey's early attempt to impede access of the public to Davenport beach, use of the site heretofore has seemed acceptable, and it is reasonable that Mr. Bailey be allowed to develop it - appropriately.

The position of the lot on the ocean side of Highway One makes the question, of what "appropriate" may be, highly sensitive. In the many places where I have lived that have fronted water, the previous presence or the lack of foresight in preserving or losing that connection as uninterrupted as possible, has always been critical in the current success or failure of that place as a desirable community. I gather that Mr. Bailey has left Davenport - but I hope he has not also left behind the interests of those who remain here.

The planned addition of a second floor to the building is not appropriate. It will certainly serve the commercial interests of the developer (and of whomever may subsequently buy it); but this will be at the expense of Davenport's residents locally, and of the integrity of the Central Coast between Hwy One and the shoreline along one of its most beautiful and certainly its most accessible stretches.

RECEIVED

The visual and practical impacts will be unavoidable. And if a two-storied building can be kept low -- then a single storied building can be kept even lower. Directly related to the intended square footage (and the as yet troublingly unspecific use), is the extent of parking. The parking for 92 cars, as presently planned, is completely out of proportion to the size and extent of the town. It would, in fact, interpose a building and its associated parking between the town and the bluffs along the full length of Davenport as it lies on the level of the highway. It is inconceivable to me that a planning department with reasonable regard for the integrity of the existing community could approve of such an abysmal vision. The visual and pedestrian access to the bluffs and the ocean from the upper half of the town is an essential part of Davenport's character (indeed, even the sacrifice of the present meadow is a terrible loss in this respect).

It seems hardly necessary to emphasize that a development with one floor instead of two should need only half the parking at present projected. This issue should not be reasoned backwards. If a project can not go forward without increased parking and increased parking is unacceptable for other reasons, then the project should not go forward at that scale. Increased parking should not suddenly be deemed acceptable.

Whether the Commission concerns itself with the matter of projected employment, I do not know. But I am perfectly certain that a cool look at proposals (two- or one- floored) specific enough to yield a judgement would provide insignificantly minimal expectations for employment in the local community.

The affect on the town, however, will be more than visual and emotional; it will be a traffic nightmare. The current area in which casual visitors may park will largely disappear - and, presumably, if the development is successful (which it should and ought to be), casual visitors will also increase. This will mean that casual parking will spread throughout the town, even as far as San Vicente. Davenport is (and should remain) a small town, and the affect of such parking will be horrible, both for the convenience of local residents and for the visual environment. And this just as PG&E is putting cables underground to IMPROVE that environment -- I hope that the county will act to do likewise.

The plans now include intentions to partially block access back to the town for vehicles emerging from the developed site. This is a case of sticking a torn document back together with cheap tape. Vehicles that wish to re-enter the town and are barred from doing so, will simply drive down the

262

EXHIBIT

road and turn at the lay-by -- thus substantially increasing the hazards on an already dangerous road. The exit from the site is placed directly opposite Davenport Avenue: if cars may go straight ahead, then they can cross Hwy One (also drastically increasing the traffic hazards) and simply enter directly into the town. If vehicles are prevented from doing so, then visiting drivers who wish to do so will simply go a short distance south (as just explained), and drivers with a legitimate reason to enter the town (personal visitors -- even residents) will be infuriated by having that need denied. The position will be similar to the abominable traffic patterns that have developed as a result of the Long's development on Mission street and its accompanying mish-mash of vehicular prohibitions.

My two more general concerns are that, one, there appears to have been no adequate traffic study. The "mitigations" in the current document are remarkable for how little they mitigate and for what they ignore. Davenport, as a very small town that lies on the edge of a major highway, lives or dies (sometimes literally) by the quality of planning in traffic. I do not see how any responsible planning department could proceed on the basis of the gross inadequacy of the report in this regard. My second concern is broader, namely, the apparently total lack of an EIR adequate to the present plan. Is the plan trying to tell us, first, that the EIR done for the Odwalla factory is appropriate for the currently proposed development; and second, that there are today no better informed standards? I doubt whether anyone who has recently built a house in Davenport would be impressed by such claims. The proposal must have an appropriate EIR.

My most general concern is that this very large (relative to the town) development is being considered with absolutely no indications that some more coherent vision for the town is framing the decisions -- still less with any significant exchange with and in the town about how residents envision Davenport in the long-term. Other plans for commercial development are in process (Forrester's Hall, the old barn, for example). Mr. Bailey is not the only person with a right to develop. But I have heard not one voice from the county about consultation with the town for developing a coherent plan. Such consultation IS A MUST. And both the county and the residents of Davenport should make reasonable decisions informed by the interests of the Central Coast at large. What has been happening at Half Moon Bay is a warning to everyone (both in terms of community dissatisfaction and environmental results).

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

263

EXHIBIT 73 K

road and turn at the lay-by -- thus substantially increasing the hazards on an already dangerous road. The exit from the site is placed directly opposite Davenport Avenue: if cars may go straight ahead, then they can cross Hwy One (also drastically increasing the traffic hazards) and simply enter directly into the town. If vehicles are prevented from doing so, then visiting drivers who wish to do so will simply go a short distance south (as just explained), and drivers with a legitimate reason to enter the town (personal visitors -- even residents) will be infuriated by having that need denied. The position will be similar to the abominable traffic patterns that have developed as a result of the Long's development on Mission street and its accompanying mish-mash of vehicular prohibitions.

My two more general concerns are that, one, there appears to have been no adequate traffic study. The "mitigations" in the current document are remarkable for how little they mitigate and for what they ignore.

Davenport, as a very small town that lies on the edge of a major highway, lives or dies (sometimes literally) by the quality of planning in traffic. I do not see how any responsible planning department could proceed on the basis of the gross inadequacy of the report in this regard. My second concern is broader, namely, the apparently total lack of an EIR adequate to the present plan. Is the plan trying to tell us, first, that the EIR done for the Odwalla factory is appropriate for the currently proposed development; and second, that there are today no better informed standards? I doubt whether anyone who has recently built a house in Davenport would be impressed by such claims. The proposal must have an appropriate EIR.

MAY 07 1999

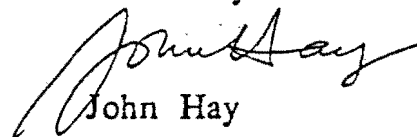
My most general concern is that this very large (relative to the town) development is being considered with absolutely no indications that some more coherent vision for the town is framing the decisions -- still less with any significant exchange with and in the town about how residents envision Davenport in the long-term. Other plans for commercial development are in process (Forrester's Hall, the old barn, for example). Mr. Bailey is not the only person with a right to develop. But I have heard not one voice from the county about consultation with the town for developing a coherent plan. Such consultation IS A MUST. And both the county and the residents of Davenport should make reasonable decisions informed by the interests of the Central Coast at large. What has been happening at Half Moon Bay is a warning to everyone (both in terms of community dissatisfaction and environmental results).

(3)

My complaint is directed at the opposite from a silence. It is both general and specific. It concerns more generally the manner in which the Planning Department has permitted one of its members, Mr. Kim Tschantz, to become a spokesman for the developer. The meeting called last July, on the face of it to promote just the kind of open discussion we need, was in fact quite the converse. It was conducted purely as an effort to sell the project. The developer certainly has the right to inform and to try to persuade the community, although he was hardly wise to carry this to the lengths of suppressing and curtailing any expression of contrary opinion, in the manner supported and furthered by Mr. Tschantz. I must point out that it is, in reason, not possible for Mr. Tschantz to deny that this happened. The fact that it happened is documented in the reactions of those who tried to so speak. The fact that it was systematic is documented by the fact that so many reactions were the same. In this view, Mr. Tschantz has, unfortunately for both Mr. Bailey and the Planning Department, radically called into question the wisdom and partiality of the Department.

The more specific aspect of my complaint concerns the change of zoning. The meeting orchestrated by Mr. Tschantz was presented as an effort to involve the community in the plans for a site zoned as "neighbourhood commercial." Requests from the floor to elucidate the contribution of the plan to the neighbourhood were ignored. Now, it is suddenly proposed (in very small print), that the zoning be changed to "SU." I do not recall Mr. Bailey or Mr. Tschantz calling another meeting to explain this change. It is a specific dismissal of the interests of those who live here. I hope that Mr. Bailey will be able to develop his property in a reasonable manner, and that he will be able to do this with the impartial assistance of a Commission that has managed to persuade the Department to re-establish public trust.

Yours sincerely


John Hay

RECEIVED

MAY-07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

664

EXHIBIT 75 K

Altman Family
P.O. Box P
Davenport, Ca. 95017

TH 5b

March 17, 1998

County of Santa Cruz
Planning Commission
701 Ocean St.
Santa Cruz, Ca. 95060

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Kim Ischenty and Planning Commission:

Firstly, thank you and your staff for making the Environmental Review Initial Study available as well as mailing the updates in the report.

We as a family still remain very concerned about 2 main issues. The first is the increased amount of traffic for a town the size of Davenport. When our family first moved here we resided on Davenport avenue that is 12 yrs ago. At that time with the little development that existed. Visitors to our town constantly parked in front of our driveway. I believe that is still a constant problem on Davenport avenue. We since have moved around the corner to Marine View and are not interested in having people parking everywhere in town up and down the streets leaving picnic garbage on the street etc. If the continued development of Davenport goes unchecked as to these

RECEIVED

MAY 27 1967

MAY 27 1967
CENTRAL COMMISSION

types of problems that is what we believe will happen. Consequently ^{interrupting} the daily life of permanent residents. Perhaps permit parking may be a solution.

A business can provide parking but the size of its development will be what draws customers and they will park and litter wherever they want. We don't have services to me those problems. Now it is our understanding that more

commercial properties are beginning development simultaneously is the barn at corner Hwy 1 &

Davenport Ave, The Lucero's property on Hwy 1 and the subject property. Don't you think as a Planning Commission that Planning at this stage of change in Davenport is just what is needed. Careful consideration

so that visitors can come and go harmoniously with the long time residents and generations of families that have been here ~~and~~ people that have worked hard to keep a healthy, peaceful community.

We want to make sure all of our work to have this healthy, peaceful community doesn't disappear to tourist development that may not be planned thoroughly enough.

I also have a question. Will the parking lot be excavated down 2' or 3' feet? Will this impair our view of the ocean? Can the developers stake it out with story poles for height? That would be very helpful to the layperson.

(27)

Thantaya Adam

The Altman 77

P.O. Box 252
Davenport, CA
95017
March 17, 1998

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

RECEIVED

MAY 07 1999

TH 56

Re: Proposed Odwalla Expansion

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Planning Commission members:

I am opposed to the proposed Odwalla project as it currently stands. The following are some of the issues I find important:

Whether or not there the Planning Department has a conflict of interest.

I am alarmed by the Planning Department's unseemly partisanship in its rush to push through a developer's project in our town, namely the proposed Odwalla expansion. I was, unfortunately, out of town during last summer's community meeting in which Odwalla applicants and County planner Kim Tschantz presented the expansion project. I heard from neighbors afterwards, however, that the project was presented as almost a fait accompli. Neighbors complained to me that they were ignored when they brought up concerns with the project. Neighbors complained to me that the presentation was such a puff piece for the benefit of the developer that they felt they would be spoiling the party to make any adverse comments. Neighbors complained to me that it seemed that the Planning Department was working for the developer, not for the town or County's benefit.

Whether or not an Environmental Impact Report should have been ordered.

Why wasn't an E.I.R. done? --the impact on our community is enormous. According to the court in Stanislaus Natural Heritage Project v. County of Stanislaus, 48 Cal. App. 4th 182, 55 Cal. Rptr. 2d 625 (1996), the California Supreme Court's standard for determining whether an E.I.R. should be ordered is: "With certain limited exceptions, a public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project 'may have a significant effect on the environment.' 'Significant effect on the environment' means a substantial, or potentially substantial, adverse change in the environment." Id. at 629-630, citing Laurel Heights Improvement Assn. v. Regents of University of California, 6 Cal. 4th 1112, 26 Cal. Rptr. 2d 231, 864 P. 2d 502 (1993).

This is the environmental impact of the Bailey project as I see it:

1. Davenport's ocean frontage will now be completely blocked by an ugly smear of a huge parking lot (92 cars). Although cars have parked on the bluff on a casual basis, there is still a section of meadow (marked by footpaths) that people use to watch whales and view the ocean (in the area where the old whale watching stand once stood before it was torn down by the new owner).

2. Increased traffic will inevitably follow the type of expansion proposed. The traffic study carried out by the developer was minimal, only analyzing traffic in the early fall--not in the summer when it is at its peak. I can see Highway 1 from my house, and during the summer there is a constant stream of traffic, often stoppages of traffic where there are traffic accidents south of Davenport. The proposed 4-legged intersection opening up across Davenport Avenue will frustrate drivers wanting to turn left out of the project and they will either drive across into Davenport to turn around or turn around further south on Highway 1, creating a recipe for traffic accidents.

3. Davenport will be turned into a parking lot for the benefit of commercial developers. Odwalla proposes to expand from a small factory where only ten or eleven cars were parked at one time to a multi-use facility, which is built to attract ninety-two cars at a time. Whereas the Odwalla factory workers generally arrived in the morning and left in the late afternoon (I assume working an eight-hour shift), the expected ninety-two cars would arrive to eat at the restaurant, shop in the shops, use the conference center, soak in the spa, and then drive on after an hour, after two hours, after three hours. Thus, the constant turnover of cars would certainly multiply our existing traffic problems immensely.

Davenport is a small town--the traffic that the developer intends to bring to Davenport will overwhelm us, with beach traffic spilling over into the streets of Davenport since beachgoers who have traditionally parked on the bluff will be precluded from using the private Odwalla parking lot. We already have a few tour busses stopping in Davenport and impeding traffic on Ocean Street on a regular basis--certainly this new project will attract even more tour busses. All of this increased traffic will turn Davenport into a parking lot.

Mr. Bailey does not address these traffic concerns--instead saying, "This is a Cal Trans issue." Well, it's still an issue for Davenport, and a project this size should not be allowed until traffic problems can be addressed.

4. Pedestrian safety is not addressed adequately. Where are the sidewalks, crosswalks, pedestrian bridge, bike lanes that would be necessary to secure the safety of pedestrians who would be crossing highway 1 from the current commercial strip to the proposed oceanside commercial strip?

5. Visual impact. With Mr. Bailey's proposed parking lot hogging the entire front of the town, Davenport's window to the sea is obliterated. Other beach towns, such as Laguna Beach in southern California, have removed ocean frontage buildings in order to make town parks fronting the ocean. Look to the cities of Long Beach and Santa Barbara, which have created green, grassy parks along their ocean fronts. Why should Davenport regress and be forced to give up its ocean view bluff in order to build a gigantic parking lot? Approval of this project as it stands would set a dangerous precedent for further development of the ocean side of the highway all along our beautiful California coastline.

6. The initial study did not adequately take into account the project's impact on the water and sewer systems in Davenport. I am concerned that the estimate of usage will turn out to be inaccurate, and the resulting additional use will

RECEIVED

become a financial burden on Davenport residents and a strain on our existing systems.

MAY 07 1999

I find the Planning Department's approval of the Odwalla project on our town's ocean bluff especially ironic in light of the recent announcement by the Packard Foundation that it will give \$175 million over the next five years to protect California's natural landscape from overdevelopment. (See "\$175 Million Endowment for Habitat," by Alex Barnum, San Francisco Chronicle, A13, March 11, 1998.) Why isn't the County applying for any of this money to purchase the ocean bluff from Mr. Bailey and preserve our town's viewshed for residents and visitors alike?

Whether or not the zoning should be permitted to be changed.

The proposed Odwalla expansion is not a neighborhood community project. The project does not benefit the community, but the developer. Why should the zoning change to benefit the developer? The developer speaks of attracting our Silicon Valley friends to his project. The developer speaks of jobs, but \$5.50 an hour for a busboy in a restaurant is not a real job. Again, this sets a dangerous precedent for development along the north coast, for other developers to argue that they, too, should be allowed a Special Use permit to develop on our coastline.

Whether or not there should be a town plan to plan to coordinate the rapid commercial development taking place in Davenport, especially in light of the Coast Dairy Land Trust.

Davenport is an active, vibrant town with plans and hopes for the future. Davenport's future is even brighter now that a Land Trust is in the process of being created out of the Coast Dairy land, a Land Trust dedicated to preserving the open space on the north coast. Thus, Davenport now has an even stronger duty to future generations to make sure we develop responsibly -- building and expansion projects should be *coordinated* to create a jewel in the midst of the Land Trust, not tarnish or even destroy Davenport's existing qualities through piecemeal development projects. I believe there are two small projects in the works--the Forester Hall is being rebuilt and the barn on Highway 1 and Old Coast Highway was purchased recently with an eye toward commercial development. Arros Market was recently purchased, and when the Post Office's lease is terminated by the new owners (I assume that they want to redevelop), the Post Office will be forced to relocate or even close altogether. Perhaps a meeting place as much as the Community Resource Center and the church, the post office holds our community together. More changes have been coming to Davenport in the last few years than have come in the last several decades--this is a turning point for the community of Davenport and we need to see that we have preserved its charms for future generations.

I moved to Davenport because of its unique qualities -- it's a small town peopled with kind, intelligent, interesting, creative neighbors and, visually, it opens up to a stunning view of the coastline. The open bluff has traditionally been used for whale watching (Bailey removed the whale watching sign posted on the bluff, leaving only a cement foundation for the sign--but it is still used for that purpose).

Although there are only two hundred residents in Davenport, Davenport is a real community--we have a community center which provides programs for seniors, the disabled, and the poor, and the center has recently put together a community lending library. Davenport has a post office that brings the community together--with a postmistress and postal workers who provide the best service I've ever seen a post office provide. Davenport is proud to be the home of a volunteer fire station, built through the efforts of community volunteers. Davenport harbors many neighborhood groups and associations, which support projects for the betterment of Davenport. Davenport hosts small businesses, such as Lundberg's Glass, Bowie Knives, the Whale Hedge Gallery, the Cash Store, Arros Market, Omware Gallery, and Whale City Diner--but these are *small* businesses, which fit the size of our community. The Bailey Project is too large for a community the size of Davenport, and takes away precious community resources--our traditional whale-watching site and our window to the coastline. Davenport is NOT a pit stop for Highway 1 traffic, and Davenport should not be a parking lot for overreaching developers who do not seem to realize that their project could kill the charm of our town.

I beg the Planning Commission to consider the Planning Department's recommendation carefully--if the Planning Commission is not swayed by my proposal to coordinate the mini-explosion of commercial development taking place in Davenport, then I ask the Planning Commission to consider halving the size of the Bailey project, keeping the building at its current one-story level and halving the amount of parking spaces, thus leaving the community and those who come to enjoy the community a window to the sea.

Thank you.

Sincerely yours,

Susan Young

Susan Young

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

P.S. These letters are due today, March 17. However, the staff report is not available until late this afternoon and so I will not be able to comment on the staff report in this letter. Because the staff report is so crucial in determining whether the Planning Department has met the requirements of the County Code provisions, I will have to present another letter to Planning Commission members before the March 25, 1998 meeting. I hope there is some way to insure that Planning Commission members will have a chance to read Davenport residents' comments on the staff report before the Planning Commission makes a final decision.

TH 5b

STATEMENT TO PLANNING COMMISSION

25/03/98
RECEIVED

I am a resident of Davenport.

MAY 07 1999

1) The site, in both a local and a wider context, has to be the pre-established frame in which this proposal is viewed. The articulation of a General Plan for the Monterey Bay region is predicated precisely on this assumption. The Plan, to the best of my knowledge, is clear on the importance to the region as a whole of keeping to a minimum any development north of Western drive. To this end, acceptable development should be within previously established Residential and Neighbourhood Commercial (C-1) guidelines. This will maintain the viability of existing communities. The importance of this General Plan derives, more widely, from the northern continuity of the open coast, from the San Mateo border and as far as the developmental disaster of Half Moon Bay. In my experience, this stretch of Highway One is genuinely unique for its combination of scenic splendour and accessibility. It is an extraordinary privilege to have such an inspiring and at the same practical and everyday route between Santa Cruz and San Francisco. Ideally, there should be no development whatsoever on the ocean side of Highway One between Santa Cruz and Half Moon Bay.

2) The constitutional nature of the General Plan means that it should remain flexible under substantial and long-term evolution of circumstances. There is such an evolution, the Coast Dairy and Land acquisition. Its effect is to increase enormously the importance of the Davenport area as a coastal zone, unspoilt as it is accessible. The wishes of a particular developer are not an appropriate basis on which to modify the articulation of a General Plan in this way.

3) At the most local level, Davenport is a very diverse and lively community for its size. It has, indeed, a very precious status as a "neighbourhood". This small size means that any commercial development should be on the same scale, and should serve this community primarily and directly. It is precisely the town and its community, in their own, present identity, that best serve the quality of this coastal area.

4) The proposed development, in its present form, is inimical to all these concerns. It will not serve this community in any significant way, in either pleasure or commerce. In fact, it is described by its proposers as providing a "gateway" to the Monterey Bay area. Davenport needs a "gate" like a hole in its collective head; such a role would entirely destroy its integrity as an independent community. The Bay already has several "gates":

Davenport acts as legitimately as one gateway simply by being itself. If such "gates" have to be defined by commercial interests, then why not propose a whole string of "gateways" between Half Moon Bay and here, each busily generating income for their respective developers and for local government?

RECEIVED
MAY 07 1959
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

5) The proposal would interpose buildings and a very large, privatized enclosure of parking tarmac between the town and the ocean, along the entire length of the town as it lies level with Highway One. This would be a visual and emotional disaster of major proportions. It would additionally result in a crowd of cars already brought by merely casual visitors but being forced into local streets and jamming the parking in a very small and compact town that even now can barely sustain the parking needs of its own residents.

Irrespective of the proposed function of the development, it is far too large. The current size has led the Planning Department to approve a zoning variance that would allow the development to maintain zero set-back on Highway One, at a point where this already busy road, which carries many big-rigs as well as private traffic, has frequently been the site of crashes and near-misses. Surely, with this kind of set-back, the prime issue should be public safety, not the benefit of a developer who has already put this land to profitable use over many years. Making the project smaller will benefit the public in every relevant way.

6) Most of the established procedural guidelines for safeguarding the public interest seem to have been inverted in both the initial and the staff report. In public view at least, the handling of this proposal, by the planning department as well as by the developers, completely undermines its own rhetoric of community benefit. It is a project that could not pay its way for a day without the extensive patronage of transient visitors, but could survive for ever without a single member of the Davenport community ever entering its doors. It has apparently been allowed to proceed on the assumption that a change in zoning -- essentially an instance of spot-zoning -- would legitimate the procedure at the last moment. Even within this context, the established purposes of C-1 and Mixed Use have been subverted. To claim that a zoning could be changed and broadened, merely in response to the request to permit other purposes described as "related" to the more limited category, is both outrageous and absurd. Everything can be seen as related to anything and to override hard-won decisions of categorical differentiation in this way is both capricious and arbitrary.

This approach, unfortunately, seems to be consistent with a remarkable laxity across the board, in relation, for example, to the requisite standards for an EIR, for a traffic report, for a seismic report, for a geological report.

7) Davenport needs a vision and a plan articulated by its own residents, as framed by an up-to-date General Plan and with access to expert resources. The developers are not such a resource; nor, judging by the results, are their consultants, nor, apparently, is the Planning Department. Their project may indeed have its autonomous merits, such as in its architectural and commercial visions, but these must not confuse or supplant the interests of the community, the interests that we have come here to represent.

It has been extraordinarily difficult even to articulate these interests within the highly abbreviated, even conflicting time table imposed on us; and I therefore request not only the extremely careful consideration of the Planning Commission, but also a contingency of this meeting.

John Hay

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

ample page of 64 page petition submitted by
appellants for Commissioners to see.

PETITION To the Board of Supervisors:

We, the undersigned, are opposed to proposed development on
the ocean side of Hwy 1 in Davenport for the following reasons:

1. Expands existing building from 13,000 to 22,000 sq/ft.
2. Sets precedent for coastal development & spot zoning.
3. Multiplies auto traffic & public pedestrian hazards.
4. Destroys historic Davenport Meadow & ocean viewshed.
5. Excludes public from established public parking area.
6. Increase Hwy 1 Davenport retail business 2-1/2 times.

TH5b

PRINT NAME

SIGNATURE

ADDRESS

Wendy Greig
CHRISTOPHER E. Reynolds
JIM MOSHER

[Signature]
[Signature]

PO Box 249 Davenport
(40 Center)
Gen/bk: DAVENPORT CA. 95317
105 BETH LN FELTON
95618

FRANK Wylie
Xochitl Confield
Jessica Breheny

[Signature]
[Signature]
[Signature]

1900 Smith grade se
440 SWANTON Rd DAVENPORT
95317
PO Box 187 Davenport CA 95317
(41 Davenport Ave)

Thomas Mark Mahoney
Joe Schmaltz
Michael FOREST

[Signature]
[Signature]
[Signature]

PO Box 2427
Olympic Valley
CA 96146

MICHELE GAMBINO
Elizabeth Heister

[Signature]
EMILY HEISLER

PO. Box 12423
Santa Cruz CA

GARY WARDEN
K. Marn

[Signature]
[Signature]

137 Ross St.
San Rafael, CA
94901
3005 Whitehouse Creek Rd.
Davenport

PAUL DANIELSON

[Signature]

284 SPRING CREEK RD
BOULDER CREEK 95606

Peggy Sue Kirby
WILLIAM KORAN
Scott CONARD

[Signature]
[Signature]

203 Coulson Ave.
Santa Cruz CA 95060
501 IRISH RIDGE ROAD
HALF MOON BAY, CA

Ron Eifring

[Signature]
Ron Eifring

8405 S. MOUNTAIN DR
SANTA CRUZ, CA 95061
250 AEALE LN. SC
95061

RECEIVED

MAY 07 1999

CALIFORNIA
COUNTY OF SANTA CRUZ
OFFICE OF THE CLERK

TH 56

RECEIVED

MAY 06 1999

CALIFORNIA
COASTAL COMMISSION

19575 Three Oaks Way
Saratoga, CA 95070
May 5, 1999

Dear California Coastal Commission
members and staff,

I think that you should not
build all of those buildings
and stores. Many more people
will come into the city and
it will be very crowded. The
people of Davenport are not
used to all of these stores.
They do not want these stores.
Listen to them. You Commission
people are very unthoughtful.
I hope you change your
terrible decision.

Yours sincerely,
Abyssia Grace Ferrari

01 - page petition submitted by
appellants for Commissioners to see.

PETITION To the Board of Supervisors:

We, the undersigned, are opposed to proposed development on
the ocean side of Hwy 1 in Davenport for the following reasons:

1. Expands existing building from 13,000 to 22,000 sq/ft.
2. Sets precedent for coastal development & spot zoning.
3. Multiplies auto traffic & public pedestrian hazards.
4. Destroys historic Davenport Meadow & ocean viewshed.
5. Excludes public from established public parking area.
6. Increase Hwy 1 Davenport retail business 2-1/2 times.

PRINT NAME

SIGNATURE

ADDRESS

Wendy Greig
CHRISTOPHER E. Reynolds
JIM MOSHER

[Signature]
[Signature]

PO Box 2591 Davenport
(40 Center)
Glenview, DAVENPORT CA. 95317
105 BETH DR FELTON
95018

FRANK Wylie
Xochitl Confield
Jessica Breheny

[Signature]
[Signature]
[Signature]

1900 Smith grade se
440 SWANTON Rd
PO Box 187 Davenport CA 95317
(41 Davenport Ave)

Thomas Mark Mahoney
Joe Schmaltz
Michael FOREST

[Signature]
[Signature]

PO Box 2427
Olympic Valley
CA 96146

MICHELE GAMBINO
Elizabeth Heister

[Signature]
EMILY BETH HEISLER

PO. Box 12423
Santa Cruz CA

GARY WARDEN
K. Maene

[Signature]
[Signature]

137 Ross St.
San Rafael, CA 94901
3005 Whitehorse Creek Rd
Davenport

PAUL DANIELSON

[Signature]

284 SPRING CREEK RD
BANDER CREEK 95006

Peggy Sue Kirby

[Signature]

203 COWSON AVE.
Santa Cruz CA 95060

WILLIAM KORAN
Scott CONARD

[Signature]
[Signature]

501 IRISH RIDGE ROAD
HALF MOON BAY, CA

Ron Eifring

[Signature]

8405 SUMMIT DRIVE
SANTA CRUZ, CA 95061
250 AZALEA LN. SC
95060

RECEIVED
MAY 07 1999

TH 5P

5/5/99

Dear California Coastal Commission members and staff,
Hello, my name is Erin Banks and I am a Naturalist for Mission Springs Outdoor Ed. Every week we have an average of 150 5th and 6th graders come for 4 or 5 days. These children come from the San Francisco, Sacramento, and San Jose areas. We take the children hiking and teach them about trees, streams, outdoor living skills, and earthcare. In our earthcare class we discuss local and global environmental issues with the children, and encourage them to take positive non-aggressive action to solve these issues. This week I had my students discuss the commercial retail development that is planned for along Highway 1 across from Davenport. We then wrote letters to express our opinions. Since these children are the future of the state of California, it might be wise for you to know what their opinions are. Please take the time to read these ~~letters~~ letters.

Thank you,
Erin Banks

* 18 letters from 6th grade students available to review from Commission staff.

TH 5b

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission

*40 Davenport Ave.,
Davenport, CA. 95017
May 6/99*

Dear Sirs:

*Please do not allow
development on the coastal side
of highway 1. Please preserve the
ocean views for future generations
to enjoy.*

Yours truly,

Phyllis E. Lee.

TH 56

RECEIVED

MAY 07 1999

334 Swanton Road
Davenport, Ca. 95017
May 9, 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Re.: Permit # A-3 - SCO-98-101, Applicants Fred Bailey and Greg
Steltenpohl

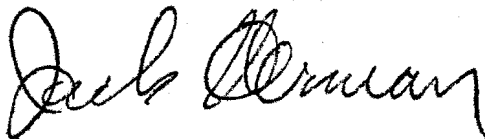
Dear Commissioners,

The contrivance of "spot" Special Use rezoning and replacement of oceanside public space with a private parking lot would degrade Davenport both as a tourist destination and as a vital community.

The kinds of uses accommodated by Special Use rezoning - restaurant and juice bar, apartments, conference center - allow either "park, eat and leave" tourism which entails high traffic volume or allow very limited use by conferees and employees. The proposed size and nature of the development does not facilitate the public's access to or enjoyment of the coast in proportion to the scale of the project. Uses that are more compatible with the thousands of acres of nearby park land would be more appropriate.

Eliminating some of the uses requiring Special Use rezoning would help address the project's excessively large scale. The proposed size of the private parking lot would damage Davenport's immediacy to the coast and ocean. Highway One and speeding traffic are already formidable barriers to the coast, and exemplify the incongruity of accommodating visitors at the expense of what they came to visit. The Bailey-Steltenpohl project would carry to an extreme this paradox of wrecking the tourist attraction to bring in the tourists.

Sincerely,



Jack Herman

TH56

May 8, 1999
Rebecca Herman
334 Swanton Road
Davenport, Ca. 95017

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

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re.: Permit #A-3- SCO-98-101, Applicants Fred Bailey and Greg Steltenpohl

Dear Commissioners,

This proposed development exceeds reasonable limits for two primary reasons. Both are linked to people; the local community and the greater one.

The first is this. Public access to the coast and to the ocean is visual and it is physical. The excessive scale of this proposed development requires a substantial parking lot that would preclude a natural interface between land and sea. An attempt to mitigate this impact by digging into the cliff does not alter this fact. The proposed parking lot additionally excludes everyone who is not doing business with the development.

Secondly, the project is excessive because of the multiple uses proposed. This present plan would set a solid precedent for any commercial or retail use to take priority over the most important resource of the local and the greater community; the coast. The Bailey - Steltenpohl proposal has undergone extensive planning but remains shortsighted because it does not serve, protect or respect this primary asset.

Sincerely,



Rebecca Herman

Th 5e

Patti Hutchinson
2190 Circle Dr.
Cayucos, CA 93430
(805) 995-2021

California Coastal Commission
725 Front St, Ste.300
Santa Cruz, CA 95060
Fax: 831 427-4877

Re: Appeal A-3-SLO-99-025
Moon / Hutchinson

Dear Commissioner,

While I am unable to personally appear before you due to family responsibility constraints, I am optimistic that, because of the comprehensive and thorough staff report that has been produced, this appeal will stand on its own merits.

The small beach-town community of Cayucos worked long and hard for over 3 years to create standards for development in the designated "Small - Scale Neighborhood", re-named Community Small Scale Design Neighborhood. The approval of these standards drew praise from your Commission at their adoption (April 1995). Today, these affected properties have maintained and increased their desirability and value, even with limitations of size and massing.

Approving the project before you would be the first step to undermining those established standards!

Please consider the following:

- a) The applicants have **NOT** implemented available mitigation measures that address the noise issue *i.e. sound board, sound deadening siding, triple glazed windows, wall insulation, garden wall etc.* These options *would not* require a variance and *would not* undermine the established standards.
- b) This property is **NOT** unique in its proximity to Highway 1. Many, many properties abut Highway 1 along Studio Drive, Cass Avenue, Circle Drive and 24th St. All of these properties could (and I assure you, many would!) implement this same option.
- c) The existing dwelling currently *exceeds* the allowable size and massing. Allowing additional square footage to a already *oversize* structure is a definite granting of special privilege.

This project;

- is precedent setting
- cannot meet the five findings necessary to grant a variance
- does not conform to the requirements of the Local Coastal Plan
- erodes the provisions that protect one of California's last genuine beach towns - Cayucos

Please support the Staff Report and deny this project.

Respectfully Submitted,

Patti Hutchinson

TH 6a

BEFORE THE CALIFORNIA COASTAL COMMISSION

In the Matter of Coastal)
Development Permit)
No. A-3-SNC-98-114,)
SNG Development Company,)
On Appeal from Decision for)
Approval by City of Sand City)
Pursuant to its Certified)
Local Coastal Program)

ITEM THU 6a
May 13, 1999

STATEMENT OF APPLICANT
AND APPELLEE

May 7, 1999

Prepared by:

Eric Koenigshofer, Esq.
Norbert H. Dall
Stephanie D. Dall

Counsel and Senior Environmental
Advisors to SNG Development Company

A copy of this Statement has been sent to each Commissioner, Alternate Commissioner, and to Commission staff.

*Attachments available for review from Commission staff.

STATEMENT OF APPLICANT AND APPELLE

Amended CDP Application on Appeal A-3-SNC-98-114

SNG Development Company

ITEM THU 6a, Thursday, May 13, 1999

SUMMARY

The Monterey Bay Shores visitor resort ("project") comes before the Coastal Commission ("Commission") on de novo hearing following an appeal from the unanimous decision by the City Council of Sand City ("City") to approve the 495-unit project on the 39-acre site of a former heavy industrial Lonestar dune sand mining facility, located between Highway 1 and the sea.

The policies, maps, and implementation standards of the certified LCP are the primary standard of project review both at City and Commission. (PRC Section 30604(b).) In addition, the Coastal Act's public access and recreation policies apply because of the project site's location between the mapped first continuous public road and the sea. (PRC Section 30604(c).)

A signed Memorandum of Understanding (MOU, 1996) among the State and local parks agencies operating in Sand City, the City, and Redevelopment Agency designates the Lonestar site as one of two properties along the City's 1.5-mile long Monterey Bay shoreline for urban reuse. On recommendation of staff and with the unanimous support of the parties, the Commission in 1996 specifically certified LCP Amendment 1-93 to incorporate the MOU into the City's LCP and thereby designated and committed 80% of the City's shoreline for, open space to address public view, habitat, and coastal access objectives.

In its coastal permit approval of the project, City made extensive detailed findings of project consistency with the Commission-certified LCP, including based on the Final Environmental Impact Report and through imposition of specific conditions that applicant must demonstrably satisfy prior to permit issuance.

Commission staff, however, recommends outright denial of the City-approved project, notwithstanding that pursuant to the LCP-consistent Habitat Protection Plan the project would restore and permanently conserve over 1/3 of the severely degraded site to habitat for endangered and other sensitive species, as well as provide a system of public coastal access facilities to implement the LCP's and Coastal Act's environmentally sensitive access and recreational objectives.

In the course of extensive discussions with Commission staff since January 5, 1999, the project applicant has amended the project application to provide the following substantive enhancements of project consistency with the LCP, as well as to respond affirmatively to issues and concerns of a regional nature. The Commission staff report (received April 30, 1999) describes and addresses these important amended project components ("the Modified Project"), which:

- Reduce the project to 378 units (a 24% reduction in density, to 58% of the density allowed by the certified LCP).

STATEMENT OF APPLICANT AND APPELLE

Amended CDP Application on Appeal A-3-SNC-98-114
SNG Development Company

ITEM THU 6a, Thursday, May 13, 1999

- To protect public views from Highway 1 to Monterey Bay, substantially reduce building heights by 19-30 feet in, and eliminate entire building sections from, the LCP-designated viewshed areas.
- Increase the habitat restoration, conservation, public access and recreation, and other open space areas to 2/3 of the project site.

For the reasons summarized below and more fully addressed at Tab D, as well as in the record before the Commission as a whole, the project applicant respectfully requests the Commission to approve the Modified Project, including subject to such special terms and conditions that will ensure its consistency with the LCP and maximize Coastal Act public access and recreation objectives:

- The project site property is part of Rancho Buena Noche, an 1835 Mexican land grant. Through the mid-1940's, the property contained a large dune ridge some 150-175 feet above and extending towards and along the Pacific Ocean in a series of parabolas. This naturally occurring dune substantially blocked public views from the old Monterey-Castroville Road and the Southern Pacific Railroad's "Del Monte" line tracks, located immediately to the east of the dune.
- The Lonestar dune ridge, slope, shoreline, and open pit mine excavated and exported large quantities of sand from the site between the 1940's and 1986. The sand mining occurred on, in, and directly affected through grading and vegetation removal, all of the site, including its preexisting natural landform and associated habitats.
- Pursuant to the Coastal Act, the extraction, grading, mining, and removal of sand through 1986 constituted "development", as a result of which no part of the site remains in its natural condition in 1999. (PRC Section 30106).
- The certified LCP, as updated through the unanimously approved (11-0) amendment that incorporates the MOU into it, specifically designates, zones, and identifies the Lonestar site for the Monterey Bay Shores (Ghandour) visitor-resort project, up to a permitted density of 650 units.
- The project site therefore is neither undeveloped nor open space.
- The certified LCP, as amended and certified by the Commission, contains specific textual and mapped visual protection policies, with which the Modified Project fully and demonstrably complies.
- The Modified Project site plan limits visitor resort facility development to less than a third of the project site property, while allocating over 25 acres to public access,

STATEMENT OF APPLICANT AND APPELLE

Amended CDP Application on Appeal A-3-SNC-98-114
SNG Development Company

ITEM THU 6a, Thursday, May 13, 1999

recreational uses, and restoration and long-term conservation of habitat for endangered and other sensitive animal and plant species.

- Biological studies of the Lonestar property over the past 15 years (ref. FEIR) have identified it to contain limited, variable, and unstable habitat values over time, with indications of episodic colonization and possible overall longer term diminished resource values directly attributable to massive site degradation from mining activities as well as continued wind-driven impacts on the largely unvegetated landscape.
- The certified LCP designates no part of the project site as mapped environmentally sensitive habitat. Rather, it specifically identifies the former mining site as significantly resource degraded and hence requires specifically delineated dune resource restoration to create and an on-going management program to conserve viable habitat for endangered and sensitive species. While individual members of sensitive plant and animal species have been observed to utilize parts of the site, it comes to contain long-term sustainable "environmentally sensitive habitat area(s)" pursuant to the compound threshold definition of the term in PRC Section 30107.5 only through rigorous on-going implementation of the habitat conservation and protection program provided and funded through applicant's coastal permit and conditions precedent to issuance thereof.
- Similarly, there is documented ample water, which meets applicable health standards, and does not adversely affect the sustained yield of the aquifer, from the Lonestar 1,200 gpm on-site water well to serve the Modified Project.
- The certified LCP, as amended and certified by the Commission, reflects and reincorporates the Legislature's authorization in the Coastal Act that "any permit that is issued or any development or action approved on appeal (reference to Coastal Act Chapter 6 omitted) shall be subject to reasonable terms and conditions in order to ensure that such development or action will be in accordance with the provisions of (the Act)." (LCP Implementation Program, page 9.)

Thus, the LCP enables the City Council or Commission to approve the coastal permit for the Modified Project, subject to applicant's satisfying Commission's and City's reasonable conditions, precedent to issuance of the permit.

Applicant and Appellee SNG Development Company (Dr. Ed Ghandour) respectfully so request.

/

/

/

/

/

MAY-07-1999 12:33

State of California

MEMORANDUM

To: PETER DOUGLAS
Executive Director
California Coastal Commission

Date: May 7, 1999

From: CHON GUTIERREZ
Business, Transportation & Housing
980 - 9th Street, #2450
Sacramento, CA 95814

Subject: COMMENTS FOR THE MAY, 1999 COASTAL COMMISSION
AGENDA

TH 6a
RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TRANSMITTED VIA FAX ONLY
(415) 904-5400

A representative from the Business, Transportation and Housing Agency will not be able to attend the Coastal Commission meeting next week in Santa Rosa. However, we would like to take the opportunity to submit for the record, the attached written comments by Caltrans. Thank you for your cooperation.

Attachment

RECEIVED

MAY 07 1999

CALIFORNIA
COASTAL COMMISSION

Post-it® Fax Note	7671	Date	# of pages 3
To: Peter Douglas	From: Chon Gutierrez		
Co./Dept. Coastal Comm	Co. BT&H		
Phone #	Phone # 323-5400		
Fax # 415-904-5400	Fax #		

STATE OF CALIFORNIA

OFFICE MEMO STD 100 (REV. 05/96) 86 388867	DATE: May 6, 1999
TO: Coastal Commission Representative Business, Transportation and Housing Agency	ROOM NUMBER
FROM: Allan H. Hendrix Deputy Director - Planning Department of Transportation	PHONE NUMBER (916) 654-5368
SUBJECT: Comments on May 1999 Coastal Commission Agenda	

RECEIVED
 MAY 07 1999
 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Caltrans has reviewed the final agenda for the May 1999 meeting of the California Coastal Commission and has the following comments:

Appeal No. A-3 98-114 (SNG, San City, Monterey County)

This item is an appeal by the Ventana Chapter of the Sierra Club and Commissioners Wan and Armanasco from the decision of the City of San City granting a permit with conditions to SNG development for the construction of the Monterey Bay Shores Resort. This mixed-use resort proposes a 217-room hotel, a 100-unit vacation ownership (timeshare) resort, 45 visitor serving rental condominium units, 133 condominium units, and restaurant/bar, tennis, pool and conference facilities. The project is located northwest of Highway One and Fremont Boulevard Interchange.

The Commission is recommending denial of the permit based on a number of issues, including public access, impacts to species of concern, threats to sensitive habitat, net loss of sand dunes, exceeding the height limitations prescribed by the Coastal Act, and inconsistencies with the Commission's policies on traffic and circulation.

Caltrans has expressed its concerns over this proposal due to the negative impacts the project will have on Highway One and several intersections. Caltrans has been on record that approval should not be granted until a Project Study Report for Highway One, currently under preparation, is completed and resulting impacts have been fully mitigated. The Coastal Commission has cited these concerns, as the basis for determining the project is inconsistent with its traffic and circulation policies.

Monterey County Local Coastal Program Amendment (Carmel)

This application proposes to amend the Land Use and Implementation portions of Monterey County LCP to allow wetland fill of 0.5 acres at the corner of Highway One and Carmel Valley Road to facilitate construction of a right-turn lane from westbound Carmel Valley Road onto northbound Highway One. Staff is recommending approval of the amendment since the amendment meets the criteria of the Coastal Act for approval of wetlands fill; project is for incidental public services, no feasible less damaging alternative exist, and adequate mitigation is provided.

Approval is also recommended based on the finding that there are no other reasonable alternatives to the project. The right-turn lane onto northbound Highway One is one of a series of 12 operational improvements previously developed by the Transportation Agency for Monterey County (TAMC) and Caltrans as interim improvements to Highway One until the Hanton Canyon bypass project was built. Recently, however, funding for the bypass project has been withdrawn by TAMC thus eliminating a reasonable alternative to the operational improvements.

Upon approval by the Coastal Commission, this amendment must be heard again by the County Board of Supervisors for final approval. The county must also act on the project-specific Coastal Development Permit. As previous objections have been voiced on this project, a fair amount controversy is expected at the hearing, and a potential appeal to the Commission's approval action is likely.



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

187 ELDORADO STREET • POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 649-4866
FAX (831) 649-3678 • <http://www.mpwmd.dst.ca.us>

THL
HAND DELIVERED

RECEIVED

April 22, 1999

MAY 10 1999

Mr. Ed Ghandour
SNG Development Company
50 Santa Rosa Avenue, Suite 503
Santa Rosa, CA 95404

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: MPWMD Rules Regarding Processing of Water Distribution System Applications – Monterey Bay Shores Project

Dear Mr. Ghandour:

This letter is a follow-up to our telephone conversation on April 21, 1999 and is intended to clarify the District's rules for processing applications to create water distribution systems within the District, with specific reference to the Monterey Bay Shores Project. As we discussed, the District will accept your application to create a water distribution system to serve the proposed Monterey Bay Shores Project and process it in accordance with District Rule 22, *Action on Application for Permit to Create/Establish a Water Distribution System* (Enclosure).

Please note that the District's primary responsibility is in determining whether or not there is sufficient water in the Seaside Coastal Groundwater Subbasin to serve the proposed project without adversely affecting the environment or the ability of existing systems to provide water to users. In this regard, the District can process your application without the information requested under items 10 and 11 of the application form, i.e., proof of land use approval and completed copy of the Monterey County Health Department permit form. As we discussed, if this information is not available at the time the District Board considers your application, the District could grant the permit conditionally. In this context, finalization of the permit would be subject to submittal and review of the requested information. In any event, the Board may deny, approve, or continue the permit based on the minimum standards set forth in Rule 22 (B) and (D) and its findings pursuant to Rule 22 (C).

I trust this information addresses your concerns. If you have additional questions or comments regarding this matter, please let me know.

Sincerely,

A handwritten signature in cursive script, reading "Darby W. Fuerst".

Darby W. Fuerst
General Manager

enclosure

U:\darby\mpwmd\encls_pca-0422-99

RULE 22. ACTION ON APPLICATION FOR PERMIT TO CREATE/ESTABLISH A WATER DISTRIBUTION SYSTEM

A. PROCESS

The General Manager shall review the application, and if he determines the application to be complete, he shall act within thirty (30) days subsequent to satisfaction of environmental review, to set a public hearing by the Board on the application for such permit, and shall notify the applicant in writing and give public notice of the hearing date. If the application is determined to be incomplete, the General Manager shall notify the applicant concerning that information in which the application is deficient and request the applicant to submit that information. At the hearing, the applicant shall be entitled to present evidence in support of his application. Interested persons may present evidence in opposition or support of the application. The Board, in conducting the public hearing, may request hydrologic, geologic or other studies necessary to obtain information required for its decision. The cost of such studies shall be borne by the applicant. The Board may deny, approve, or continue any permit based on the minimum standards as set forth in Rule 22 (B) and its findings pursuant to Rule 22 (C). The Board may impose such conditions on the permit that it deems necessary and proper. The General Manager shall notify the applicant within thirty (30) days in writing by mail or in person of the Board action taken; namely continuance, approval, conditional approval, or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

B. MINIMUM STANDARDS FOR GRANTING PERMIT

- (1) An application shall be denied unless it complies with each of the following minimum standards:
 - (a) The application identifies at least one responsible party who, at all times, will be available and legally responsible for the proper performance of those things required of a permit holder by this ordinance; and
 - (b) The ability of the source of supply to provide water complies with the standards set forth in Title 22 of the California Administrative Code; and
- (2) Every applicant as a condition to holding a permit pursuant to this rule shall report annually by August 1st in the form and manner prescribed by the District, the quantity of water delivered from each source of supply, total water produced, and average daily number of connections in the system, and the number of new connections and disconnections, a map or maps of the service area, and a listing of permits filed in the previous water year (July 1 to June 30) in each municipal unit, and the identity and address of each responsible party as of June 30th of the previous year.

C. FINDINGS

The Board shall determine:

- (1) Whether the system for which a permit is sought would cause unnecessary duplication of the same types of services by any existing system; and
- (2) Whether the permit would result in exportation or importation of water outside or into the District.
- (3) Whether the permit would result in significant environmental affects that cannot be mitigated by conditions attached to the permit.

D. MINIMUM STANDARDS

Notwithstanding the above determinations, no permit shall be granted if the Board finds and determines that the permit:

- (1) Will create an overdraft or increase an existing overdraft; or
- (2) Will adversely affect the ability of existing systems to provide water to users.

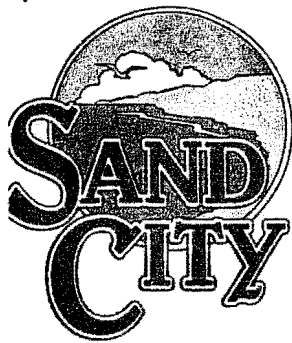
If the Board approves the permit, it shall establish an expansion capacity limit, the system capacity and municipal unit allocation for that water distribution system. The Board may impose other conditions in granting the permit.

E. AMENDMENTS TO PERMIT

No owner or operator of a water distribution system shall modify, add to or change his source of supply, expand the system beyond the expansion capacity limit, or expand the service area unless that person first files an application to do so with the District and receives an amended creation/establishment permit. Such applications shall be made pursuant to Rule 21, and shall be investigated, considered, determined and acted upon on the same terms and conditions as provided for the approval, conditional approval, or denial of a permit, as provided in this rule.

(Added by Ordinance No. 1 (2/11/80), amended by Ordinance No. 2 (3/11/80), Ordinance No. 6 (5/11/81), and Ordinance No. 8 (1/14/81); formerly Rule 210, renumbered by Ordinance No. 6 (5/11/81)

Source: Rules and Regulations of the Monterey Peninsula Water Management District (Revised August 1998)



April 27, 1999

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

THL

RECEIVED

APR 30 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Mr. Lester,

The following information is being sent because many of you have not lived through the Sand City coastal planning experience. Our City is unique in the Coastal Commission's Local Coastal Program development process because it is still struggling to become a full-service coastal community of which all Californians can be proud. We basically have two parts to the City, one district west of Highway One, and one district to the east. Both areas were so severely blighted by industrial activities in the 1950s through the 1970s that we eventually created a redevelopment project area covering the whole town. And, your Commission, in recognition of the fact that sand-mining, batch plants, a sewage treatment plant, and a regional dump were not appropriate uses for our beautiful coast, certified an LCP in 1984 that allowed a lot of development (approximately 2,400 units of various timeshare, hotel and residential development) to create an economic incentive to phase those uses out. Of course, all of that potential development raised the ire of local environmentalists and park agencies wishing to see a balance of resource conservation and development.

So, after many years of squabbles, and to date, no resort development proceeding along our west side, we participated in a year-long series of negotiations with the park agencies. Those negotiations were sponsored and endorsed by then Senator Mello, and then Assemblyman (now Senator) Bruce McPherson. Those meetings culminated in the 1996 Memorandum of Understanding (see attachment) which recognized three development envelopes along Sand City's coast with a total development potential of approximately 800 units, one-third the amount allowed by the certified LCP. Implementation of the MOU will also provide at least 75% percent permanent open space, allowing for recreation, coastal access and dune restoration for habitat enhancement purposes. The park agencies (State Parks and Regional Parks) also agreed to support resort development on the sites known as McDonald/Sterling that might be combined by an interested developer at density ranges between 300 and 450 units. (It appears that projects on these two sites will approximate the lower end of this range.) The MOU, however, is silent on the number of units to be supported by the park agencies on the other sanctioned development envelope known as "Lonestar". The Lonestar development envelope is the site for the proposed Monterey Bay Shores (MBS) project, the subject of the appeal under your review. The MOU does recognize the right of Mr. Ghandour to pursue development on this site.

Given this brief history, you can see that we come before you today in the continued spirit of compromise and environmental protection, and in the hope that you will become a partner of Sand City's in developing the kind of town I alluded to in the

City Hall
1 Sylvan Park,
Sand City, CA
93955

Administration
(831) 394-3054

Planning
(831) 394-6700

FAX
(831) 394-2472

Police
(831) 394-1451

FAX
(831) 394-1038

Incorporated
May 31, 1960

beginning of this statement. A town which will be more than 50 percent open space; a town that will have limited coastal resort development; and a town, based in part on revenues generated from the coastal resorts, that will have the ability to enhance dune habitat and restore a coast line that has been devastated by past industrial activities. The revenues generated by some coastal development will also help beautify the rest of the town, east of the freeway. Please be community builders with us and I do mean "community" in the broadest sense of that term.

I want to add that the City is 90 percent through developing a coastal Habitat Conservation Plan (HCP) which will include all lands west of Highway One. Implementation of that HCP will require two, permanent biological stewards to manage the environmental resources of the area, and it will require millions of dollars of funding to purchase some remaining private properties needed for habitat restoration. We can implement that HCP - the first of its kind in the nation we are told by the US Fish & Wildlife Service - but we need the revenues to be generated by the coastal resorts in those MOU-sanctioned building envelopes to bring that to fruition. PLEASE HELP US. We are not asking for an LCP amendment - in fact we have, by virtue of the MOU, amended our LCP significantly downward in terms of developable areas. We are not asking for a monster project. The applicant has agreed to scale-down his project to 58 percent of what our LCP allows. We are only asking for fairness - and the chance to become a connected city, on both sides of Highway One.

The final point that I want to address is Sand City's financial condition. Sand City is an area of the Monterey Peninsula that has been heavily used by intensive commercial and industrial operations in the past. It has required careful planning and phasing of development to allow for transition to a mixed use, more balanced community. So far, we have been successful in managing the first stages of this transition - we have been able to achieve two shopping center projects that have strengthened the City's economic base. But we are not rich or unduly wealthy yet. These first two retail centers were redevelopment projects that were difficult to achieve, and the Sand City Redevelopment Agency had to provide some "gap financing" so that these projects were achievable. This "gap financing" has required a tax increment bond program that is repaid by most of the Redevelopment Agency's increment property taxes for 30 years. We also had to negotiate a "tax sharing" agreement with our neighboring city of Seaside to compensate for traffic impacts on their city. Our City (and Seaside) have benefitted from the increased sales taxes from the two shopping centers. But we have many competing needs and priorities for using those funds to upgrade our City to normal city standards. At this point in the City's history, we are too dependent on sales tax revenues and the shopping centers. Over 60% of our annual operating budget relies on income from the shopping centers. It is imperative in our next development phase to diversify our economic base with hotel-resort uses that can generate other revenues such as "transient occupancy taxes" for our efforts to achieve a better City.

So I conclude with a request for a fair hearing and to listen with an open mind to the needs of our City and to evaluate our efforts (with the developer) to produce a reduced project that is worthy of your approval. Thank you for considering my comments.

Coastal Commission Letter
April 27, 1999
Page 3

Sincerely,

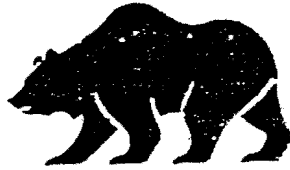
A handwritten signature in black ink, appearing to read "David K. Pendergrass", written over a horizontal line.

David K. Pendergrass
Mayor

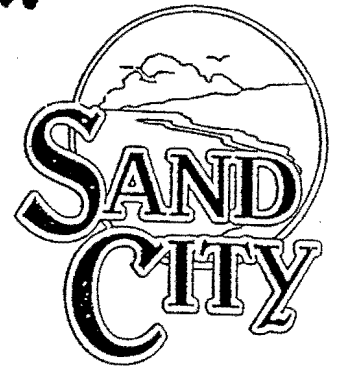
cc: Coastal Staff

Enc: 1996 MOU Regarding Sand City's Coastal Land Use
Map of Potential Coastal Development Envelopes

THLa



CALIFORNIA STATE PARKS



MEMORANDUM OF UNDERSTANDING REGARDING SAND CITY COASTAL LAND USE

AMONG
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION,
MONTEREY PENINSULA REGIONAL PARK DISTRICT,
CITY OF SAND CITY, and
SAND CITY REDEVELOPMENT AGENCY

April 8, 1996

MEMORANDUM OF UNDERSTANDING
REGARDING SAND CITY COASTAL LAND USE

AMONG
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION,
MONTEREY PENINSULA REGIONAL PARK DISTRICT,
CITY OF SAND CITY, and
SAND CITY REDEVELOPMENT AGENCY

This Memorandum of Understanding ("MOU") is made as of April 8, 1996 by and among the California Department of Parks and Recreation acting through its Director, hereinafter referred to as the "CDPR," and the Monterey Peninsula Regional Park District hereinafter referred to as "DISTRICT", and the City of Sand City, hereinafter referred to as "CITY", and the Sand City Redevelopment Agency, hereinafter referred to as "REDEVELOPMENT AGENCY."

RECITALS

A. The geographic area subject of this agreement is generally defined as all those lands within the City of Sand City located west of State Highway 1, which is hereinafter referred to as the "Sand City Coastline."

B. CDPR owns almost a majority of small lots south of Fell Street on the Sand City Coastline, most of which are contiguous with one another.

C. DISTRICT owns 180 vacant small lots south of Tioga Avenue on the Sand City Coastline, including 62% of the small lots in the R-3 area, some of which are non-contiguous with one another.

D. DISTRICT owns a promissory note secured by a deed of trust in first priority position to a parcel of land located north of Tioga Avenue which is referred to herein as the "Dump Site". DISTRICT has obtained a \$700,000 grant from the

California Integrated Waste Management Board and a \$250,000 grant from the Monterey Regional Waste Management District for landfill reconfiguration. DISTRICT is providing \$50,000 for dune restoration. CITY has cooperated on this project and has issued Coastal Development Permit no. 96-01.

E. The Sterling parcel (hereinafter referred to as the "Sterling Site") is located immediately north of Tioga Avenue on the Sand City Coastline. The Sterling Site is in private ownership and a coastal development permit has been approved for a visitor-serving development on the Site by the CITY and the California Coastal Commission (hereinafter referred to as the "Coastal Commission").

F. REDEVELOPMENT AGENCY is the owner of two parcels of land located north of the Sterling Site which were formerly owned by the McDonald estate (hereinafter referred to as the "McDonald Coastal Site").

G. The land formerly known as the Lonestar property (hereinafter referred to as the "Lonestar Site") is located north of Tioga Avenue at the northerly end of the Sand City Coastline. The Lonestar Site is owned by Dezonía and the State Parks Foundation. A private development company presently has an option to purchase the Lonestar Site.

H. The Sand City Coastline is an integral part of the Monterey Bay State Seashore and possesses important recreational, trail linkage, open space and natural resource values.

I. DISTRICT hired H. Berry, MAI, to appraise the land area south of Tioga Avenue in November 1990. The parties

subsequently cooperated with certain owners of land located south of Fell Street and west of Vista Del Mar Street in Sand City to cause an appraisal of the land within that area (hereinafter referred to as the "Appraisal Area") prepared by Hanna & Associates.

J. Sand City is part of the urbanized area of the Monterey Peninsula. Most of the City is presently developed with light industrial and heavy commercial uses. Much of the Sand City Coastline is in private ownership.

K. Development within the Sand City Coastline area is regulated by the Local Coastal Program, most of which has been certified.

L. The City of Sand City is within the Project Area of the Redevelopment Plan of the REDEVELOPMENT AGENCY.

M. Appropriate development within the Sand City Coastline area will generate a steady revenue stream for assisting the redevelopment of the Project Area and will provide one source of funds for public access facilities, dune restoration, and long term operation and management of public lands along the Sand City Coastline.

N. In recognizing the efficiency and effectiveness of working cooperatively, the parties desire to accomplish the following mutually beneficial objectives:

- (1) Preserve ocean views from Highway 1.
- (2) Support efforts to restore sand dunes and associated dune vegetation and habitat.

- (3) Create and preserve a north/south habitat corridor for endangered and threatened species.
- (4) Support efforts to create a continuous north/south public pedestrian and bicycle trail, providing linkage to Fort Ord and the Monterey Peninsula.
- (5) Provide appropriate public open space, and beach and dune access.
- (6) Identify an ongoing source of revenue to develop access facilities, restore dune lands, and maintain and operate public lands.
- (7) Enable appropriate public and private development that is consistent with the above objectives to occur along the Sand City Coastline; including but not limited to visitor serving and residential uses.

NOW, THEREFORE, the parties hereto mutually agree as follows:

AGREEMENT

1. Appraisal Area. CDPR agrees to be the lead agency in coordinating funding and priority purchase efforts to accomplish the public acquisition of all of the privately owned parcels contained within the "Appraisal Area" identified in page one of the April 24, 1995 Appraisal (together with Addenda dated May 16, 1995 and March 7, 1996) prepared for the Park Area Appraisal Committee by John C. Hanna, MAI. In this regard, CDPR shall use

good faith efforts to obtain the required acquisition funding through the formation of partnerships with various public agencies and private donors and shall be responsible for the preparation and successful negotiation of purchase agreement(s) for land located within this area.

2. R-3 Area. REDEVELOPMENT AGENCY has entered into an Exclusive Negotiation Agreement ("ENA") with a developer concerning the R-3 area. The Agreement will expire on August 21, 1996, unless extended for an additional twelve (12) months by mutual agreement of the parties. Following expiration of the ENA, REDEVELOPMENT AGENCY agrees not to enter another exclusive negotiation agreement concerning the R-3 area for a period of three (3) years. Nothing in this MOU shall be construed to limit DISTRICT's ability to continue to buy, sell and/or trade land within the R-3 area or to negotiate with the developer identified in the current ENA.

3. McDonald Coastal Site. The parties agree to support development in the general range of 300 to 450 mixed hotel, visitor-serving residential and residential units on the McDonald Coastal Site and Sterling Site (which may be combined), which is consistent with the existing or amended Sand City LCP. The parties agree that this is a reasonable number of units in light of the amount of open space that may eventually be acquired along the Sand City Coastline and the commitment of the CITY to utilize a portion of the transient occupancy tax revenues from visitor-serving development on these sites to benefit park and open space maintenance along the Sand City Coastline. The

parties also agree that residential development is necessary on these Sites to offset the potential loss of residential sites in other areas of the Sand City Coastline to park and open space uses. DISTRICT and CDPR will have the opportunity to review and comment on future development proposal(s) for these sites.

4. Lonestar Site.

A. During the active period of the option (including any extension of said option), or in the event the option is exercised, CDPR, the DISTRICT, and the CITY agree to recognize and respect the option agreement and the option holder's right to pursue development of the Lonestar Site consistent with the Sand City LCP. During the active period of the option, CDPR and DISTRICT further agree not to acquire title to any portion of the Lonestar Site unless specifically requested to do so in writing by the option holder.

B. In the event the Lonestar Site is not acquired by the option holder, and subsequently is acquired by DISTRICT and/or CDPR, DISTRICT and/or CDPR will retain only the amount of water necessary for the planned use of the Lonestar Site; CITY shall have the right to use all excess water from the Lonestar Site necessary for development to be located on the Sterling and/or McDonald Coastal Sites. Any water that remains after the above allocations shall then be made available for recreational, habitat and other uses within the geographic area of this MOU.

5. Dump Site. CITY and DISTRICT will continue to cooperate on the long-term cleanup efforts for the Dump Site and other open space areas along the Sand City Coastline. In the event DISTRICT

acquires fee title to the Dump Site, it will give CITY a pipeline easement for a subsurface pipeline through the Dump Site to transport water from the Lonestar Site.

6. Sand City Bike Trail. DISTRICT and CDPR agree to convey all necessary permits or rights-of-way to the CITY for the construction, operation and maintenance of the Regional Bicycle Path along Sand Dunes Drive south of Tioga Avenue.

7. Street Vacation. CITY agrees to vacate street and public service easements it holds south of Tioga Avenue (except the easements or other interest the City holds for Sand Dunes Drive and Bay Avenue), in the manner prescribed by the California Streets and Highways Code, at the time such easements are no longer required to provide access to any lots located south of Tioga Avenue.

8. Sand Dunes Drive Extension. DISTRICT and CDPR acknowledge the importance of the extension of Sand Dunes Drive north of Tioga Avenue as provided in the Sand City LCP and the Sand City General Plan Circulation Element. DISTRICT and CDPR further acknowledge that the extension of Sand Dunes Drive north of Tioga Avenue would be a significant public amenity beyond mere circulation attributes. In the event DISTRICT or CDPR acquires fee title to either the Dump Site or the Lonestar Site, such owner agrees to consider the dedication of an easement over such Site for the purpose of extending Sand Dunes Drive north of Tioga Avenue.

9. Beach and Dune Restoration. DISTRICT AND CDPR will support joint efforts of dune restoration, and agree to

cooperatively explore beach replenishment options or other non-structural methods of controlling or reducing the rate of erosion along the Sand City Coastline. To enable such restoration programs, the parties agree to assist and cooperate in developing a sand banking program or stock-piling of sand at a suitable location in Sand City.

10. Park Development. DISTRICT and CDPR acknowledge that a Coastal Development Permit will be required for any development for public use in the Sand City coastal zone.

11. LCP Amendments.

A. DISTRICT and CDPR will support an application by CITY to the California Coastal Commission to certify amendments to the Sand City LCP which: (i) reconfigures on the McDonald Coastal Site and/or relocates the dune restoration area designation presently on the McDonald Coastal Site to another area along the Sand City' Coastline; (ii) removes the coastal-dependent industrial land use designation from the McDonald Coastal Site; and (iii) adds visitor-serving residential and residential land use designations to the McDonald Coastal Site.

B. DISTRICT agrees to amend its application no. 93-01 for amendments to the Sand City LCP as those amendments would effect the area north of Tioga Avenue, by excluding the Sterling, McDonald Coastal and Lonestar Sites from the geographic scope of the amendments. The parties agree to support DISTRICT's application as thus amended. The parties further agree that CITY's support of such an amended application is intended to provide significant evidence to the Coastal Commission and the

residents of the Monterey Peninsula that CITY, its residents and property owners are doing more than their fair share to preserve the environment while providing residential, visitor-serving and commercial opportunities in Sand City. CITY will work with DISTRICT and CDPR to provide public access and amenities in the park and open space areas along the Sand City Coastline.

C. CITY agrees to support a future application for amendment to the Sand City LCP to extend the geographic scope of the amendments to the Sand City LCP which are subject of application no. 93-01 to the Lonestar Site at such time as the owner of that Site makes such application to the CITY and only in the event the option holder has not exercised its option.

12. Plan Consistency. CITY agrees that the acquisition and disposition of land located South of Tioga Avenue for park and open space purposes is now consistent with the Sand City Local Coastal Program and General Plan. CITY also agrees that the acquisition and disposition of land located north of Tioga Avenue, except the Sterling, McDonald Coastal and Lonestar Sites (unless the land use designation on the Lonestar Site is amended as provided in paragraph 11.C.), for park and open space uses, will be consistent with the Sand City Local Coastal Program after passage of LCP amendment 93-01 referred to in paragraph 11.B. CITY agrees to waive its application fee for any application filed by DISTRICT for a report on such consistency under Cal. Gov. Code Section 65402.

13. Settlement of Existing Litigation. CITY and REDEVELOPMENT AGENCY will withdraw from the action known as Sand

City v. MPRPD, (No. M 32072, Monterey County). CITY will file a request for dismissal with prejudice in that case within ten (10) days of the date this MOU is entered.

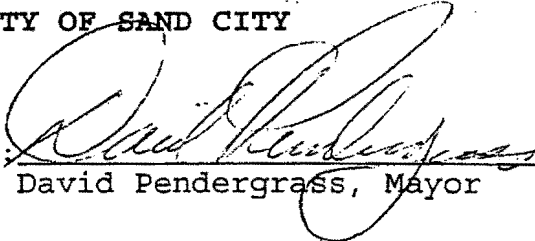
14. Avoidance of Future Litigation. DISTRICT, CITY and REDEVELOPMENT AGENCY agree to use their best efforts to avoid future litigation among themselves regarding the Sand City Coastline.

15. Protection of Property Rights. The parties recognize that land is both publicly and privately owned along the Sand City Coastline. It is not the intent of the parties to discount or devalue property rights in any form or manner by the making or implementation of this MOU. Rather, it is the intent of the parties to respect and protect property rights through fostering better cooperation and coordination between all public and private land owners.

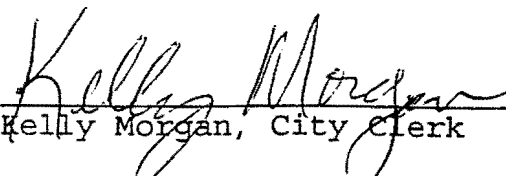
16. Headings. The headings contained in this MOU are for the convenience of the reader and shall not be interpreted as a part of this MOU.

17. Amendment. This MOU shall not be amended except by writing signed by all parties to this Agreement.

CITY OF SAND CITY

by: 
David Pendergrass, Mayor

Attest:

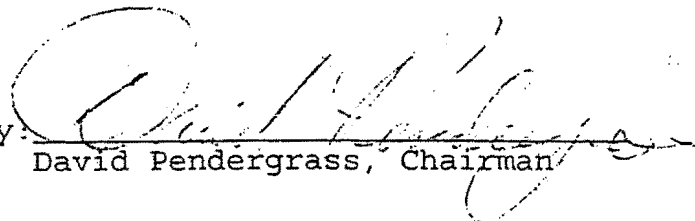

Kelly Morgan, City Clerk

MEMORANDUM OF UNDERSTANDING
REGARDING SAND CITY COASTAL LAND USE

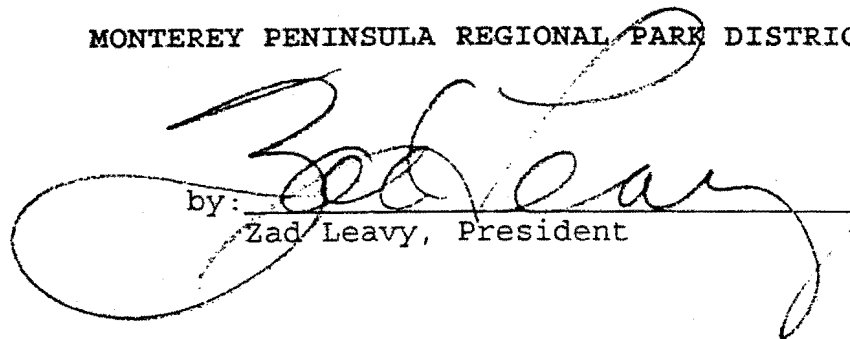
Recommended by:


Kelly Morgan, City Administrator

SAND CITY REDEVELOPMENT AGENCY

by: 
David Pendergrass, Chairman

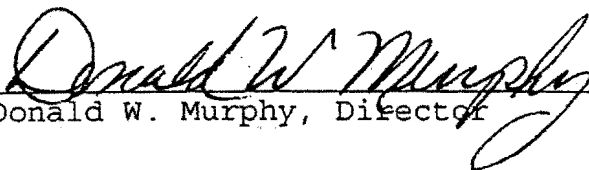
MONTEREY PENINSULA REGIONAL PARK DISTRICT

by: 
Zad Leavy, President

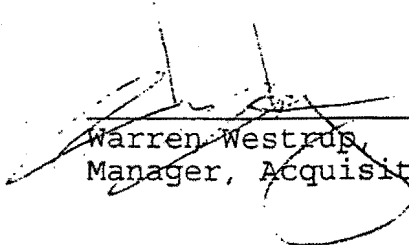
Recommended by:

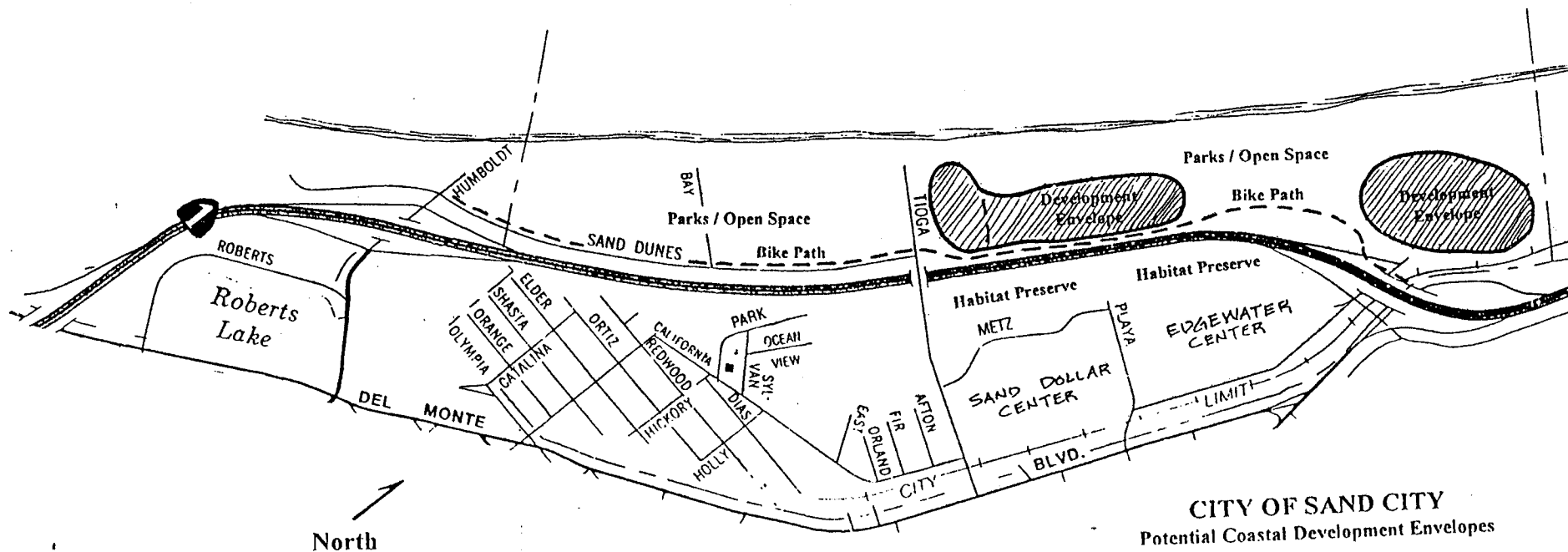

Gary Tate, District Manager

STATE OF CALIFORNIA DEPARTMENT OF PARKS
AND RECREATION

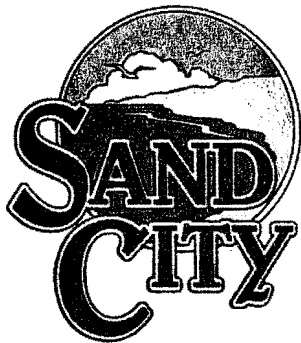
by: 
Donald W. Murphy, Director

Recommended by:


Warren Westrup,
Manager, Acquisition Section



CITY OF SAND CITY
Potential Coastal Development Envelopes



May 4, 1999

California Coastal Commissioner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

TH La CL
RECEIVED
MAY 0 6 1999
CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA

Dear Commissioner,

A proposed Sand City coastal project, called Monterey Bay Shores, has been appealed to the Coastal Commission and is scheduled for hearing on May 13, 1999. For the benefit of the Commission, I am writing this letter to point out some public safety issues regarding the property where this proposed project is to be located.

As indicated in the enclosed photographs, there are two serious safety hazards located on the Lone Star site:

1. Left over from the mining operations, there is a large dune located along the southern property line, which has not been stabilized. In windy conditions, sand is blown across Highway One to such extent that a serious traffic hazard is created.
2. A large pit, left over from the mining operations, has not been sufficiently restored. A number of youths trespass on the property and play in the pit and slide down the slopes. Several years ago, two youths were killed when sand caved in on top of them in the pit area. After this accident, the pit was partly filled, but this attractive nuisance still presents a safety hazard.

City Hall
1 Sylvan Park,
Sand City, CA
93955

Administration
(831) 394-3054

Planning
(831) 394-6700

FAX
(831) 394-2472

Police
(831) 394-1451

FAX
(831) 394-1038

Incorporated
May 31, 1960

The MBS project is a proposed coastal resort development for a former sand mining site, generally referred to as the Lone Star site (after the sand mining firm, Lone Star Industries) that operated a sand mining enterprise at this location for many years. Another sand mining operation was conducted by Monterey Sand Company on another Sand City parcel just a quarter mile south of the Lone Star (MBS) site.

Under the State of California Surface Mining Act (SMARA), the mining operators are required to develop and implement reclamation for mining locations that have ceased operations. Under the State's regulations, the responsibility for cleaning up after surfacing mining impacts and restoring the sites are placed squarely on the mining operators. However, this is easier said than done. Frequently the mining operators have gone out of business, declared bankruptcy, or the owners have died, the business ownership/organization has changed and/or the property ownership is different. This is the case with all of the former mining operations in Sand City.

Coastal Commission Letter
May 4, 1999
Page 2

In 1992, the Sand City Planning Director sent a letter to Lone Star Industries, notifying the company of their continuing reclamation responsibilities under SMARA. In response, the City received the enclosed letter from Lone Star, dated November 9, 1992, which states the following:

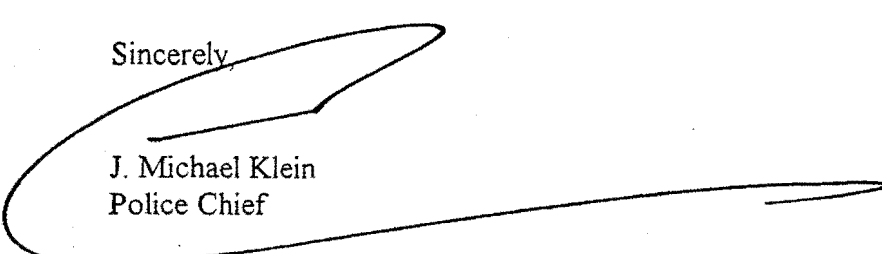
On December 10, 1990, Lone Star Industries, Inc. filed a voluntary petition for protection under Chapter 11 of The Federal Bankruptcy Code, In re: New York Trap Rock Corporation, et al; Case Nos. 90 B 21276 to 90 B 21286, 90 B 21334, 90 B 21335 (HS) (Jointly Administered), United States Bankruptcy Court, Southern District of New York.

Obviously it is going to be extremely difficult, if not impossible, to obtain reclamation and clean up of sand mining operations in Sand City from the previous operators or previous property owners.

That is why Sand City has to rely on the power of economic development to restore and reclaim these degraded, unsightly (and in some cases, dangerous), former mining sites. It is the City's plan and goal to achieve the reclamation of the Lone Star mining site with an attractive coastal resort project that will allow many people to enjoy this area of the California coast. The Monterey Bay Shores project will eliminate the pit hazard, stabilize the large dune and convert an ugly sand mining site into a beautiful new attraction for Sand City.

Please consider these issues as you review the proposed MBS project. Thank you.

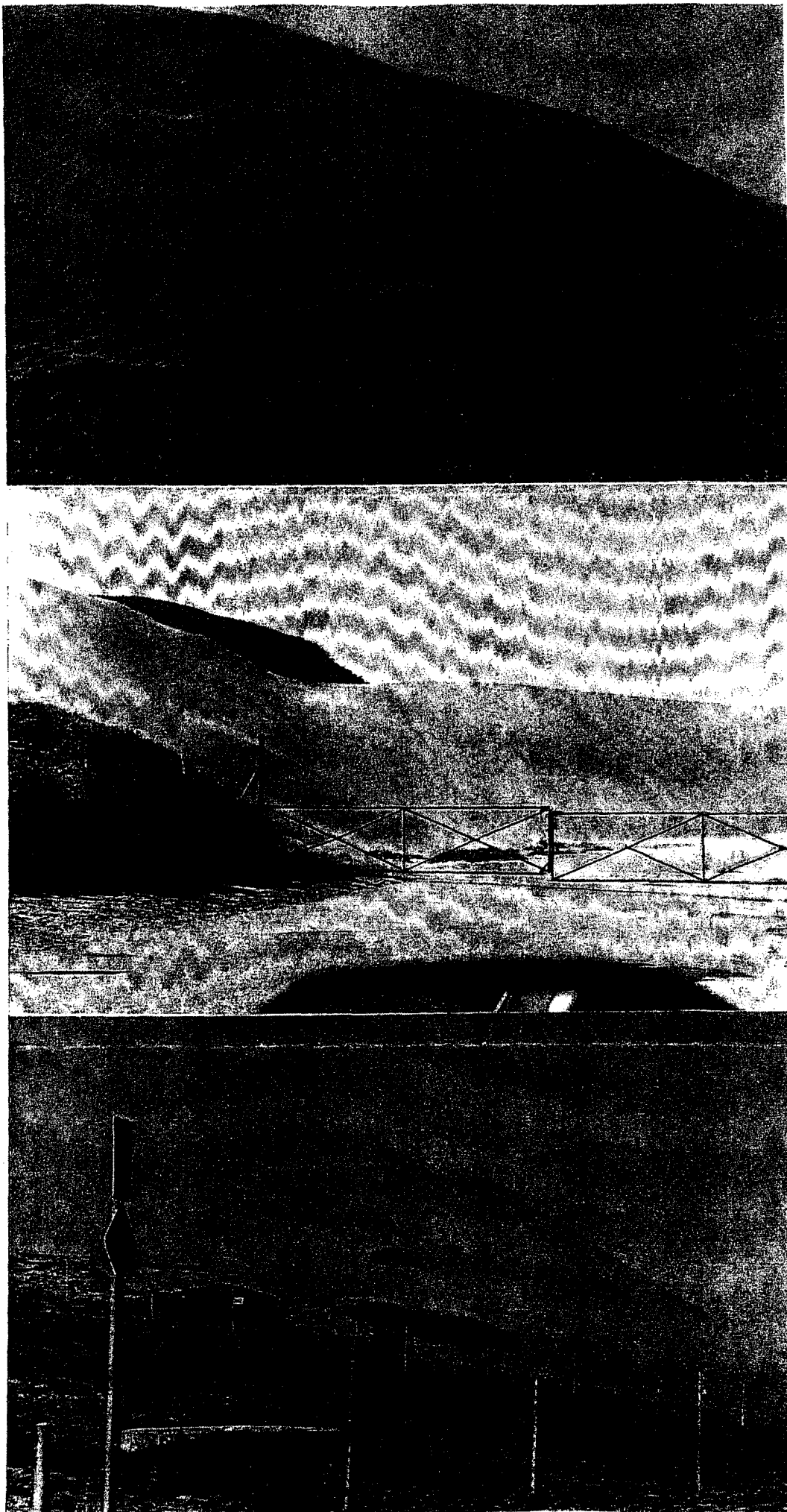
Sincerely,



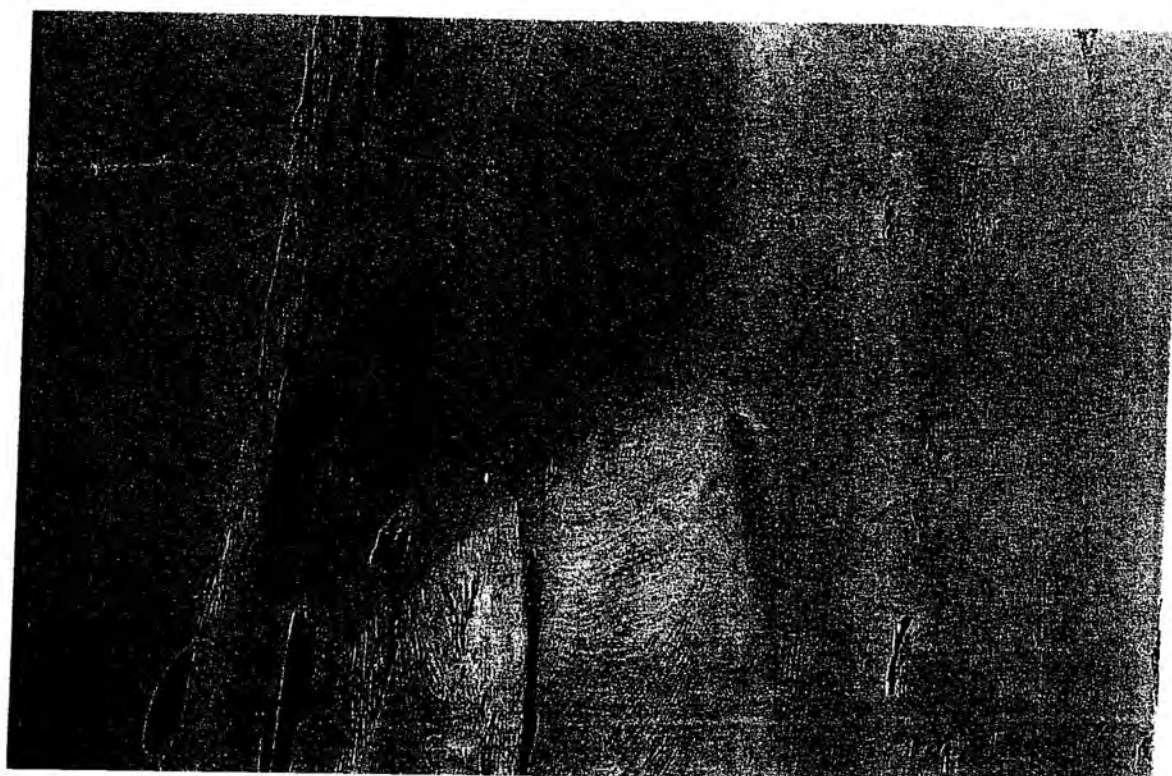
J. Michael Klein
Police Chief

Enc: Photographs of large dune and pit
Lone Star November 9, 1992 letter

cc: Coastal Staff
City Council



SAND BEING BLOWN
ACROSS HIGHWAY ONE



DEEP PIT LEFT BY FORMER
MINING OPERATION