

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
www.coastal.ca.gov

Th5



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

*For the
July Meeting of the California Coastal Commission*

MEMORANDUM

Date: July 14, 2005

TO: Commissioners and Interested Parties
FROM: Charles Lester, Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the July 14, 2005 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 District.

IMMATERIAL AMENDMENTS

A-3-SLO-01-122-A2 Cambria Pines Lodge, Attn: Dirk Winter (Cambria, San Luis Obispo County)

A-3-SLO-02-073-A1 Frances Hudzinski (Cambria, San Luis Obispo County)

TOTAL OF 2 ITEMS

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
www.coastal.ca.gov

**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director *by J.M. 6/30/05*
DATE: June 30, 2005
SUBJECT: **Permit No: A-3-SLO-01-122-A2**
Granted to: Cambria Pines Lodge, Attn: Dirk Winter

Original Description:

for **Expansion of the Cambria Pines Lodge including 35 new guest rooms in 21 buildings; a theatre and retail shop; additional parking spaces; access improvements; related grading and comprehensive drainage improvements.**

at **2905 Burton Drive, Cambria (San Luis Obispo County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Modify originally approved building design as follows: Bldg 32: convert approved 2 units to employee breakroom and laundry; Bldg 36: convert from 2 units to 4 units; relocate interior swimming pool and spa to exterior site.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

The revised project will not result in any adverse resource impacts. The project maintains the approved number of units and will not require additional water use. No additional structural footprint or drainage improvements are required. No additional trees will be removed. Water quality will be protected through the implementation of BMP's during construction. The revised project will be accommodated in an already developed area.

If you have any questions about the proposal or wish to register an objection, please contact Jonathan Bishop at the Central Coast District office.

CALIFORNIA COASTAL COMMISSION

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

**Memorandum****July 13, 2005****To:** Commissioners and Interested Parties**From:** Charles Lester, Deputy District Director, Central Coast**Re:** Additional Information for Commission Meeting, Thursday, July 14, 2005

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th8a, 3-02-144	Kelley & Green	Correspondence	1
Th8d, 3-05-31	Bubba Gump Shrimp Co.	Correspondence	14

Th 8a

RECEIVED

JUL 12 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Permit Number 3-02-114
Item No: Th8a
Applicant: Richard Kelley

My name: J.W. Bridges

My position on the project: I oppose it.

California Coastal Commission
c/oJonathan Bishop
Coastal Program Analyst
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

To Whom It May Concern:

Due to the age of my father, J.W. Bridges, he is authorizing me to contact you on his behalf. We oppose this project completely.

We appeared in 2002 in San Luis Obispo County Planning Department Hearing in opposition to granting Mr. Kelley a permit to build on his property. The property Mr. Bridges owns is located at 531 Honolulu, Oceano, CA.

I have included a copy of what we submitted at that time. At the conclusion of the meeting Mr. Warren Hogan instructed Mr. Kelley to do the following before they would consider issuing a permit: Five foot set back and 10 foot easement question would be clarified to our satisfaction, a survey be completed with title report verified on easement issue. Mr. Kelley was also instructed no building would take place without the proper 5 foot setback from each adjoining property, the 10 foot easement honored, the water lines would not be built on. (Applicant was to property locate boundaries, demonstrate valid easement located and observed). As far as we know none of this has been done because we have not been contacted regarding any of this.

The problem in a nutshell is, my father owns five lots, Mr. Kelley has purchased two lots adjoining his property. We have used the 10 foot easement area as a driveway for the past 35 years. There is a discrepancy as to the last survey done. The water lines run right through where Mr. Kelley plans on building his driveway. The house was built right on the property line connected to the property Mr. Kelley owns. If he builds a 2 story building our privacy will be absolutely non-existent. The area Mr. Kelley plans to build on will not be wide enough to support a duplex with driveway. If Mr. Kelley "supposedly" owns 60' in width, you factor in two 5' setbacks, a permanent 10 foot easement issued by the county then you end up with approximately 40 feet. Then if the survey does verify that 10 feet of the property is built on by the neighbor in error that does not leave Mr. Kelley enough room to build what he plans.

WHEN RECORDED RETURN TO:
CO. CLERK

-----~~Not~~ day ----- August 6 -----, 19-79--

PRESENT: Supervisors Steve Mac Llvaine, Howard D. Mankins, Richard J. Krejsa,
and Chairman Hans Heilmann

ABSENT: Supervisor Kurt F. Rupper

01642223 000000.00CARECF

RESOLUTION. 79-367

RESOLUTION ACCEPTING CONVEYANCE
Supervisorial District No. 4

The following resolution is now offered and read:

WHEREAS, D. L. Loftin and S. J. Loftin have executed and delivered to the County of San Luis Obispo, a political subdivision and one of the counties of the State of California, a certain conveyance dated April 25, 1979, attached hereto, and by this reference made a part hereof as though fully set forth herein; and

WHEREAS, it is provided by Section 27281 of the Government Code of the State of California, that the foregoing document shall not be accepted for recordation without the consent of the County evidenced by its resolution of acceptance attached thereto:

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California:

1. That said conveyance is accepted and the Chairman of this Board is hereby authorized and directed to execute the documents necessary therefor.
2. That the Clerk of this Board attach a copy of this resolution to said conveyance as evidence of acceptance and consent to the recordation of the same.
3. That the Auditor is hereby authorized and directed to draw a warrant (Budget 2900-3060) Project P810141-111-100, in the sum stated in agreement dated April 25, 1979, R/W CSA #13, Parcel 78-42, payable to D. L. Loftin and S. J. Loftin, 1628 Caddington Drive, San Pedro, CA 90732 as consideration for the delivery of said conveyance.

DOC. NO. 35589
OFFICIAL RECORDS &
SAN LUIS OBISPO CO., CA

AUG 23 1979

WILLIAM E. ZIMARIK
COUNTY RECORDER
TIME 3:00 PM

RECORDS SECTION: Legality of writing
before or making UNSATISFACTORY
in this document when recorded

RECORDING REQUESTED BY:

County Clerk
County of San Luis Obispo

Parcel No.: 78-42

WHEN RECORDED RETURN TO:

County Clerk

GRANT DEED

TO THE COUNTY OF SAN LUIS OBISPO

Supervisorial District No. 4

THIS INDENTURE, made the 25th day of April, 1979, by

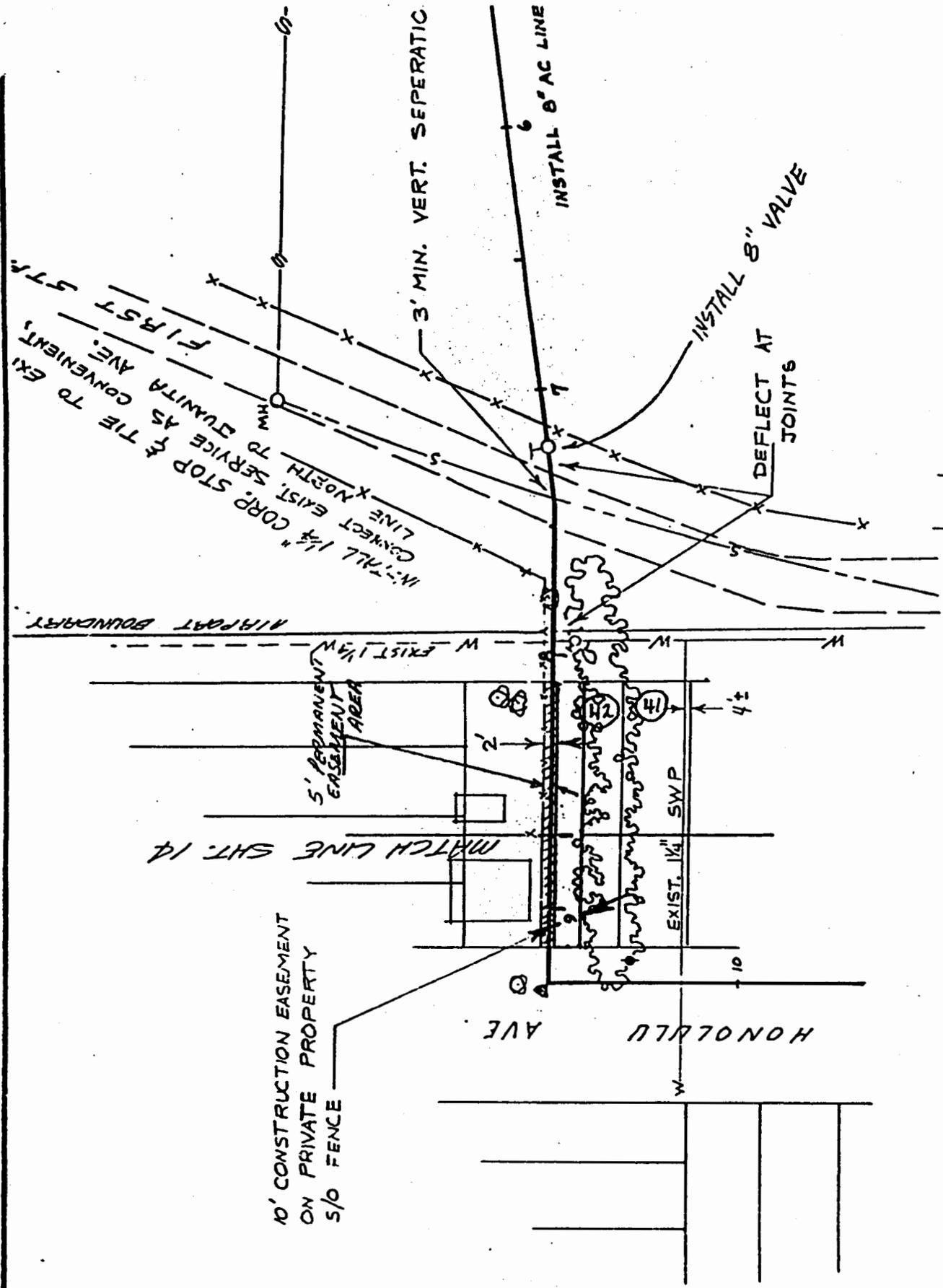
D. L. Loftin, also known as David Lee Loftin and S. J.

Loftin, also known as Sondra Joan Loftin

hereinafter referred to as Grantor and the COUNTY OF SAN
LUIS OBISPO, a political subdivision of the State of Cali-
fornia, hereinafter referred to as County;

W I T N E S S E T H:

That Grantor for a valuable consideration receipt of
which is hereby acknowledged does hereby grant unto County,
its successors and assigns, that certain real property
situate in the County of San Luis Obispo, State of Cali-
fornia, described as follows:



OFF PAVEMENT

OFF PAVEMENT

RECORDING REQUESTED BY

THOMAS A. TUTTON
ATTORNEY AT LAW

AND WHEN RECORDED MAIL TO

Name THOMAS A. TUTTON
Street Address P.O. BOX 2537
City & State BAKERSFIELD, CA 93303

MAIL TAX STATEMENTS TO

Name MR. AND MRS. BRIDGES
Street Address 137 Rexland Drive
City & State Bakersfield, CA 93307

DOC. NO. 16842
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CA

MAR 16 1990

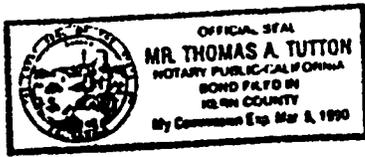
FRANCIS M. COONEY
County Clerk-Recorder
TIME 11:30 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Individual Quitclaim Deed

CAT. NO. NN00580
TO 1922 CA (2-83)

THIS FORM FURNISHED BY TICOR TITLE INSURERS

ALL PTN.	The undersigned grantor(s) declare(s):			
	Documentary transfer tax is \$ -0-TRANSFER TO TRUST			
	<input type="checkbox"/> computed on full value of property conveyed, or <input type="checkbox"/> computed on full value less value of liens and encumbrances remaining at time of sale. <input type="checkbox"/> Unincorporated area: () City of _____, and			
	FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,			
	J. W. BRIDGES, a married man			
hereby REMISES, RELEASES AND QUITCLAIMS to				
J. W. BRIDGES & LILLIE MARIE BRIDGES, TRUSTEES UTD 4-12-89 OF THE BRIDGES FAMILY TRUST				
the following described real property in the				
County of SAN LUIS OBISPO, State of California:				
APN: 061,081,015				
Lots 43, 44, 45, 46 and 47 in Block 1 of Lakeside Park in the County of San Luis Obispo, State of California, according to map recorded June 10, 1924, in Book 3, Page 42 of Maps.				
Dated: <u>March 5, 1990</u>		<u>J. W. Bridges</u> J. W. BRIDGES		
STATE OF CALIFORNIA COUNTY OF <u>KERN</u> } ss.				
On <u>3-5-90</u> before me, the undersigned, a Notary Public in and for said State, personally appeared <u>J. W. BRIDGES</u>				
personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same. WITNESS my hand and official seal.				
Signature <u>Thomas A. Tutton</u>				
(This area for official notarial seal)				

Title Order No. _____

Escrow or Loan No. _____

VOL 3474 PAGE 134

San Luis Obispo County Planning Department Hearings
Carolyn LeDuc, Secretary
County Government Center
San Luis Obispo, CA 93408

To Whom It May Concern:

This letter is written in regards to the hearing of proposal use permit scheduled the 20th of September, 2002 at 9 a.m. We understand that to request a public hearing you must receive a request no later than September 13, 2002. This is my request.

First, due to my ill health and my husband's advanced age and ill health, my daughter Patricia Kruse will be representing us in this matter. We own the property located at 531 Honolulu in Oceano, Ca. We own 5 lots directly connected to the two lots Richard E. Kelley recently purchased and his requesting the Development Permit to consruct two 1,425 multi-family units.

I am concerned about a few things. First I looked over Mr. Kelley's papers from the Planning Commission. I am assuming he is using the survey that was made on those two lots in 1968 since I did not see any other survey in the papers. I was in Oceano when that survey was done and the stakes were not against my house. They were 10 to 12 feet from my house. They were in the driveway, which has been there since we purchased the property in 1968.

I accepted that survey as being correct. Sometime later, around 1979 I got a letter from the County stating they wanted to buy an easement for a waterline and they would contact me later. I never was contacted again. My house was rented at that time. I inquired from Mrs. Guiton about easement. She said the easement was not on my property but on the Loftin's. (They owned the two lots Mr. Kelley purchased) I do not know how they came to that conclusion.

Sometime later we went to check on the house and the County (or whoever) had put in a water line and it was covered up except for a big hole in front where the water meter is now. I do not know who installed the water meter or who hooked lines to my house lines.

The Kelley property has been vacant for over the 30 years I have owned my property.

I found out the property had been sold to Mr. Kelley. Phil from the Oceano Community Water District gave me that information.

Shortly after I talked to the Water Company last year Mr. Kelley showed up at my door and introduced himself. He had a can of white paint. He proceeds to go to the brick fence, which separates his property from Jack Gibson's property and starts stepping off his property from that fence. He takes his can and makes marks on the pavement as his lines. It included my water line and meter. He tells my husband and myself that we'll

to be going. The engineer said Mr. Kelley has a right to build on his property. I'm not trying to keep Mr. Kelley from building on his property. I'm just trying to protect my property from infringement and excess runoff from other properties. I understand Mr. Kelley plans to build a high fence between our properties. If it is right next to my house it will obstruct my view from my living room and kitchen.

The enclosed map show 10-foot construction easement, but the recording office only states 5 foot on the Loftin property. Again I am confused.

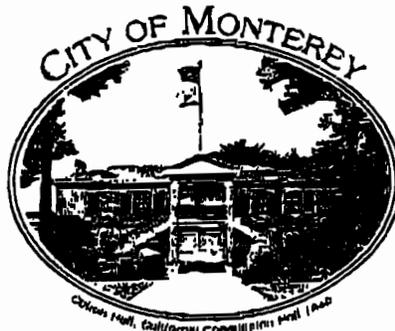
Another home was recently built on Honolulu and the property was raised 4 foot above the surrounding property. The county said it makes the owner's "100 year flood insurance cheaper". I do not understand that either. Is it fair to do that to other property owners just to save on insurance.

I wish to voice my concerns that a correct survey be used and done on the Kelley property so my property is not infringed upon. I wish my water lines and sewer lines protected. I am too old and ill to have to go through the expense of correcting someone else's error.

Sincerely,

J.W. Bridges

Marie Bridges.

**RECEIVED**

JUL 08 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

July 7, 2005

Mayor:
DAN ALBERTCouncilmembers:
CHUCK DELLA SALA
LIBBY DOWNEY
JEFF HAPERMAN
CLYDE ROBERSONCity Manager:
FRED MEURERMeg Caldwell, Chair
California State Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105Subject: Coastal Development Permit 3-05-031 - 720 Cannery Row - Outdoor Deck Expansion
for Bubba Gump Shrimp Company

Dear Ms. Caldwell:

I am writing to request that the Coastal Commission approve the deck expansion at 720 Cannery Row without a requirement to provide lateral access at the back of the building. On April 12, 2005 the City of Monterey Planning Commission granted a Use Permit allowing Bubba Gump Shrimp Company to expand their deck. The Commission's decision required the provision of dedicated public access and a minimum 100 square foot public view point. The Commission determined that the deck as conditioned conformed to the Cannery Row Local Coastal Plan LUP Coastal Access requirements.

The Planning Commission approval did not include a requirement to add lateral access at the back of the building. A condition to achieve this type of access was not proposed for following reasons:

1. The deck expansion does not propose significant reconstruction involving the removal or substantial alteration of exterior walls of the building, which appears to be necessary to trigger this requirement under LCP access policy d.2.b.
2. The proposed project adds approximately 1,200 square feet of deck for outside dining and 360 square feet of public access and view point. The requirement for lateral access will add 720 square feet of additional deck next to the restaurant windows and this will impact the view of patrons from inside the restaurant.
3. The lateral access walkway because of its location above the bay will be exposed to wave action and high tides, which will at certain times in the year pose a safety concern.
4. There are several major public accessible viewing locations within the immediate area of this restaurant. These locations include the access that will be provided by the Cannery Row Hotel on the adjacent property and the public plaza that is located at Steinbeck Plaza. These public areas reduce the need for the proposed lateral access.

In our opinion, the project that was approved by the City of Monterey Planning Commission conforms to the Local Coastal Plan and additional lateral access is not warranted.

I urge the Coastal Commission to eliminate the required lateral access and approve the deck expansion at 720 Cannery Row as approved by the City of Monterey.

Sincerely,

Dan Albert
Mayor

piers (and thus no disturbance to the intertidal area) and is attached to the restaurant on one side and an adjacent building on the other.

We have four concerns with proposed Coastal Commission condition. They are:

First and most important, there is significant wave action in this area of the California coast, especially in the winter. In fact, waves have broken on the windows of the restaurant, which is at a height of approximately 15 feet over the high tide level. Were we to add the "required" lateral access deck in this area (on the seaward side), waves would, from time to time, reach that deck and any people who happen to be on it. Bubba Gump Shrimp Co. Restaurants, Inc. could not and would not assume any liability for danger to those people.

Second, this "required" lateral access deck would not meet Uniform Building Code requirements. The Uniform Building Code requires any corridor over 20 feet to have a secondary exit, which could not presently exist. As requested, this deck may not be permitted by the local building officials. In addition, it is likely that this deck would not comply with the American with Disabilities Act and subject us to unnecessary and costly litigation.

Additionally, such a deck would require support. Unlike the proposed deck addition, which could be attached on both sides, this "required" lateral access deck would need support below. This would mean new piers, footings or other support structures placed into the intertidal area. Coastal Staff proposes that this "required" lateral access deck be attached to a "to-be-built" adjacent structure. Even though it would be connected to the adjacent structure, it would still require support from below.

Third, all of the people dining in the restaurant who currently have an unobstructed view of the water would have it obstructed by a 42 inch high railing with openings no larger than 4 square inches. This would allow a view only straight on with any panoramic view being severely restricted. In addition, customers would be looking at the backsides of any people who happen to be on this deck viewing the water. This would provide a view of the water by one group at the expense of those currently enjoying the view under a principally permitted activity (food service establishment) as defined by the LCP.

Finally, under the current existing circumstances the cost of building the "required" lateral access deck would exceed \$400,000. This is more than we are spending on the project as we have proposed to do it and would present an extreme financial hardship, causing the abandonment of the project. We simply cannot afford to do this.

In summary, we are proposing to do the following:

- Provide coastal access where none currently exists;
- Provide a coastal viewing area where none currently exists;
- Provide for more outside coastal waterfront dining than currently exists;

SHAW ARCHITECTURE PLANNING, INC.

July 6, 2005

RECEIVED

JUL 07 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREASteven Chidester, *Architect*Brian R. Jones, *Architect*2460 Garden Road, Suite F
Monterey, California 93940

TEL 831 649-3013

FAX 831 649-4310

Scott Barnett
Bubba Gump Shrimp Co.
940 Calle Negocio, Suite 250
San Clemente, CA 92673Re: Bubba Gump Shrimp Co.
Monterey Deck Expansion

Dear Mr. Barnett:

The proposed coastal access deck and view platform are separated from the proposed dining deck expansion by a windscreen, thus they act like an exterior corridor for code purposes. The proposed coastal access deck and view platform, as depicted on the current plan approved by the City of Monterey Planning Commission and Architectural Review Commission, produce a dead end corridor just short of 20 feet long, the maximum length allowed for a dead end corridor under California Building Code.

There is no opportunity to exit an ocean side walkway on the west because the building is on it's western property line. If the current planned coastal access and view platform were to be extended to the west along the north (ocean facing) side of the restaurant a dead end corridor would be produced which would be approximately 60 feet long. This is not allowed by code.

Sincerely,

Shaw Architecture Planning, Inc.



Steve Chidester, AIA