

**CALIFORNIA COASTAL COMMISSION**

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**COASTAL DEVELOPMENT PERMIT APPLICATION**

**Application number** .....3-05-031, Bubba Gump's Deck Expansion

**Applicant**.....Bubba Gump Shrimp Company; Attn: Scott Barnett, CEO

**Project location**.....720 Cannery Row, Monterey (Monterey County)

**Project description** .....Construction of an approximately 1,560 square foot deck addition (1,200 square feet for outdoor restaurant dining, 360 square feet for public access) with 8-foot tall glass windscreens. New deck addition will cantilever over intertidal area and connect to an adjacent structure at 700 Cannery Row; no new support structures will be placed in the intertidal area; project includes expansion of door opening from existing dining room to new deck; addition of new window washing ledge at the end of the deck (also cantilevered); construction of a screen wall between the new deck and the adjacent 700 Cannery Row trash area.

**Local approval**.....Negative Declaration granted 4/12/05.

**File documents**.....Initial Study/Mitigated Negative Declaration dated March 11, 2005; Marine Biological Field Survey (Padre Associates, May 18, 2005).

**Staff recommendation** ...Approval with Conditions

**Summary:** The Applicant proposes to construct a 1,560 square foot deck addition over public tidelands at the northeastern side of the Bubba Gump Shrimp Company restaurant on Cannery Row. The majority of the new deck (1,200 square feet) is proposed for outside restaurant dining and will accommodate a maximum of 84 diners; 360 square feet is proposed for new public access. This new public access consists of a 6-foot accessway to a 100-square-foot overlook area, as well as the installation of three new coastal access signs to guide pedestrians to the new public access overlook area. As proposed, the deck will be constructed to span over the intertidal area at the edge of the Monterey Bay and will connect to the adjacent structure at 700 Cannery Row. No new piers, footings, or other support structures will be placed in the intertidal area below the restaurant.

Coastal Act Section 30210 requires maximization of public access. Cannery Row LUP Public Access Policy 3(d)(2) provides guidance regarding the maximization of public access by requiring a minimum lateral access of 8 feet wide across the seaward side of structures, as a condition for *all* new development. This policy further provides for continuous lateral access, linking the adjacent parcels



**California Coastal Commission**  
**July 2005 Meeting in San Diego**

Staff: S. Craig Approved by: *SC* 6/23/05

along Cannery Row that are located over public tidelands. The proposed project, however, does not provide for lateral public access along the ocean frontage of the Bubba Gump Shrimp Company, inconsistent the Coastal Act's requirement regarding maximization of public access and with the guidance provided by Cannery Row LUP Public Access Policy 3(d)(2). Thus, the project is conditioned to require installation of a minimum 8-foot-wide lateral accessway along the ocean frontage of the restaurant. The project is also conditioned to provide for protection of nesting seabirds during construction. As conditioned, Staff recommends approval.

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## I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.



**Motion.** I move that the Commission approve Coastal Development Permit Number 3-05-031 pursuant to the staff recommendation.

**Staff Recommendation of Approval.** Staff recommends a YES vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve a Coastal Development Permit.** The Commission hereby approves the coastal development permit on the grounds that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

## **II. Conditions of Approval**

### **A. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.



## **B.Special Conditions**

1. **Public Access. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit revised plans that include a cantilevered public accessway along the lateral seaside frontage of the restaurant. This lateral access shall be a minimum of 8 feet in width. The lateral access shall provide for a connection between the 100 square foot view deck and the approved Monterey Peninsula Hotel public access (when constructed), as shown in Exhibit 2. The lateral public access, the new vertical public access, and the view deck area shall be open daily (whether or not the outside dining deck is in active use) from 8:00 a.m. until one hour after sunset. The lateral access may be closed during these hours during storms or otherwise dangerous conditions, but must be reopened as soon as the dangerous conditions have passed. The permittee is responsible for the maintenance of the lateral access. The revised plans shall also include coastal access signs placed at both ends of the lateral access. The lateral access shall be constructed and ready for use prior to occupancy of the dining deck addition. If lateral access is required at the adjacent 700 Cannery Row building in the future, the permittee shall cooperate in connecting the existing lateral access at the Bubba Gump Shrimp Company site to the lateral access at the 700 Cannery Row building.
2. **Nesting Seabird Exclusion Plan. PRIOR TO COMMENCEMENT OF CONSTRUCTION (and only if construction will take place during the seabird nesting season from January through July),** the permittee shall submit to the Executive Director for review and approval a detailed program to preclude seabirds from using the site during the construction period. The program shall include, but not necessarily be limited to, the type of material to be used for excluding birds from the site during construction, the method of securing the exclusionary material to the work site and ensuring that it extends to sea level at all times, the proposed date of initial placement of the material, and measures to ensure that no nesting seabirds are disturbed by the installation of the material.
3. **Monterey Bay National Marine Sanctuary. PRIOR TO COMMENCEMENT OF CONSTRUCTION,** the permittee shall submit to the Executive Director evidence that the Monterey Bay National Marine Sanctuary has given its authorization for the proposed project.
4. **Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to



restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

### **III. Recommended Findings and Declarations**

The Commission finds and declares as follows:

#### **A. Project Location & Description**

The proposed project is located at the existing Bubba Gump Shrimp Company Restaurant at 720 Cannery Row in the City of Monterey, directly adjacent to the Monterey Bay (see Exhibit 1 for location map). The proposed project consists of a 1,560 square foot deck addition over public tidelands at the northeastern side of the Bubba Gump Shrimp company restaurant. The majority of the new deck (1,200 square feet) is proposed for outside restaurant dining and will accommodate a maximum of 84 diners; 360 square feet is proposed for new general public access. This new public access consists of a 6-foot accessway to a 100-square-foot view deck, as well as the installation of three new coastal access signs to guide pedestrians to the new public access view deck. As proposed, the deck will be constructed to span over the intertidal area at the edge of the Monterey Bay and will connect to the adjacent structure at 700 Cannery Row. No new piers, footings, or other support structures will be placed in the intertidal area below the restaurant. The proposed deck will include 8-foot-high glass windscreens on the ocean-side of the deck, as well as the construction of a screening wall between the deck and the trash area at the adjacent 700 Cannery Row building. The project also includes extension of an approximately 6-foot-wide window-washing ledge that extends along the entire lateral seaside portion of the restaurant. See Exhibit 2 for proposed project plans.

The proposed project will extend over the intertidal waters of the Monterey Bay. The intertidal areas along Cannery Row are State public trust lands, previously granted to the City of Monterey, and are subject to the purview of the State in accordance with City of Monterey-State of California lease agreements.

The Monterey Peninsula Water Management District has determined that a water allocation is not required for outdoor restaurant seating. Thus, the proposed deck addition and its use for outdoor restaurant dining will not require an additional water allocation.

#### **B. Standard of Review**

This area of the City of Monterey falls within the coastal zone. The Cannery Row Land Use Plan (LUP) was effectively certified in 1981. However, several other components of the Local Coastal Program (LCP) (including one land use segment and the implementation plan) are not yet certified. Thus, the City does not have a fully certified LCP. Therefore, the LUP at this stage of the certification process is



advisory only and the standard of review for the project is the Coastal Act.

## C. Coastal Act Issues

### 1. Public Access

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road and extends over public tidelands. Coastal Act Sections 30210 through 30213, 30220, and 30221 specifically protect public access and recreation. In particular:

*Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

*Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

*Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

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

The Cannery Row LUP includes a number of policies that apply specifically to the Bubba Gump Shrimp Company site. Cannery Row LUP Public Access Policies 3d and 3e state, in relevant part:

*3(d)(1). Where new development is proposed for an existing structure or on slabs presently extending over the water, pedestrian access to viewpoints overlooking Monterey Bay as conceptually shown in Figure 4 is to be provided as a condition of development. This access is*



*to be open to the public during business hours with the exception of those coastal dependent uses where access is not appropriate. Maintenance and liability of this access is to be the responsibility of the property owner. This access and viewpoint may be open or enclosed and within, above, or below the structure.*

*Pedestrian access to the viewpoint, if enclosed, is to be a minimum width of 6 feet. If open, the pedestrian access to the viewpoint is to be a minimum width of 10 feet. The viewpoint at the end of the pedestrian access is to consist of a minimum of 100 square feet of accessible viewing area. The square footage of any public pedestrian access and viewpoint opportunities provided in addition to those required minimum standards is not to be counted against the total maximum building square footage allowed by the floor area ratios set in the Development section of this LUP.*

*3(d)(2). Pedestrian movement parallel and adjacent to the water shall be required with unobstructed views of the water in the form of an open or enclosed walkway a minimum of 8 feet wide across the seaward sides of structures, as a condition of all new development, consistent with the Coastal Act's requirements for shoreline access. ... (b) For the greatest length of Cannery Row, continuous lateral access linked from parcel to parcel, shall be developed as part of each project. In the four areas shown in Figure 4a... lateral access shall be provided. These accessways shall, if possible, be continuous and linked from parcel to parcel. Linked accessways in such areas shall be deemed feasible with the following exceptions... (4) Along stretches of the rocky shoreline where public safety considerations preclude lateral accessways. Access may be precluded only during hazardous periods if the City concurs that public safety concerns exist. Management techniques rather than physical barriers shall be used wherever feasible.*

*3(e)(5)(6). 5) Improve and coordinate (i.e., directional signing) pedestrian access along Cannery Row with other access points shown in Figure 4. 6) Include access signing in a coordinated directional signing program for Cannery Row.*

The tidelands along Cannery Row are held by the City subject to the public trust for commerce, navigation, and fisheries (the State Lands Commission has granted use of these tidelands to the City; the City in turn leases the tidelands to various entities). Regarding public tidelands, Article X, Section 4 of the State Constitution provides:

*SEC. 4. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.*

This Section of the Constitution is incorporated by reference into the Coastal Act through Section 30210.



Thus, regarding the Cannery Row tidelands, the public trust is to be fulfilled in a manner consistent with Coastal Act access policies requiring maximum access to and along the shoreline. For this reason, the Cannery Row LUP provides numerous specific requirements regarding public access along the Cannery Row shoreline. The proposed project involves an intensification of use of an existing visitor-serving structure that is located on a portion of these public tidelands. Currently, there is no general public access to the public tideland area occupied by the Bubba Gump Shrimp Company.

Cannery Row is a popular tourist destination, which contains many shops, restaurants, several hotels, and the Monterey Bay Aquarium. The Cannery Row coastline is generally rocky but there are two accessible beaches, specifically McAbee Beach and San Carlos Beach. Public visual access to views of the coastline is largely blocked by development but does exist at four points along the Row, specifically at a plaza at the Monterey Bay Aquarium, Steinbeck Plaza, a walkway below the Chart House restaurant, and a plaza at the Monterey Plaza Hotel and Spa. In addition, the Commission approved the development of the Monterey Peninsula Hotel in 2001. When developed, the Monterey Peninsula Hotel will be located directly adjacent (northwest) of the existing Bubba Gump Shrimp Company restaurant (see pg. 1 of Exhibit 2). The Commission's approval of the hotel included extensive public access amenities, including lateral access along the hotel's entire ocean frontage, as well as a promenade area directly adjacent to the Bubba Gump Shrimp Company that will extend slightly further seaward than the existing restaurant building. The proposed project consists of a 1,560 square foot deck addition at the northeast side of the Bubba Gump Shrimp Company restaurant on Cannery Row, including a windscreen enclosure (Exhibit 2). Approximately 1,200 square feet of the new deck is proposed for outside dining and will accommodate a maximum of 84 patrons at a time. The development also includes a new 6-foot-wide public accessway leading to a new 100-square-foot viewpoint area at the edge of the Monterey Bay for a total public access area of 360 square feet. The width of the proposed public accessway is consistent with certified LUP Public Access Policy 3(d)(1). The size of the proposed 100-square-foot viewpoint area is also consistent with LUP Public Access Policy 3(d)(1). These land use policies provide specific guidance for access along the Cannery Row tidelands, consistent with the public access policies of the Coastal Act.

Coastal Act Section 30210 requires maximization of public access. Cannery Row LUP Public Access Policy 3(d)(2) provides for maximization of public access by requiring a minimum lateral access of 8 feet in width across the seaward side of structures, as a condition for *all* new development. This policy further provides that continuous lateral access, linking adjacent parcels along Cannery Row, be required for areas shown in Figure 4a of the Cannery Row LUP (see Exhibit 3 for Figure 4a). The subject parcel is one of the areas shown in Figure 4a. As discussed above, the approved Monterey Peninsula Hotel has extensive public access amenities, including lateral access along the entire hotel seaside frontage, which extends to a large promenade area directly adjacent to the Bubba Gump Shrimp Company. The proposed project includes extension of an existing approximately 6-foot-wide window-washing ledge that runs laterally along the restaurant's ocean frontage (this extension is necessary to provide cleaning access for the proposed windscreen). Overall, the project proposes 1,560 square feet of new development over public tidelands, of which 23% is for general public access. The proposed project does not provide for lateral public access along the ocean frontage of the Bubba Gump Shrimp



Company, inconsistent with the guidance provided by Cannery Row LUP Public Access Policy 3(d)(2). Thus, the proposed project provides more than three times as much private restaurant space over public tidelands as it does general public access space (1,200 square feet versus 360 square feet). This ratio of private to public use is inconsistent with Coastal Act Section 30210, which requires maximization of public access. Furthermore, 360 square feet of general public access is not sufficient to mitigate for the impact of 1,200 square feet of private development over public tidelands. To mitigate for this private use of public land, additional public access is required. Thus, Special Condition #1 requires the installation of a minimum 8-foot-wide lateral accessway along the ocean frontage of the restaurant. This accessway will provide a lateral connection with the approved Monterey Peninsula Hotel access when that access is developed. This lateral accessway will provide approximately 720 square feet of additional public access to the project, for a total of approximately 1,080 square feet of new public access. The access will be required to be open from 8:00 a.m. to one hour after sunset, consistent with the lateral access approved for the Monterey Peninsula Hotel. As conditioned, the project is consistent with Coastal Act Section 30210 and Cannery Row LUP Public Access Policy 3(d)(2).

The applicant is opposed to providing a lateral walkway to connect the proposed viewpoint area with the approved access for the Monterey Peninsula Hotel (see Exhibit 4 for letter from applicant). The applicant expresses safety concerns during storm periods or periods of high tides. It should be noted, however, that the lateral accessway required by Special Condition #1 is located directly adjacent to the viewpoint deck area proposed by the applicant. Thus, the proposed viewpoint deck area will be subject to the same tidal influence as the lateral access. Additionally, consistent with the guidance provided by Cannery Row LUP Public Access Policy 3(d)(2)(4), Special Condition #1 provides that the applicant may close the accessway during stormy or otherwise dangerous conditions. The accessway must be reopened as soon as the dangerous conditions abate.

The applicant also states that persons using the lateral access would obstruct the views of patrons sitting along the ocean-side window inside the Bubba Gump Shrimp Company restaurant. The lateral accessway will provide a connection between the new deck viewpoint area and the approved hotel public access. This approval does not require the installation of benches or other seated areas along the lateral access. Thus, there should be a flow of individuals moving through the lateral access. This will not block the views of restaurant patrons. Furthermore, the existing restaurant and the new deck addition are located over public trust lands. Therefore, views to the ocean in this area should not be limited to patrons of the restaurant, but should be available to the general public as well.

In conclusion, the proposed project, as conditioned, is consistent with the public access policies of the Coastal Act and of the Cannery Row Land Use Plan.

## **2. Marine Environment & Environmentally Sensitive Habitat**

Coastal Act Sections 30230 and 30231 provide for the protection of marine resources and the biological productivity of coastal waters and state:

*30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special*



*protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

*30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Cannery Row LUP Natural Marine Resources and Habitat Area Policies 3b and 3j protect sensitive shoreline habitats and state:

*3b. Require sensitive shoreline restoration (debris cleanup) and maintenance (litter control) in a manner that will not impair biological productivity for the habitat and restoration needs areas shown in Figure 2, as a condition for any grading, excavation, demolition, or construction in conjunction with shoreline development.*

*3j. For any grading, excavation, demolition or construction undertaken in conjunction with improvements to existing over-water structures, require as a condition of development control measures... that will protect the sensitive marine resources beneath existing over-water structures.*

#### **a. Biological Resources**

**Intertidal Species.** The proposed deck expansion project will span the water at the intertidal edge of the Monterey Bay. The applicant's biologist performed a survey of the plant and animal species located in the intertidal habitat that will be shaded by the proposed deck expansion. The biologist also performed a survey of the immediately adjacent intertidal areas that are already shaded by existing development (see Exhibit 5 for biologist's report and photos of intertidal area). The decking will extend to the approximately 0.00 ft (MLLW) tide-line over rock and cobble/boulder habitats in the intertidal zone of Monterey Bay. The proposed deck will be located between two existing pile-supported buildings that cover similar habitat and extend as far as or slightly further offshore than the proposed development.

The biologist's survey found that relatively few species were present in the intertidal area below the proposed deck and that most of these species are commonly found elsewhere in the Monterey Bay area within similar habitats. Dominant epifauna in the upper intertidal area (+2 to +5 feet) included littorine snails, turban snails, and limpets. The mid-tide area (0 feet to +2 feet) was characterized by a dark purple encrusting coralline algae, aggregating anemones, and sandcastle worms. The survey found that



the species composition under the existing restaurant (shaded area) was similar to that observed within the area that is currently non-shaded but will become shaded with development of the proposed deck. Two differences, however, were observed: 1) the relative abundance of aggregating anemones was lower within the shaded area than in the non-shaded area, and; 2) a larger area of shaded rocks was covered with the encrusting purple coralline algae than non-shaded rocks. These differences are likely due to: 1) reduced symbiotic algae (which require sunlight) that anemones use to augment captive feeding, and; 2) the fact that shaded rock surfaces dry more slowly than those that are directly exposed to sunlight, resulting in an expansion of habitat conducive to the observed coralline algae.

The survey concluded that the habitat that will be shaded by the proposed decking is not unique to the area nor does it support any rare, threatened, or endangered species, and that similar habitat and plant and animal species are found in the upper and mid-intertidal areas along Cannery Row and throughout the Monterey Bay peninsula. The shading resulting from the proposed deck expansion will not have a significant effect on or result in substantial alteration to the plant and animal communities that currently exist in this area. While there may be a shift in the relative abundance of some common species (e.g., aggregating anemones and encrusting coralline algae), no significant negative impacts are anticipated as a result of the proposed project. Thus, the proposed project is consistent with Coastal Act Sections 30230 and 30231.

**Nesting Seabirds.** Several species of seabirds, including pigeon guillemots and pelagic cormorants, are known to nest under buildings along Cannery Row. Neither of these bird species is a listed species. Nevertheless, they are important in the coastal marine ecology of the area. These birds begin their nesting season in January or February of each year, and complete nesting by August. No nesting seabirds were observed under the Bubba Gump Shrimp Company restaurant during the biological survey in May 2005; the only birds observed during the survey were nonnative pigeons (pers. comm. Ray de Wit).

Although no nesting seabirds were seen this year under the Bubba Gump Shrimp Company restaurant, it is possible that seabirds could nest in this area in the future. Thus, if construction of the proposed project were delayed until early 2006 (the start of the nesting season), there could be potential impacts to nesting seabirds. Special Condition #2, therefore, requires that if construction takes place during the seabirds' nesting season, that the applicant must submit a plan to exclude birds from the project site. The recommended method is to screen the seaward portion of the site down to sea level with heavy-duty netting dense enough and heavy enough to preclude birds from getting through it, while preventing birds from becoming entangled in the netting. The goal would be to exclude birds from the site entirely during construction only. Once the project is completed, the birds could resume use of the area. As conditioned, the project is consistent with Coastal Act Sections 30230 and 30231, as well as Cannery Row LUP Natural Marine Resources and Habitat Area Policy 3j.

## **b. Water Quality**

The proposed deck expansion will span above the intertidal edge of Monterey Bay. No new footings, piers, or support structures will be constructed in the intertidal area below the proposed deck. All



construction will take place above the water and the intertidal rocks. The applicant has included a series of best management practices in the project description to protect water quality during construction (see Exhibit 6). These best management practices provide adequate protection of the intertidal area below the restaurant from impacts due to construction activities. Thus, the proposed project is consistent with the water quality protection policies of the Coastal Act and the certified Cannery Row Land Use Plan.

### 3. Traffic & Parking

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

The majority of businesses along Cannery Row, including the Monterey Bay Aquarium and a variety of shops and restaurants, do not provide on-site parking or off-site parking lots for their customers. Instead, the City has a comprehensive parking program that consists of an approximately 1,000-space public parking garage one block off of Cannery Row. In addition to this parking garage, there are approximately 1,150 other on-street or other-parking-lot spaces in the Cannery Row area. The City also operates the WAVE (Waterfront Area Visitor Express) shuttle system that operates during the peak summer months from the Memorial Day weekend through the Labor Day weekend. The WAVE program, which is free to users, shuttles visitors from the underused parking areas in downtown Monterey to Cannery Row. Signs along major incoming streets direct visitors to downtown parking lots when traffic and parking in the Cannery Row area are impacted. Summer 2000 WAVE ridership totaled 103,869. In 2004, the City began operating additional shuttle vehicles (a total of five shuttle trolleys can now be in use at one time) and WAVE ridership increased to approximately 168,000.

The City of Monterey Parking Division performs a parking occupancy survey each August, over a three-day peak period (Friday, Saturday, and Sunday). The survey is conducted in August because that is the month that parking is most impacted on Cannery Row. In August 2004 approximately 90% of the available parking spaces in the immediate Cannery Row area were occupied at 1:00 p.m., with less than 48% of these spaces being occupied at 7:00 p.m. (see Exhibit 7, Area C). The seven-year occupancy average for August 1998 through August 2004 at 1:00 p.m. was 86%. The average occupancy for 7:00 p.m. for these seven years was less than 55%. Thus, even at peak times, there is generally some parking available in the Cannery Row area.



The Bubba Gump Shrimp Company deck expansion is being proposed because during peak periods (e.g., weekends, holidays, summer days) the restaurant often has a waiting time (for its patrons to be seated) of at least an hour. Thus, the proposed deck expansion is being proposed to enable the restaurant to accommodate more patrons at a time and to reduce the length of waiting times for a table. The proposed project is not a new attraction on Cannery Row and thus will not likely attract additional visitors to Cannery Row, but will instead better accommodate existing visitors through reduced waiting times. Thus, the proposed project will not cause additional traffic and parking impacts along Cannery Row. In addition, as discussed above, there is generally adequate parking for visitors in the Cannery Row area and the City operates a free shuttle program to Cannery Row during the busy summer season, which reduces traffic and parking impacts on Cannery Row. For all these reasons, the proposed project is consistent with Coastal Act Section 30252 regarding the maintenance and enhancement of public access to the coast.

#### **4. Other Agency Review**

The applicant will also need to secure authorization for the proposed project from the Monterey Bay National Marine Sanctuary (MBNMS). The applicant has applied to MBNMS for authorization of the project and Commission staff has discussed the project with MBNMS staff. Special Condition #3 requires that, prior to commencement of construction, the permittee demonstrate that authorization from MBNMS for the project has been received.

#### **5. California Environmental Quality Act (CEQA)**

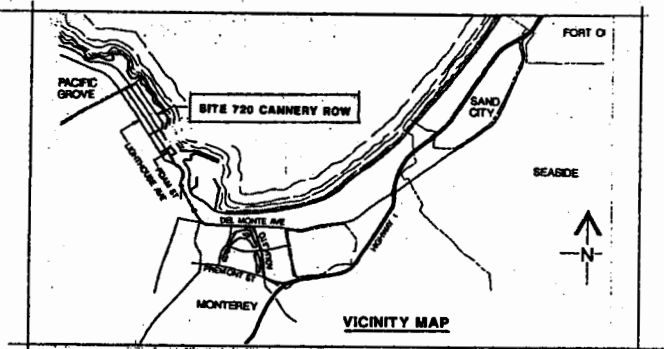
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.









required 8-ft lateral access (Sp. Cond. #1)

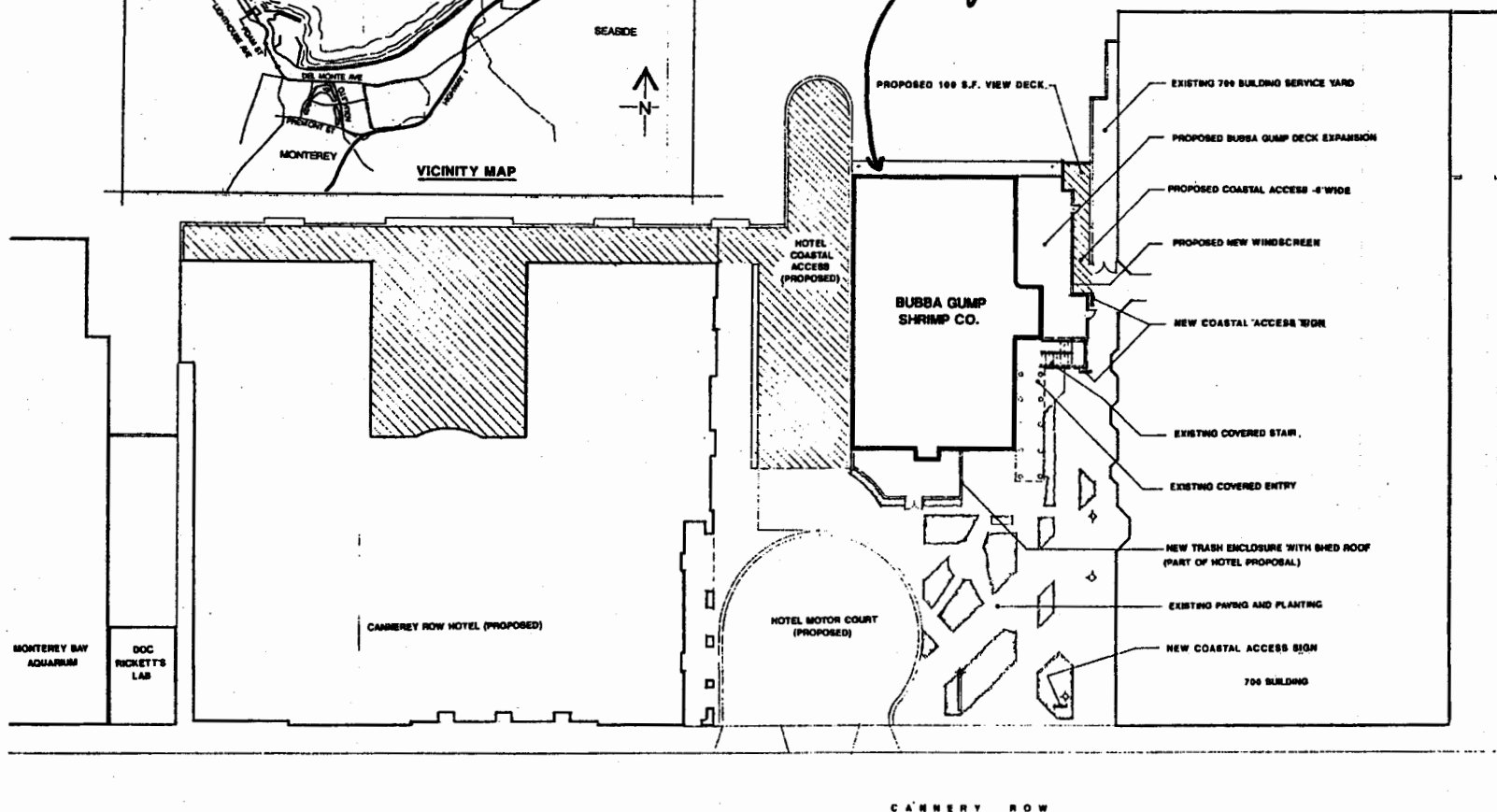
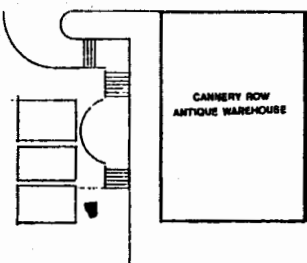


EXHIBIT NO. 2
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3-05-031
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NORTH

SCALE: 1" = 20'



CANNERY ROW RETAIL (PROPOSED)

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APR 25 2005

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

MONTEREY CANNING CO.  
CORRUGATED BLDG.

PRESIDENT AVE.

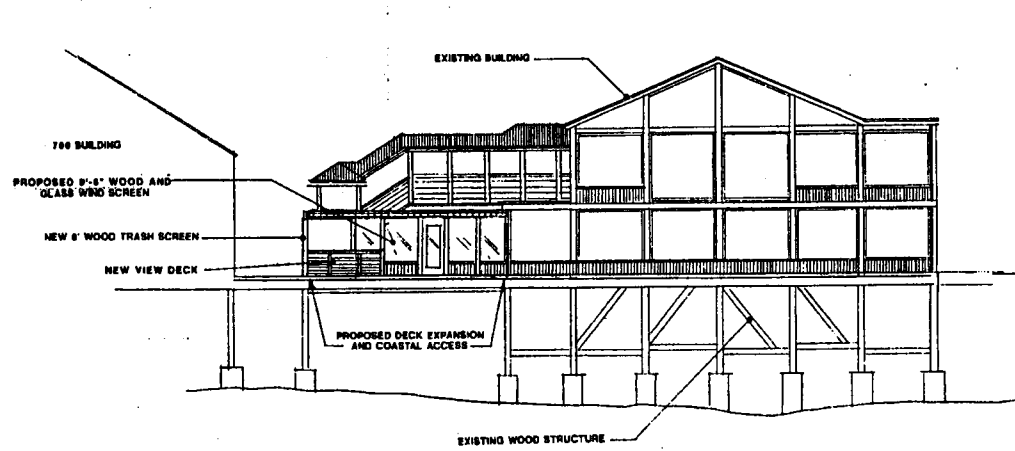
BUBBA GUMP SHRIMP CO.

DECK REMODEL

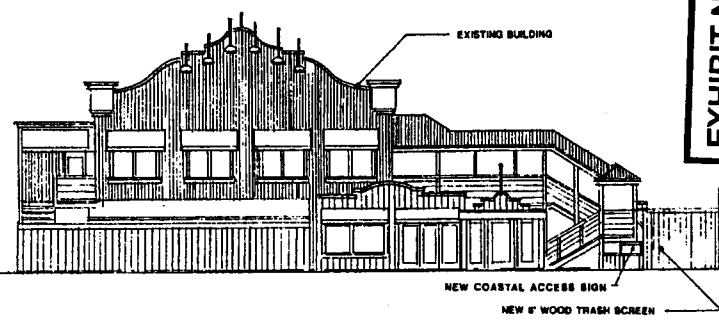
CONCEPT SITE PLAN

11/10/04 4/12/05  
1/10/05 1/20/05

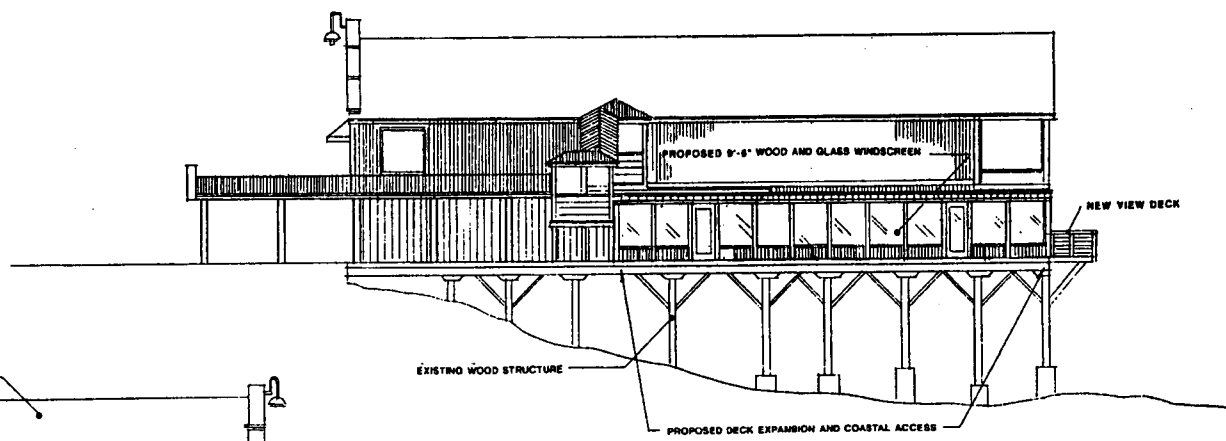
EXHIBIT NO. 2  
 APPLICATION NO.  
 3-05-031  
 pg 2 of 3



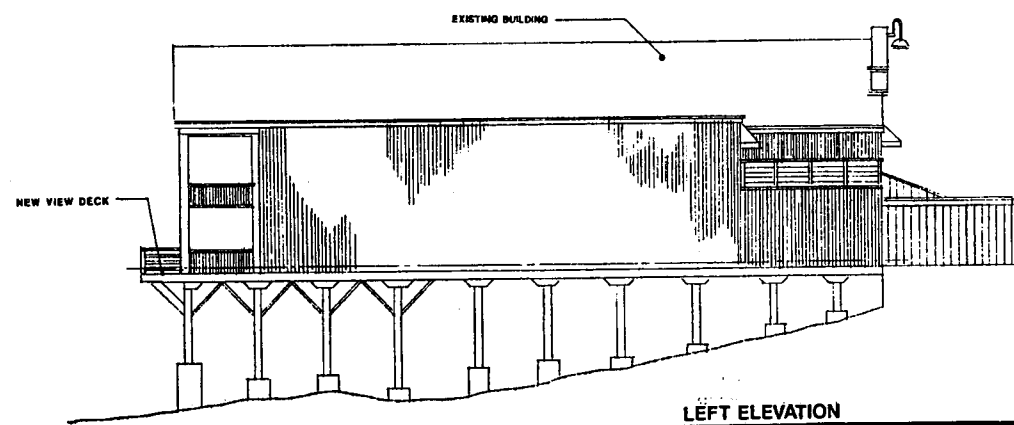
**REAR ELEVATION**



**FRONT ELEVATION**



**RIGHT ELEVATION**



**LEFT ELEVATION**

1/8" = 1'-0"

**BUBBA GUMP SHRIMP CO.**

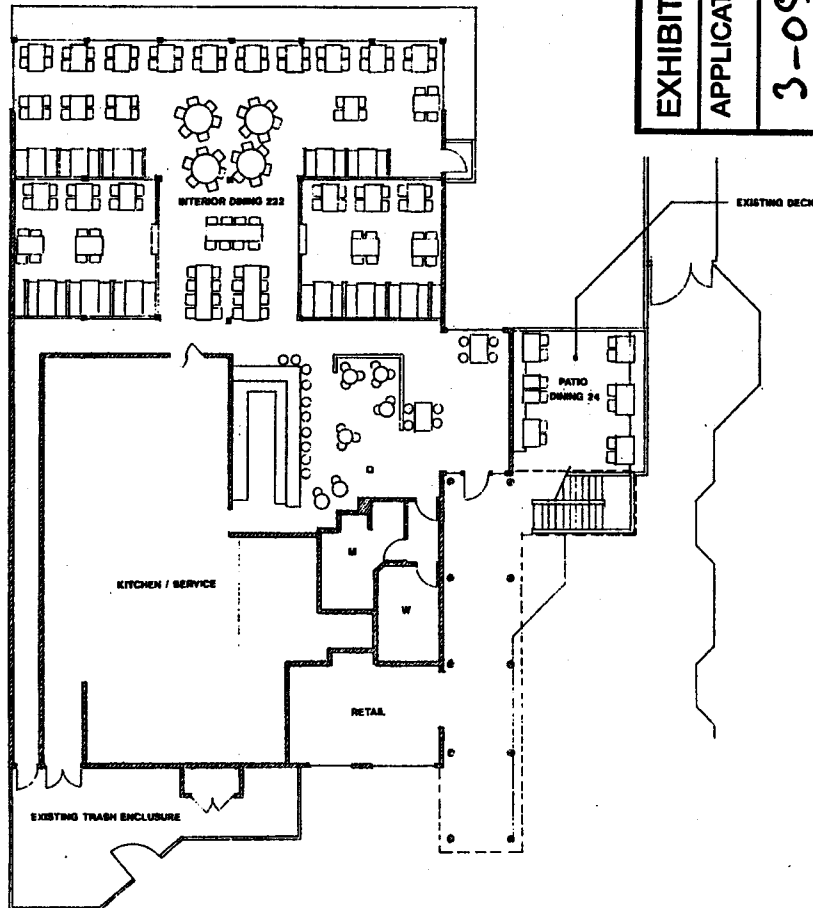
DECK REMODEL

**CONCEPT EXT. ELEVATIONS**

SHAW ARCHITECTURAL PLANNING, INC.  
 225 A CANNERY RD. • MONTEREY, CA 93940 • (831) 848-1812

1/18/08 4/13/08  
 1/28/08

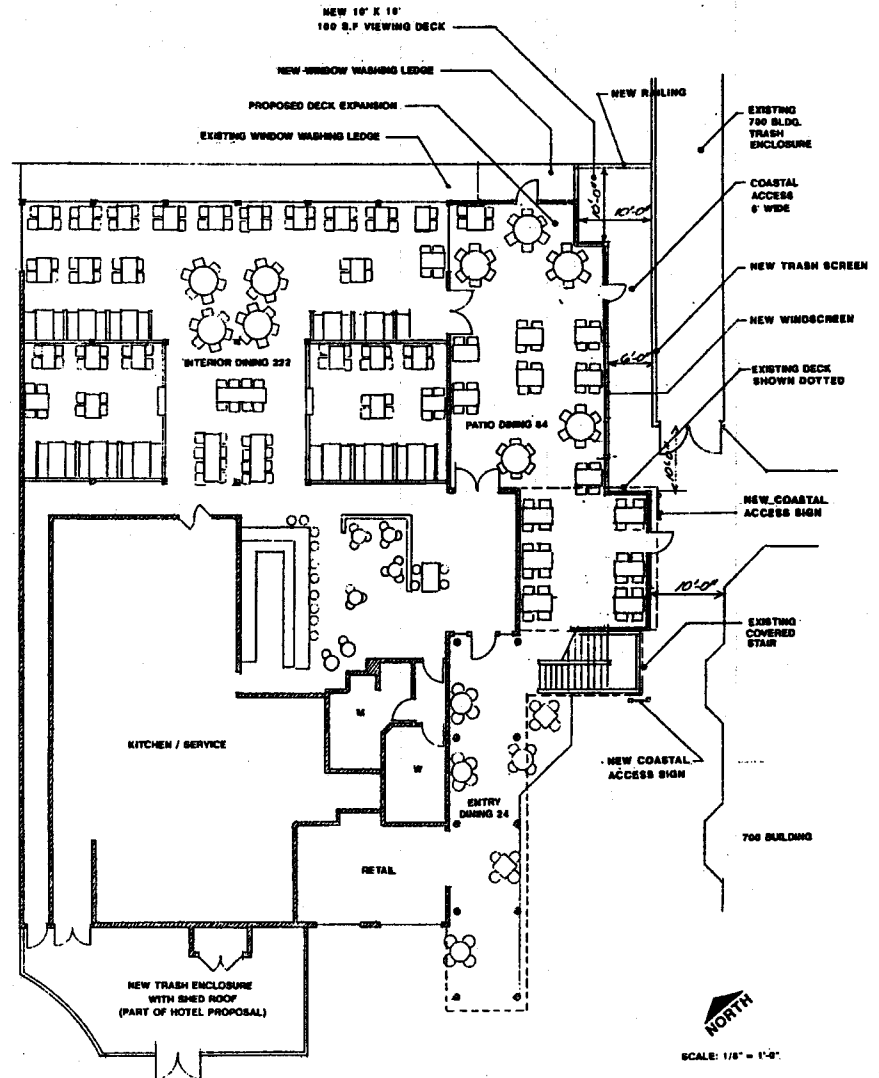
EXHIBIT NO. 2  
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 pg 3 of 3



**EXISTING FLOOR PLAN**

EXISTING DINING DECK 350 sf

EXISTING SEATING  
 INTERIOR 222  
 PATIO 24  
 TOTAL 246



**PROPOSED FLOOR PLAN**

PROPOSED DINING DECK 1164 sf  
 PROPOSED ACCESS DECK 310  
 TOTAL 1474

PROPOSED SEATING  
 INTERIOR 222  
 PATIO 24  
 ENTRY 24  
 TOTAL 270

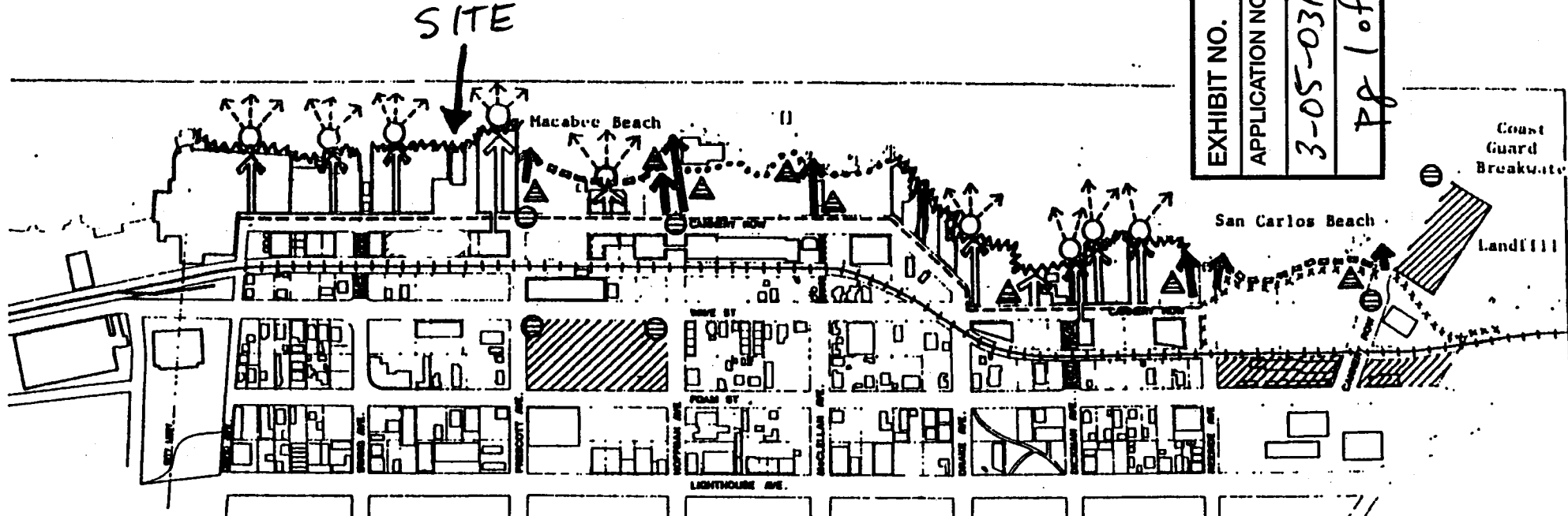
**BUBBA GUMP SHRIMP CO.**

DECK REMODEL

**CONCEPT FLOOR PLAN**

WATSON & ASSOCIATES, PLANNING, INC.  
 274 S. CARPENTRY RD. • BRIGHTON, CA 92405 • (951) 442-1611

11/15/04 4/13/05  
 1/18/06  
 1/28/06  
 2/23/06



- |     |                                      |      |  |
|-----|--------------------------------------|------|--|
| ↑   | VERTICAL ACCESS                      | ++++ | LATERAL ACCESS (Recreational Trail)        |
| ↑   | ACCESS (To Backs of Structures)      | xxxx | LATERAL ACCESS (Recreational Trail Branch) |
| □   | LATERAL ACCESS (Sandy Beach)         | ⬮    | PEDESTRIANWAY                              |
| ... | LATERAL ACCESS (Rocky Shoreline)     | ▲    | PEDESTRIAN PLAZA                           |
| ○   | VIEWPOINTS (Backs of Structures)     | ⊖    | DIRECTIONAL SIGNING                        |
| --  | LATERAL ACCESS (Cannery Row)         | ▨    | PUBLIC PARKING                             |
| ~   | LATERAL ACCESS (Backs of Structures) |      |  |

# **CANNERY ROW LOCAL COASTAL PROGRAM CITY OF MONTEREY**

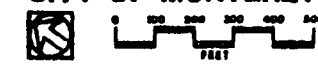


Figure 4  
PUBLIC ACCESS

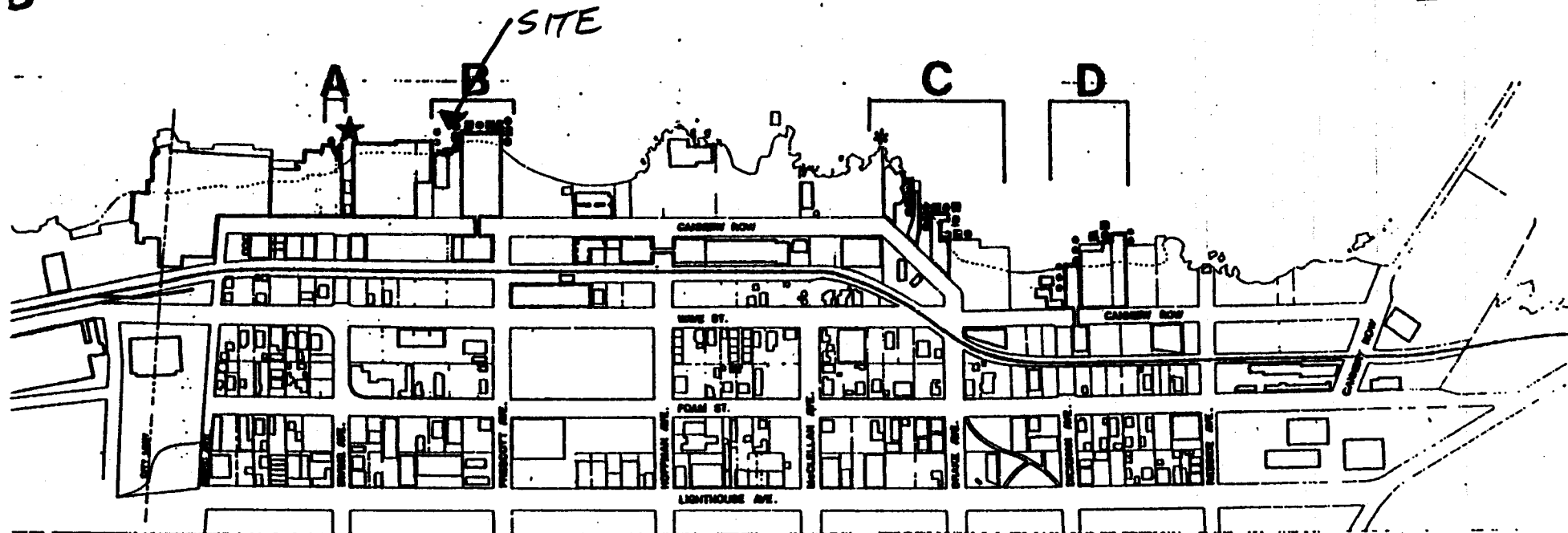
Note: The locations of VERTICAL ACCESS, ACCESS (To Backs of Structures), LATERAL ACCESS, PEDESTRIANWAYS, and PEDESTRIAN PLAZAS shown above within properties should not be interpreted as precise locations. These locations are to serve as guidelines for the City's Architectural Review Committee in determining precise location and design features within each property when it reviews specific development projects.

Policy b.12 on page II-A-7 provides that a pedestrian plaza or vertical access point may be provided at Anear Beach, but both are not required.

EXHIBIT NO. 3
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# CONTINUOUS LATERAL ACCESS CONSTRAINT AREAS ALONG CANNERY ROW

- A** - Monterey Fish/Del Vista Packing  
**B** - Lobster House/Outrigger  
**C** - San Xavier/Willie Lum's/Western Sardine/Ferrante/Oxnard  
**D** - Aneas/Central Packing/Ronada/Enterprise



## CONTINUOUS LATERAL ACCESS CONSTRAINTS\*

- ★ Historic Structures
- ..... Sheer Walls on Property Lines
- Sheer Walls
- \* Rocky Shoreline

See Policy d.2.b) in this Public Access Section.

## **CANNERY ROW LOCAL COASTAL PROGRAM CITY OF MONTEREY**



Figure 4A

LATERAL ACCESS CONSTRAINTS



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MAY 11 2005

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COASTAL COMMISSION  
CENTRAL COAST AREA

May 10, 2005

Ms. Susan Craig  
California Coastal Commission  
725 Front Street  
Suite 300  
Santa Cruz, CA 95060-4508

Dear Susan:

I hope this letter finds you well. I wanted to follow-up with you regarding our conversation of last Friday about our proposed deck addition to the Bubba Gump Shrimp Co. Restaurant at 720 Cannery Row, Monterey, CA, 93940.

As I understand it, Coastal Commission Staff has 2 issues and I will attempt to address them as follows:

First, in regard to the "shade" or blocking of the sun to the area in question, we will hire a marine biologist to assess the impact of this on any marine life, which may exist in the aforementioned area. As I told you, however, the area in question is rock, ocean debris and old concrete piles which supported the structure that previously existed in this exact space. I have enclosed photos of the area in question.

Second, we discussed staff's interest in someone providing a walkway to connect the public observation area (which we are installing as a part of our project) and the to-be-built view deck associated with the hotel on the opposite side of our building. There are a number of reasons why this is undesirable and impractical from our point of view. Currently, waves break on our windows from time to time during high tide and rough water. We would, naturally not want to accept any liability of any kind for any mishaps that would occur on such a walkway. This would have to be the responsibility of the entity that required this. Additionally, we currently have patrons sitting along the window at Bubba Gump and they have an unobstructed view of the water from their tables. The construction of a walkway in front of the window with accompanying rails would obstruct their view, force them to be looking at the backsides of people standing on the walkway and intrude on their dining experience. The suggestion of lowering the walkway to mitigate the above would only increase the danger and discomfort of those on the walkway, as it would be certain that the waves would cover this frequently. Finally,

Exhibit 4  
3-05-031

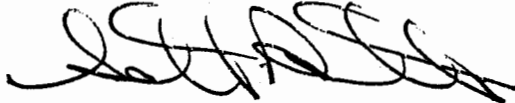
the maintenance of this walkway would be substantial and cause a financial hardship to anyone involved in it.

Notwithstanding the above, the issue of wave action in the area under our proposed deck is not an issue because of the rocks and the piles that exist below us. Conversely, the area in front of the building itself is water 100% of the time and more prone to wave action.

We feel that the project, as proposed, more than adequately addresses the issues of coastal access in an economical, safe and enlightened way. Please let me know if I can answer any further questions.

Sincerely,

BUBBA GUMP SHRIMP CO. RESTAURANTS, INC.



Scott Barnett  
President & CEO

SB:kej

cc: Gordon H. Miles  
Denise Burnside  
Mike Zimmerman  
Frank Donangelo

EXHIBIT NO. 4
APPLICATION NO.
3-05-031
pg 2 of 2

COPY

May 18, 2005  
Project No. 0502-1281

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MAY 19 2005

Mr. Scott Barnett  
Bubba Gump Shrimp Company  
940 Calle Nigocio, Suite 250  
San Clemente, CA 92673

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Subject: Letter Report for Marine Biological Field Survey  
Proposed Decking off Bubba Gump's Restaurant  
Cannery Row, Monterey, California**

Dear Mr. Barnett:

On May 13, 2005, Padre Associates, Inc. (Padre) was retained by The Bubba Gump Shrimp Company (BG) to complete a reconnaissance-level survey of the intertidal habitats and biota within a specified area of the Cannery Row District, Monterey, California. That survey was in response to a request from the California Coastal Commission (CCC) to BG to characterize the biota and habitats within an area that could be potentially impacted by the shade created by a proposed expansion of outdoor seating at the existing BG restaurant. Prior to completing the field survey, I contacted Ms. Susan Craig of the CCC and discussed the specific issues that prompted the need for the survey and the type of data that the CCC needed in order to complete their review of a previously-submitted application for permit. A letter describing the preliminary results of the field survey was prepared and delivered to Ms. Craig and you on May 16, 2005. This letter report provides additional detail on Padre's assessment of potential impacts and includes graphics and photographs that were not provided in the aforementioned preliminary results letter.

**Methods** Prior to initiating the field data collection, I met with Ms. Denise Burnside (BG Restaurant Manager) at the site and obtained copies of working drawings for the proposed decking. Following that brief meeting, I initiated the field survey that was completed between 8:45 a.m. and 10:45 a.m. on May 16, 2005. Weather and sea state conditions were conducive to good data recovery, with light northwesterly winds and a less than one-foot swell. The scheduling of the reconnaissance-level survey of the intertidal area over which the deck is proposed coincided with a relatively low daytime tide of +0.5 ft tide at 11:45 a.m. The survey consisted of me recording observations within a series of north-south and east-west transects within the area that will be covered by the decking and also within similar habitats that are currently shaded by the existing restaurant. Notes and photographs of the habitats and dominant macroepibiota were taken throughout the survey area and particular attention was paid to the presence and relative abundance of attached flora (algae and/or surf grasses) that were within the "footprint" or potential shadow area of the proposed deck.

**Existing Conditions** The Bubba Gump Shrimp Company Restaurant is located at 720 Cannery Row Street, in Monterey, California. The proposed project consists of expanding the existing outdoor eating area (Existing Bubba Gump's Decking in Figure 1) by constructing a cantilevered wooden deck directly seaward of the existing decking. The additional decking is rectangular in shape and covers approximately 990 ft<sup>2</sup> (see Figure 1). An existing five-ft. wide wooden walkway that is used for cleaning the outside windows will be extended across the front of the new decking also.

Exhibit 5

The decking will extend to the approximately 0.00 ft (MLLW) tide line over rock and cobble/boulder habitats in the intertidal zone of Monterey Bay. As shown in Figure 2, the approximately 22-ft wide by 45-ft long decking and walkway is located between two existing, pile-supported buildings that cover similar habitat and extend as far as or slightly further offshore than the proposed development.

Two habitat types, bedrock reef and cobble/boulder rubble, characterize the intertidal area under the proposed decking. The area is considered disturbed as remnant pile footings made of brick and concrete are present on the bedrock and within the tidal surge channel. No sedimentary habitat was observed within the survey area that included areas beneath both of the adjacent structures.

Based on the results of the field survey and as is shown in the photographs at the back of this report, the following is a listing of habitat and biological observations:

- The approximately 990 ft<sup>2</sup> (22 ft wide by 45 ft long) consists of approximately 80% rock, the majority of which is cobble/boulder. Bedrock ledges from 5 to 15 ft high were present near the center and on both sides of the survey area at and below the +1 ft (MLLW) water line (see Photographs 3, 4 and 5). An estimated 70% of the area that proposed decking would cover is above the +3 ft tide line.
- The macroepibiota community observed within the survey area is considered relatively depauperate (few species), but comprises species that are commonly found elsewhere in the Monterey Bay area within similar habitats.
- Dominant macroepifauna in the upper intertidal (estimated to be at +2 ft to +5 ft) rock habitat included littorine snails (*Littorina* sp.), the black turban snail (*Tegula funebris*), and limpets (*Collisella* sp. and *Lottia gigantea*). The mid-tide area (0 ft to +2 ft) biota was characterized by an unidentified dark purple encrusting coralline algae (darker than but similar in structure to the common *Lithothamnion/Lithophyllum* coralline complex), the aggregating anemone (*Anthopleura cf. elegantissima*), and the sandcastle worm (*Phragmatopoma californica*). Turban snail shells with hermit crabs were also observed in the shallow tide pools within this zone (see Photographs 7 and 8).
- Except for the aforementioned encrusting coralline, macrophytic algae were limited to two species of reds (*Gigartina papillata* and *Endocladia muricata*) that were only common on rocks that are seaward of the proposed decking (see Photographs 1, 2 and 9). Except for the encrusting coralline, no macrophytic algae were observed within the area that will be under the proposed decking.
- The rock-associate biota observed under the existing restaurant (shaded area) was similar to that observed within the proposed decking area. Two differences were, however, observed: 1) the relative abundance of the aggregating anemones was lower within the shaded area and 2) a larger area of shaded rocks was covered with the encrusting purple coralline algae (see Photographs 11 and 12).
- The habitat that will be shaded by the proposed decking is not unique to the area nor does it support any rare, threatened, or endangered species. Similar habitat and biota are found in the upper and mid-intertidal areas along Cannery Row and throughout the Monterey Peninsula.

EXHIBIT NO. 5
APPLICATION NO.
3-05-031
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**Potential Effects of Shading** The differences between the attached epibiota that exists on similar habitat and at similar tidal elevation locations on shaded and un-shaded rocky substrate observed during the field survey are relatively minor. Those differences, fewer anemones and increased encrusting algal cover on the shaded substrates, are not unexpected and are likely due to 1) reduced symbiotic algae (zooxanthellae) that anemones utilize to augment captive feeding and 2) shaded rock surfaces dry slower than those that are directly exposed to the sunlight resulting in an expansion of habitat that is conducive to the observed coralline algae.

Based on the results of the survey and on my understanding of the proposed project, I do not believe the shading of the intertidal habitat from the proposed decking will have a significant effect on or result in substantial alterations in the epibiota community that currently exists. As proposed, the decking will be cantilevered thus no new footings will be required and physical disturbance of the habitat and biota should be minimized. While a shift in the relative abundance of some species would be expected, no significant negative impacts are anticipated from the project as it is currently proposed.

Padre appreciates the opportunity to have provided this technical report to you and please feel free to contact me at my home office (2054 Bluerock Circle, Concord, CA 94521; phone 925-685-944; e-mail [rdewit@padreinc.com](mailto:rdewit@padreinc.com)) should you or the CCC have any questions.

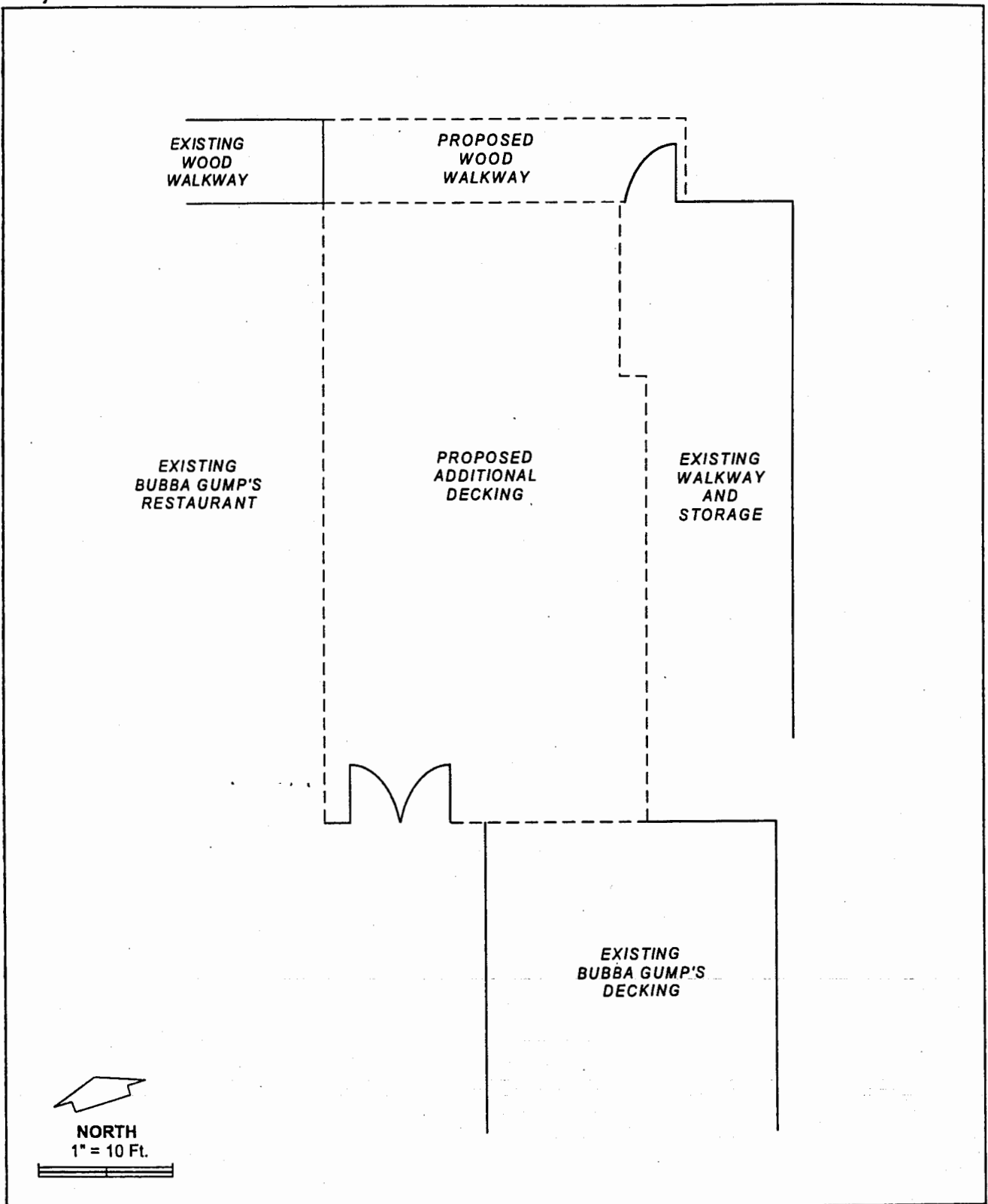
Sincerely,  
Padre Associates, Inc.



Ray de Wit  
Senior Marine Scientist

cc: S. Poulter (Padre)

EXHIBIT NO. 5
APPLICATION NO.
3-05-031



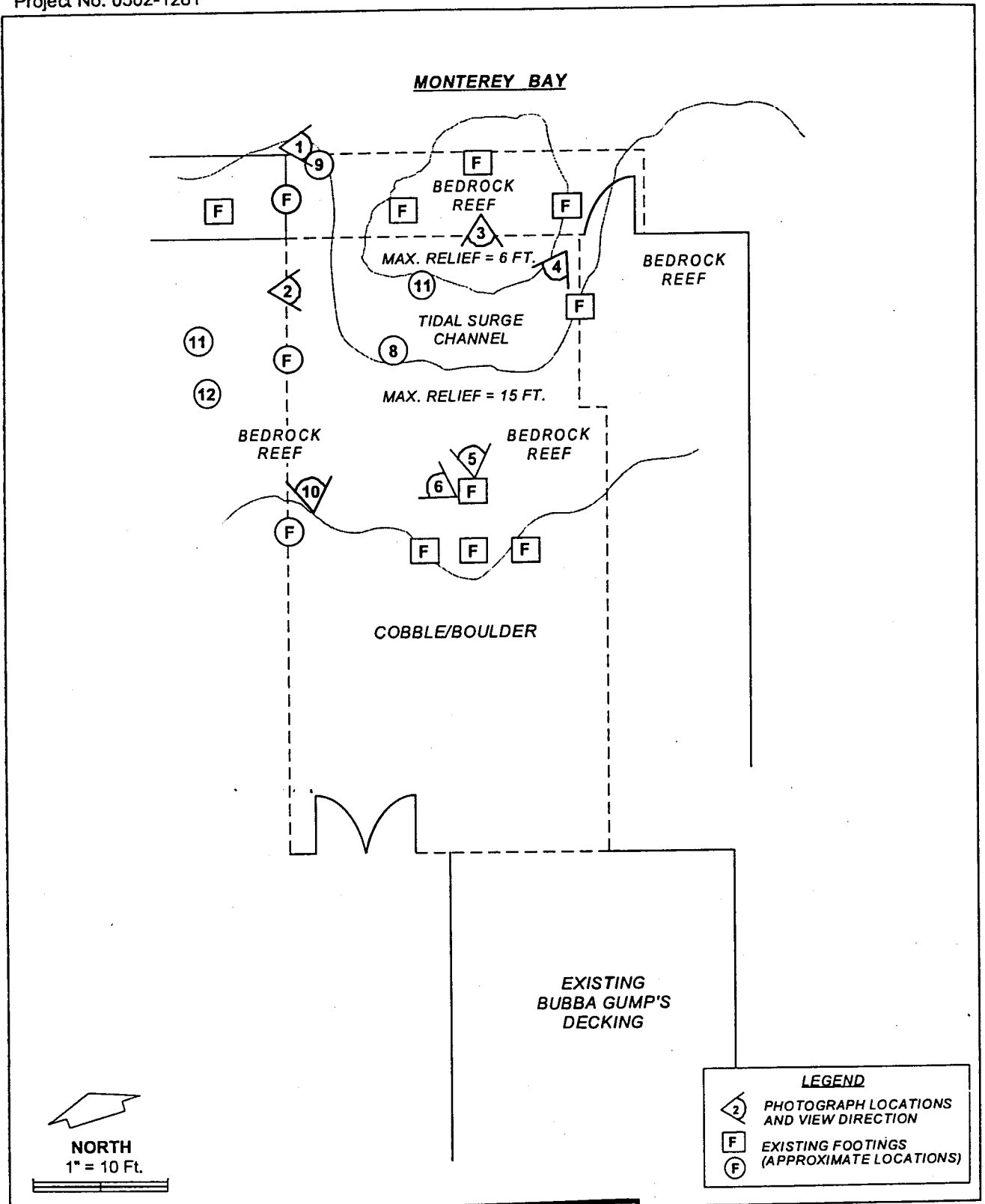




Photo 1: Outer Edge of Existing Bubba Gump Restaurant Pilings  
 (Note Algae on Rocks in Lower Right of Photograph)



Photo 2: Bedrock Reef Habitat Under Existing Bubba Gump Restaurant

Intertidal Habitat and Biota Photographs  
 Bubba Gump Shrimp Company  
 Restaurant Deck Expansion, Monterey, CA

EXHIBIT NO. 5

APPLICATION NO.

3-05-031

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Photo 3: Bedrock Reef and Remnant Footings  
(Tide Level ~+1.0 ft., MLLW)



Photo 4: Bedrock Reef and Remnant Footings Along Eastern Boundary of Proposed Deck Area  
(Tide Level ~+1.0 ft., MLLW)

*Intertidal Habitat and Biota Photographs  
Bubba Gump Shrimp Company  
Restaurant Deck Expansion, Monterey, CA*

EXHIBIT NO. 5

APPLICATION NO.

3-05-E31

Pg 7 of 11



Photos 5 and 6: Natural Rock Reef, Remnant Footings, and Cobble/Boulder Rubble  
 Near Center of New Decking Area  
 (Top of Both Pictures is Existing Bubba Gump Decking)

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3-05-031
Pg 8 of 11



Photo 7: Encrusting Coralline Algae, Limpets, Turban Snails, and Littorine Snails  
Typical Upper Intertidal Rocky Habitat Community

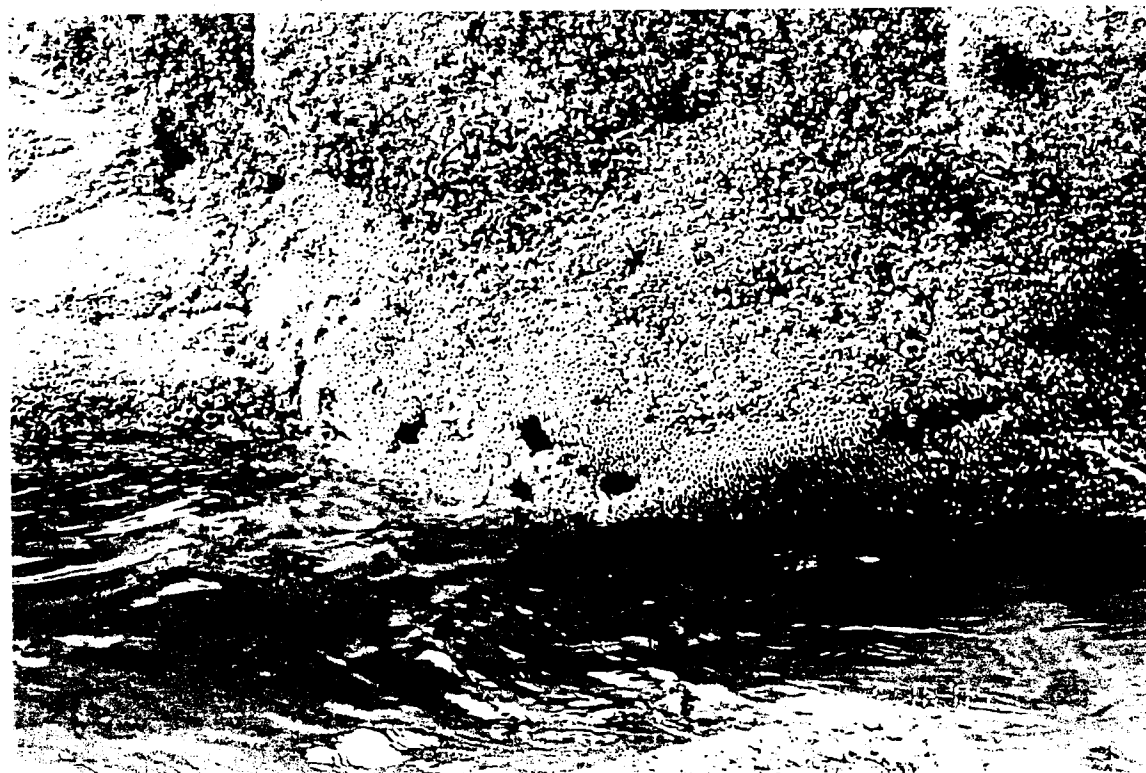


Photo 8: Sandcastle Worms (tan organisms) and Aggregated Anemones (at water's edge middle, left of photograph) with Turban Snails and Littorine Snails on Higher Portion of Rock



Photo 9: Close-up of Tufted Red Algae Complex (*Gigartina papillata* and *Endocladia muricata*) on Bedrock Reef Seaward of Existing Bubba Gump Restaurant (see Photos 1 and 2)

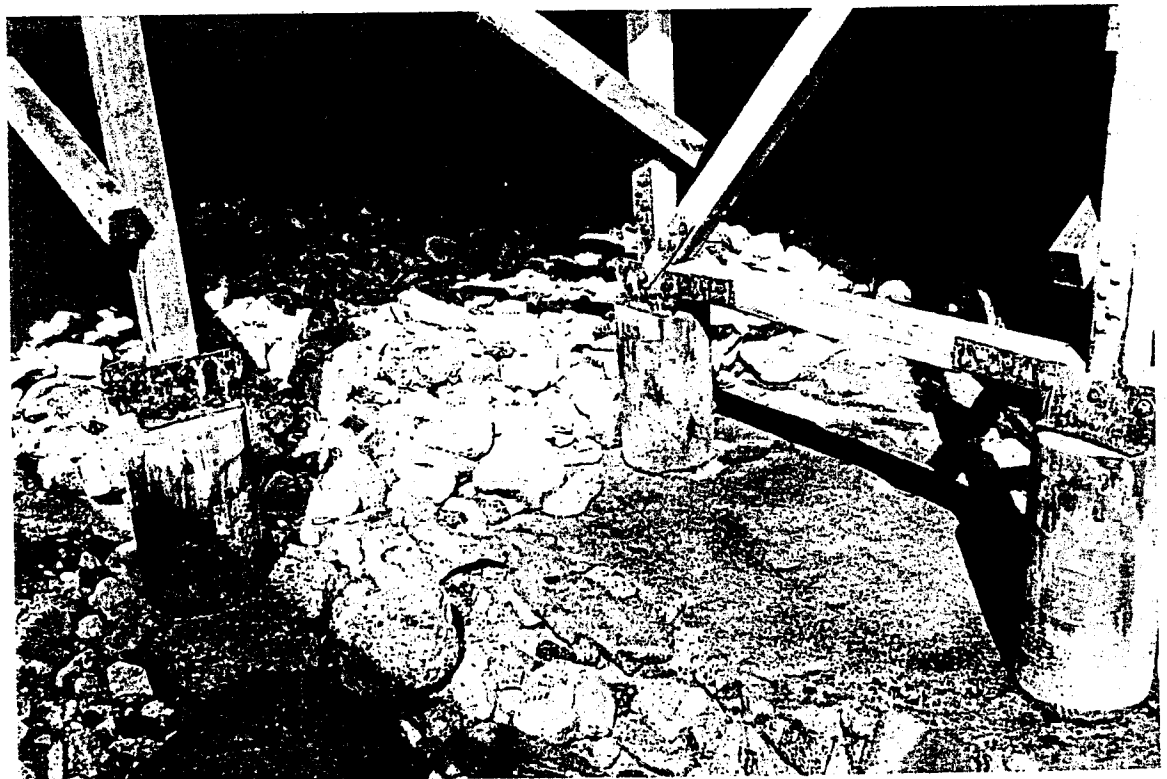


Photo 10: Sun-Exposed Cobble/Boulder Habitat Under Existing Bubba Gump Restaurant at Approximate +4 ft. (MLLW) Tide Level

Intertidal Habitat and Biota Photographs  
Bubba Gump Shrimp Company  
Restaurant Deck Expansion, Monterey, CA

EXHIBIT NO. 5

APPLICATION NO.

3-05-031



Photo 11: Encrusting Algae, Barnacles, and Turban Snails on Shaded Rocky Habitat Under Existing Bubba Gump Restaurant at ~+3 ft. Tide Level



Photo 12: Close-Up of Encrusting Algae and Turban Snails on Shaded Bedrock Under Existing Bubba Gump Restaurant at the ~+3.5 ft Tide Level

Jun-17-05 10:28 From-

T-427 P.002/003 F-328

ATTACHMENT A: Supplement to Project Description

Coastal Development Permit Application No.:

3-05-031

Applicant Name(s):

Bubba Gump Shrimp Company

Please be advised that the description for the project proposed by the above-identified Coastal Development Permit Application also includes the following safeguards, mitigation measures, actions, and procedures for the protection of the marine environment:

1. Material Containment: Particular care shall be exercised to prevent foreign materials (e.g. construction scraps, wood preservatives, other chemicals, etc.) from entering harbor or other state waters. Where additional wood preservatives must be applied to out-wood surfaces, the materials, whenever feasible, shall be treated at an onshore location to preclude the possibility of spills into harbor or other state waters. A containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other materials could fall into the water. The containment boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.
2. Piling Installation Procedures. ~~Piling installation will be performed in accordance with Department of Fish & Game recommendations. Generally, the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. Disturbed sediments shall be contained with a flexible skirt surrounding the driven pile(s).~~  
N/A
3. Procedures for Concrete Work. If pile installation or any other portion of the proposed project requires the pouring of concrete in, adjacent to, or over the water, one of the following methods shall be employed to prevent uncured concrete from entering harbor or other state waters:
  - a. Complete dewatering of the pour site, within a caisson or other barrier; the site is to remain dewatered until the concrete is sufficiently cured to prevent any significant increase in the pH of adjacent waters; or

EXHIBIT NO. <u>6</u>
APPLICATION NO.
<u>3-05-031</u>
<u>pg 1 of 2</u>

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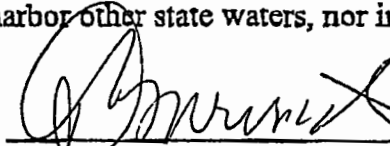
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T-427 P.003/003 F-328

- b. The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with Fish & Game regulations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.

In each case involving such concrete pours in or near harbor or other state waters, a separate washout area shall be provided for the concrete trucks and/or tools. The washout area shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor or other state waters, nor into storm drains or gutters that empty into such bodies of water.

Signature:

  
(applicant or authorized representative)

Date:

6/17/05

Signatures:

(co-applicants, if any)

Date:

Date:

Date:

EXHIBIT NO. 6
APPLICATION NO.
3-05-031
pg 2 of 2

**NEW MONTEREY PARKING OCCUPANCY SURVEY**  
AUGUST 1998 - 2004

THREE DAY AVERAGE AUGUST 20, 21, 22, 2004	1:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED	7:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED
AREA A (463 spaces)	313	68.41%	272	59.45%
AREA B (444 spaces)	293	66.07%	228	49.47%
AREA C (2,159 spaces)	1,347	90.38%	1,027	47.58%
TOTAL SPACES (3,066)	2,553	83.37%	1,519	49.96%

THREE DAY AVERAGE AUGUST 1, 2, 3, 2003	12:00 noon AVG OCCUPIED	PERCENTAGE AVG OCCUPIED	7:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED
AREA A (457 spaces)	285	62.44%	233	51.06%
AREA B (411 spaces)	240	57.01%	198	47.11%
AREA C (2,162 spaces)	1,724	79.76%	967	44.71%
TOTAL SPACES (3,040)	2,250	74.00%	1,398	46.00%

THREE DAY AVERAGE AUGUST 23, 24, 26, 2002	1:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED	7:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED
AREA A (463 spaces)	316	70.48%	287	61.92%
AREA B (428 spaces)	230	53.82%	192	44.78%
AREA C (2,133 spaces)	1,791	83.95%	994	46.62%
TOTAL SPACES (3,024)	2,347	77.62%	1,473	48.70%

THREE DAY AVERAGE AUGUST 3, 4, 5, 2001	1:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED	7:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED
AREA A (463 spaces)	261	56.30%	286	61.77%
AREA B (462 spaces)	291	61.91%	239	51.66%
AREA C (2,159 spaces)	1,898	87.93%	1,024	47.43%
TOTAL SPACES (3,084)	2,450	79.43%	1,549	50.21%

THREE DAY AVERAGE AUGUST 26, 28, 27, 2000	1:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED	7:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED
AREA A (444 spaces)	296	62.86%	265	57.31%
AREA B (462 spaces)	272	58.95%	210	45.38%
AREA C (2,159 spaces)	1,828	84.68%	891	41.25%
TOTAL SPACES (3,064)	2,396	77.70%	1,366	44.38%

THREE DAY AVERAGE AUGUST 13, 14, 16, 1999	1:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED	7:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED
AREA A (463 spaces)	328	70.84%	282	60.98%
AREA B (461 spaces)	309	67.03%	200	43.31%
AREA C (2,153 spaces)	1,900	88.25%	1,014	47.11%
TOTAL SPACES (3,077)	2,537	81.45%	1,496	48.63%

THREE DAY AVERAGE AUGUST 7, 8, 9, 1998	1:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED	7:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED
AREA A (463 spaces)	317	68.39%	293	63.21%
AREA B (442 spaces)	318	71.82%	230	52.04%
AREA C (2,168 spaces)	1,981	91.36%	1,001	46.16%
TOTAL SPACES (3,073)	2,616	85.12%	1,523	49.57%

SEVEN YEAR AVERAGE AUGUST	12:00 / 1:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED	7:00 pm AVG OCCUPIED	PERCENTAGE AVG OCCUPIED
AREA A	304	65.39%	274	71.25%
AREA B	279	61.96%	213	56.86%
AREA C	1,867	85.99%	988	54.66%
TOTAL SPACES	2,450	80.47%	1,475	48.28%

Area A - Laine Street to Lighthouse Avenue, does not include any spaces on Lighthouse Avenue.  
Area B - Lighthouse Avenue (both sides of the street) to Foam Street (both sides of the street).

EXHIBIT NO. 7

APPLICATION NO.

3-05-03/

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