

City of
Arroyo Grande

OFFICE of the MAYOR

September 9, 2005

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street Suite 200
San Francisco, CA 94105

Dear Mr. Douglas:

On behalf of the City of Arroyo Grande, I urge the California Coastal Commission reach an agreement with the Coastal San Luis Resource Conservation District (RCD) on an interim flood protection maintenance program for lower Arroyo Grande Creek in San Luis Obispo County. There is an important immediate need to allow maintenance work within the Arroyo Grande Creek levees prior to the rainy season. While we support your Commission's efforts to protect coastal resources, it is critical that agreement be reached on a maintenance effort that both satisfies the "repair and maintenance" provisions of the California Coastal Act, while also providing meaningful flood protection benefits to the surrounding community and environment.

The City is offering our support and coordination with the County, RCD, property owners, and other agencies on this effort. We are confident that by working in partnership, an effective maintenance project will be implemented that will both enhance coastal resources within the affected reach of the stream, while at the same time provide flood protection benefits. Success of this effort is vital to residents, businesses and agricultural interests in this area. The City may also be directly impacted if levees overtop or collapse, as occurred in 2001, causing flooding to the South County Sanitation District's wastewater treatment plant. Of particular concern to the Coastal Commission should be the potential direct discharge of untreated wastewater into the near shore environment at Oceano that this would also cause.

Therefore, your immediate attention to this matter is extremely important. Thank you for your consideration of our concerns.

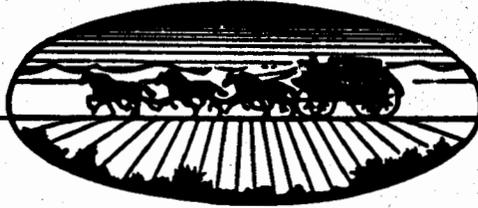
Sincerely,



Tony Ferrara
Mayor

cc: San Luis Coastal Resource Conservation District
Natural Resources Conservation Service
Flood Control Zone 1/1A Advisory Committee

W9 - District Director's Report 3-05-063-W



P.O. Box 550
214 East Branch Street
Arroyo Grande, CA 93421
Phone: (805) 473-5404
FAX: (805) 473-0386
E-Mail: agcity@arroyogrande.org

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SEP 13 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION

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

W9

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

For the

September Meeting of the California Coastal Commission

MEMORANDUM

Date: September 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 September 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.

REGULAR WAIVERS

- 3-04-071-W Robin & Earnie Nelson (Los Osos, San Luis Obispo County)
- 3-05-048-W Santa Cruz Seaside Company, Attn: Carl Henn, Sr. (Santa Cruz, Santa Cruz County)
- 3-05-063-W Coastal San Luis Resources Conservation District, Attn: Julie Thomas (, San Luis Obispo County)

DE MINIMIS WAIVERS

- 3-05-042-W California State Parks & Recreation, Morro Bay State Park, Attn: Danielle Collins, Asst. Resource Ecologist (Morro Bay, San Luis Obispo County)
- 3-05-049-W City Of Pacific Grove Golf Course, Attn: Michael Leach, Golf Superintendent (Pacific Grove, Monterey County)
- 3-05-053-W U L T I P R F, L L C, Attn: Carol Frederick, Manager (Monterey, Monterey County)

EMERGENCY PERMITS

- 3-05-061-G Nancy Grech Trust, Et Al (Pacific Grove, Monterey County)

IMMATERIAL AMENDMENTS

- 3-84-139-A2 Pacific Hotel Management, L L C, Attn: Clement Chen, I I I; The Cannery Row Company, Attn: Fran Donangelo (Monterey, Monterey County)
- 3-00-125-A4 California Department Of Transportation (Caltrans), Attn: Cathy Stettler (, Santa Cruz County)

EXTENSION - IMMATERIAL

- 3-02-031-E2 David D. Smith & Laurie S. Miller (Monterey, Monterey County)

TOTAL OF 10 ITEMS

DETAIL OF ATTACHED MATERIALS**REPORT OF REGULAR WAIVERS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-04-071-W Robin & Earnie Nelson	Remodel existing residence and construct a detached structure consisting of a bedroom, bathroom, closet and loft area.	404 Mitchell Drive, Los Osos (San Luis Obispo County)
3-05-048-W Santa Cruz Seaside Company, Attn: Carl Henn, Sr.	Construct a 688 square foot food service building and a 185 square foot addition to the "Funland Arcade" building at the Santa Cruz Beach Boardwalk Amusement Park.	400 Beach Street, Santa Cruz (Santa Cruz County)
3-05-063-W Coastal San Luis Resources Conservation District, Attn: Julie Thomas	Arroyo Grande Creek Flood Control Channel Vegetation Management Project.	Arroyo Grande Creek (between the Sanitation Plant and junction with Los Berros Creek), San Luis Obispo County

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>
3-05-042-W California State Parks & Recreation, Morro Bay State Park, Attn: Danielle Collins, Asst. Resource Ecologist	Restoration of the Alva Paul Creek riparian and dune ecosystems. Project includes removal of approximately 175 cubic yards of asphalt pavement located near Morro Strand State Beach campground and replanting of the site with native plant species.	Hatteras Street (western end), Morro Bay (San Luis Obispo County)
3-05-049-W City Of Pacific Grove Golf Course, Attn: Michael Leach, Golf Superintendent	Golf course maintenance / remodel and dune habitat restoration at the City of Pacific Grove public golf course.	77 Asilomar (Asilomar Dunes), Pacific Grove (Monterey County)
3-05-053-W ULTIPRF, LLC, Attn: Carol Frederick, Manager	Construct three single family residences in Del Monte Beach resubdivision.	5, 11 & 16 Spray Avenue (Del Monte Beach resubdivision, lots 4, 7, & 9), Monterey (Monterey County)

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-05-061-G Nancy Grech Trust, Et Al	Demolition of existing garage.	671 Ocean View Blvd., Pacific Grove (Monterey County)

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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3-84-139-A2

Pacific Hotel Management, L
L C, Attn: Clement Chen, III
The Cannery Row Company,
Attn: Frank Donangelo

1) revise the exterior facades of each building to include a mixture of horizontal siding, brick, and corrugated metal (instead of stucco and stone cladding); 2) provide approximately 340 parking spaces (instead of the approved 273 parking spaces) through the use of mechanical lifts (which will reduce the project's parking deficit from 87 spaces to approximately 20 spaces); 3) revise the automobile turnaround area so that it does not cut underneath Building A and so it provides room for two cars to pass side by side; 4) compress the automobile turnaround area closer to Cannery Row and reduce the turnaround area from 3,711 sq. ft. to approximately 3,557 sq. ft.; 5) provide for a public access connection between Building A and Doc Ricketts' Lab that connects to the bayside lateral access (this access will be open 8:00 a.m. until one hour after sunset daily, consistent with the bayside lateral access); 6) widen the bayside lateral access by 6 feet by reducing the footprint of Building A; 7) enlarge the courtyard of Building A by making it wider and deeper and by reducing the footprint of Building A, which will provide approximately 101 square feet of additional public access; 8) add a 10' wide pedestrian arcade at the eastern face of the hotel to provide additional public access from Cannery Row to the Plaza del Mar; 9) Add a 6' wide pedestrian access path from Cannery Row to the Plaza del Mar that is located between the hotel and the turnaround area; 10) add five new coastal access signs at various point along Building A and revise one public access sign located at the entrance to the walkway between Building A and Doc Ricketts' Lab (to state that this provides a connection to the bayside lateral access); 11) revise the outline of the outer edge of the bayside lateral access from a "stepping in and out" design to a "straight edge" design, with no increase in over-water coverage of this access; 12) revise the structural support of the lateral bayside access and overlook area to include 16 new piers and footings, instead of a cantilevered design; 13) modify the approved project to include a transfer of the McAbee Beach parcel (APN001-021-003) from the Cannery Row Company to the City of Monterey and delete Special Condition #4c; 14) modify the approved project to include a transfer of the City-owned parcel (APN 001-011-007), which will provide for the automobile turnaround area and public access, from the City to the Cannery Row Company and delete Special Condition #4e; 15) apply a Generic Deed Restriction to the conditions of approval and delete Special Conditions #4a and #4b and modify the "waiver of liability" condition (to simplify the deed restriction process)

750 Cannery Row, Monterey (Monterey County)

3-00-125-A4

California Department Of
Transportation (Caltrans),
Attn: Cathy Stettler

Request to amend permit 3-00-125 as follows: 1) Extend expiration date of permit to October 14, 2010; 2) extend southern limits of Location A to allow disposal of talus over the rock revetment at Waddell Beach parking lot during the 2005 disposal season only; and 3) revise Special Condition 3b by removing bulleted item 3, requiring surveys by licensed surveyors.

Highway 1 (at postmile 36.3 - 37.4, 8 miles north of Davenport), Santa Cruz County

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p>3-02-031-E2 David D. Smith & Laurie S. Miller</p>	<p>Construct a two-story 1440 square foot single family residence with two-car garage, basement, cantilevered decks, a roof-top deck, a fenced trash area and retaining walls; grading and removal of approximately 244 cubic yards of sand from site.</p>	<p>6 Dunecrest Ave., Monterey (Monterey County)</p>

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 COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: August 30, 2005
TO: Robin & Earnie Nelson
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-04-071-W

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 13250(c) of the California Code of Regulations.

APPLICANT: Robin & Earnie Nelson

LOCATION: 404 Mitchell Drive, Los Osos (San Luis Obispo County) (APN(s) 074-091-014)

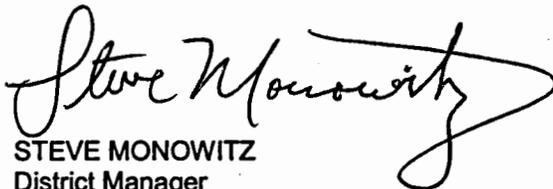
DESCRIPTION: Remodel existing residence and construct a detached structure consisting of a bedroom, bathroom, closet and loft area.

RATIONALE: The project has been designed to avoid significant impacts to coastal resources and public access to the shoreline. Biological studies show the project site does not contain sensitive habitat areas and coastal water quality is protected through the implementation of construction and best management practices. A restroom in the existing residence will be relocated to the new structure and therefore the project is not subject to additional discharge restrictions from the RWQCB. Construction of the project will not interfere with nearby shoreline access.

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 Wednesday, September 14, 2005, in Eureka. If three 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


STEVE MONOWITZ
District Manager

CALIFORNIA COASTAL COMMISSION

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: September 1, 2005
TO: Santa Cruz Seaside Company, Attn: Carl Henn, Sr.
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-05-048-W

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 13253(c) of the California Code of Regulations.

APPLICANT: Santa Cruz Seaside Company, Attn: Carl Henn, Sr.

LOCATION: 400 Beach Street, Santa Cruz (Santa Cruz County) (APN(s) 005-341-21)

DESCRIPTION: Construct a 688 square foot food service building and a 185 square foot addition to the "Funland Arcade" building at the Santa Cruz Beach Boardwalk Amusement Park.

RATIONALE: The proposed developments are located in the developed areas of the Santa Cruz Beach Boardwalk. Proposed development involves no significant impacts on coastal resources or public access to the shoreline.

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 Wednesday, September 14, 2005, in Eureka. If three 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: STEVE MONOWITZ
District Manager

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: September 8, 2005
TO: Coastal San Luis Resources Conservation District, Attn: Julie Thomas
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-05-063-W

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 13252 of the California Code of Regulations.

APPLICANT: Coastal San Luis Resources Conservation District, Attn: Julie Thomas
LOCATION: Arroyo Grande Creek (between the Sanitation Plant and junction with Los Berros Creek), San Luis Obispo County (APN(s) 061-091-020, 061-161-012, 061-161-011, 061-161-010, 061-161-008, 061-261-006, 061-321-001, 061-261-007, 061-091-029)

DESCRIPTION: Arroyo Grande Creek Flood Control Channel Vegetation Management Project.

RATIONALE: The selective vegetation thinning project has been designed to avoid adverse impacts to coastal resources. This is a limited, one-time project using only hand tools. No trees will be removed and all root balls will be left intact to enable resprouting. No heavy machinery will enter the channel and the use of herbicides is prohibited. The project includes biological surveys before work begins and ongoing monitoring during thinning of vegetation. Therefore, the impact on coastal resources will be insignificant within the meaning of Coastal Regulation Section 13252(e).

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 Wednesday, September 14, 2005, in Eureka. If three 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

 for
By: STEVE MONOWITZ
District Manager

BOARD OF SUPERVISORS

1055 MONTEREY, ROOM D430 • SAN LUIS OBISPO, CALIFORNIA 93406-2700 • 805.781.5450

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

September 13, 2005

HARRY L. OVITT, Supervisor District One
SHIRLEY BIANCHI, Supervisor District Two
JERRY LENTHALL, Supervisor District Three
KHATCHIK H. "KATCHO" ACHADJIAN, Supervisor District Four
JAMES R. PATTERSON, Supervisor District Five

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street Suite 200
San Francisco, CA 94105

Dear Mr. Douglas:

The purpose of this letter is to encourage you and your staff to continue efforts to work with the Coastal San Luis Resource Conservation District (RCD) to develop an interim flood protection maintenance program for lower Arroyo Grande Creek in San Luis Obispo County. Although important progress is being made with respect to a long term program, the immediate need is to allow maintenance work within the Arroyo Grande Creek levees before the onset of winter rains. Specifically, it is vitally important that your staff and the RCD come to a quick agreement on a maintenance effort that both satisfies the "repair and maintenance" provisions of the California Coastal Act while also providing meaningful flood protection benefits to the surrounding community and environment.

Please be aware that the San Luis Obispo County Flood Control and Water Conservation District (District) supports your Commission's efforts to afford the maximum possible protection to coastal resources, and will continue to work diligently with your staff to ensure that our joint efforts result in both preservation and enhancement of those resources. With respect to lower Arroyo Grande Creek, the RCD in concert with affected landowners and adjacent agriculturalists has taken the lead in performing the necessary current year maintenance work within the levees, using funding provided by the District. The staff of the RCD is well positioned to design and implement a maintenance project that will both enhance coastal resources within the affected reach of the stream while at the same time provide flood protection benefits.

It should be noted that resources outside the channel, which would be damaged should the levees overtop or collapse as was the case in 2001, include substantial areas of prime agricultural soils and coastal wetlands as well as homes, the Oceano Airport, and the South County Sanitation District's wastewater treatment plant. Flooding of the wastewater treatment plant would certainly result in significant resource damages including the direct discharge of untreated wastewater into the near shore environment at Oceano.

In July of 2003 your Commission issued a Coastal Development Permit to the District with the provision that an extensive analysis of long-term alternatives for the management of the lower Arroyo Grande Creek flood control channel be undertaken. Although the time frames for completion of the condition were not feasible resulting in no action under that authorization, the community, working with the RCD, has raised the necessary funding and is now in the final stages of completing that analysis. Further, with the assistance of both the RCD and the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), community-wide efforts to finalize a program that provides both flood protection and resource protection and enhancement are well underway. Your Commission's assistance in ensuring that interim efforts to protect the community and the natural and man-made resources it contains during this interim period would lend strong support to the efforts of the RCD, NRCS, and community leaders.

In summary, we believe that the community together with important coastal resources are being placed at risk. Given that the RCD is more than capable of conducting maintenance work in a manner that will not only protect, but would in fact enhance coastal resources, an appropriate application of the Coastal Act's requirements for exempting a "repair and maintenance" project will ensure that the necessary work will be conducted before next winter. Your immediate attention to this issue will be of great benefit to the coast and to the community.

Sincerely,



SHIRLEY BIANCHI
Chairperson

cc: San Luis Coastal Resource Conservation District
Natural Resources Conservation Service
Flood Control Zone 1/1A Advisory Committee

Julie Thomas
San Luis Coastal Resource Conservation District
545 Main Street Suite B-1
Morro Bay CA 93442

cc: Susan Litteral
Natural Resources Conservation Service
65 Main Street Suite 108
Templeton CA 93465



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

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September 7, 2005

SEP 12 2005

Jonathan Bishop, Coastal Program Analyst
California Coastal Commission
Central Coast District Office
725 Front Street Suite 300
Santa Cruz CA 95060-4508

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Arroyo Grande Creek Channel Maintenance by San Luis Coastal Resource Conservation District

Dear Mr. Bishop:

The San Luis Obispo County Flood Control and Water Conservation District (District) is responsible for the operation and maintenance of the Arroyo Grande Creek channel flood control facilities. This responsibility stems from an agreement between the District and the successor agencies to the Coastal San Luis Resource Conservation District (RCD) and the Federal Natural Resources Conservation Service.

The RCD has been involved in the operation of the facilities since they were constructed in the 1950's. For the past few years, the RCD has taken an active role in representing the property owners of the area and in the maintenance of the facilities. This year, under the direction of the District Board of Supervisors, the RCD is sharing the responsibility for administering a portion of the channel maintenance program. The funding for this program is provided by the District and the RCD staff is working closely with the District staff to implement vegetation control activities.

If you have any questions please call me at (805) 781-5292 or email gpriddy@co.slo.ca.us.

Sincerely,

GLEN L. PRIDDY
Deputy Director of Public Works

c: Coastal San Luis RCD (Fax 772-4398)

File: CF 340.66.01 FC Zone 1/1A AG Channel Relinquishment

CALIFORNIA COASTAL COMMISSION

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(831) 427-4863

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: August 30, 2005
TO: California State Parks & Recreation, Morro Bay State Park, Attn: Danielle Collins, Asst. Resource Ecologist
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-05-042-W

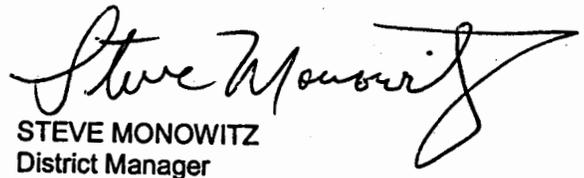
Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: California State Parks & Recreation, Morro Bay State Park, Attn: Danielle Collins, Asst. Resource Ecologist
LOCATION: Hatteras Street (western end), Morro Bay (San Luis Obispo County) (APN(s) 065-220-011)
DESCRIPTION: Restoration of the Alva Paul Creek riparian and dune ecosystems. Project includes removal of approximately 175 cubic yards of asphalt pavement located near Morro Strand State Beach campground and replanting of the site with native plant species.
RATIONALE: The proposed project includes a construction plan and best management practices to avoid adverse impacts on coastal resources. The plan includes identification of the construction staging area away from Alva Paul Creek for storing vehicles, equipment, and waste receptacles. BMPs include placement of temporary fencing and straw bales around the construction area to prevent disturbance outside the construction area and keep runoff and debris from entering coastal waters. All concrete and asphalt debris will be properly disposed at a State facility. The proposed project is consistent with the policies of Chapter 3 of the Coastal Act and will not otherwise adversely impact coastal views or public access to the shoreline.

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 Wednesday, September 14, 2005, in Eureka. 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


STEVE MONOWITZ
District Manager

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4883

www.coastal.ca.gov

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: August 30, 2005
TO: City Of Pacific Grove Golf Course, Attn: Michael Leach, Golf Superintendent
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-05-049-W

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: City Of Pacific Grove Golf Course, Attn: Michael Leach, Golf Superintendent
LOCATION: 77 Asilomar (Asilomar Dunes), Pacific Grove (Monterey County) (APN(s) 007-011-002)
DESCRIPTION: Golf course maintenance / remodel and dune habitat restoration at the City of Pacific Grove public golf course.
RATIONALE: The proposed development is located entirely within the existing boundaries of the City of Pacific Grove public golf course and includes a construction plan and best management practices to avoid adverse impacts on coastal resources. The plan includes installation of protective construction fencing and retaining devices to ensure sensitive areas outside of the development envelope are not trampled or disturbed during construction / maintenance. All areas of construction will be accessed from existing fairways and golfcart paths. The project also includes a restoration plan that proposes to enhance coastal dune habitat present on site through eradication of non-native exotic species, planting of native dune species, and redirecting golfers away from sensitive dune areas. The proposed project conforms to the Chapter 3 policies of the Coastal Act and will not otherwise adversely affect coastal views or public access to the coast.

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 Wednesday, September 14, 2005, in Eureka. 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


STEVE MONOWITZ
District Manager

CALIFORNIA COASTAL COMMISSION

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

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: September 1, 2005
TO: ULTIPRF, LLC, Attn: Carol Frederick, Manager
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-05-053-W

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: ULTIPRF, LLC, Attn: Carol Frederick, Manager

LOCATION: 5, 11 & 16 Spray Avenue (Del Monte Beach resubdivision, lots 4, 7, & 9), Monterey (Monterey County) (APN(s) 011-591-003, 011-591-006, 011-591-008)

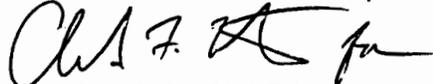
DESCRIPTION: Construct three single family residences in Del Monte Beach resubdivision.

RATIONALE: The proposed development includes construction of three single-family residences in the Del Monte Beach re-subdivision. The Commission approved the re-subdivision in 2002 (CDP 3-01-101). That approval included re-subdivision and merger of 60 existing lots into 14 lots and 3 open space/habitat preserve parcels, public access amenities (e.g. boardwalks), protection of environmentally sensitive dune habitat, storm water management, as well as water availability, construction best management practices, and all infrastructure improvements necessary to serve future residential development in the re-subdivision. Approval of CDP 3-01-101 also included design and lot development standards for each parcel. The proposed single-family residences comply with the approved design and lot development standards. Impacts to coastal resources and public access due to residential development were addressed adequately in CDP 3-01-101. Thus, the proposed development involves no significant impacts on coastal resources or public access to the shoreline.

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 Wednesday, September 14, 2005, in Eureka. 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: STEVE MONOWITZ
District Manager

B.Special Conditions For CDP 3-01-101 (Del Monte Beach Re-Subdivision)

1. **Final Project Maps.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit two sets of the final maps of the Del Monte Shores and Dunecrest Villas sites for the Executive Director's review and approval. The final maps shall demarcate all approved development, including the parcel boundaries, building envelopes, grading lines, storm drainage discharge systems, retaining walls, sewer system components, utilities, road improvements, open space/habitat restoration areas, boardwalks.
2. **Open Space Deed Restriction.** No development, as defined in section 30106 of the Coastal Act, shall occur in Parcel B of the Del Monte Shores site or in Parcel A of the Dunecrest Villas site (as shown in Exhibits 5 & 6) except for the development approved by this permit to include removal of nonnative vegetation, planting of native vegetation, and placement of appropriate fencing designed to avoid substantial impairment of public views, facilitate continued movement of sand and native wildlife, and allow substantially unimpaired penetration of light, wind, and rain, as well as the public access requirements and amenities required pursuant to Special Condition #10. In addition to the developments described above, development in Parcel A of the Del Monte Shores site may include construction and maintenance of boardwalks and other minor development needed to accommodate public access, as approved in the Access Management Plan required by Special Condition #10.

CONCURRENT WITH THE RECORDATION OF THE FINAL MAP, the City of Monterey shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space. The deed restriction shall include legal descriptions of the open space/habitat areas in the Del Monte Shores and Dunecrest Villas sites, as well as the public access requirements and amenities required pursuant to Special Condition #10. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. **Restoration and Enhancement Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants' botanist shall submit a plan for the dune restoration and enhancement component of the project to the Executive Director for review and approval. The plan also shall be submitted to the California Department of Fish & Game and the U.S. Fish & Wildlife Service for review and comment. Any recommendations contained in these comments shall be incorporated into the final plan to the greatest degree feasible. The plan shall identify the types of invasive or nonnative plants that will be removed and the method of removal, as well as the types of native vegetation that will be

- 6. Biological Mitigation. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, AND ON A DAILY BASIS PRIOR TO THE COMPLETION OF GRADING,** a qualified biologist with the appropriate permit from CDFG shall conduct a survey for the black legless lizard in the construction area using raking, coverboards, or other biologically acceptable methods. Surveys should be done in the mornings and evenings, when black legless lizards are most likely to be found. If found, the lizards should be captured and immediately placed into containers with moist paper towels, and released in similar habitat on undisturbed portions of the site at the same depth in the soil as when found. Evidence of compliance with this condition shall be prepared by the qualified biologist and submitted for confirmation by the Executive Director **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND AT THE CONCLUSION OF GRADING ACTIVITIES.**
- 7. Conformance with California Department of Fish & Game and U.S. Fish & Wildlife Service Requirements. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION,** the permittees shall submit to the Executive Director for review evidence that the permittees have met the requirements of Section 2081 of the CDFG code and/or Section 10A(1)(B) of the Federal Endangered Species Act or evidence that permitting pursuant to the State and Federal Endangered Species Acts is not necessary.
- 8. Sand Disposal Plan. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION,** the permittees shall consult with the project botanist to determine appropriate sand disposal sites within the Del Monte Beach dunes for excavated sand due to grading. Disposal of the sand shall be done in such a way as to mimic natural dune formations, as specified by the project botanist. Excavated sand shall be retained within the Del Monte Beach dunes to the maximum extent feasible; sand that may not feasibly be disposed of within the Del Monte Beach dunes shall be disposed of within the greater Monterey Bay dune system. The disposal sites and proposed method of sand disposal shall be subject to the review and approval of the City of Monterey, the project botanist, and the Executive Director.
- 9. Public Rights. BY ACCEPTANCE OF THIS PERMIT, THE APPLICANTS** acknowledge, on behalf of themselves and their successors in interest, that issuance of the permit shall not constitute a waiver of any public rights that may exist on the property. The applicants also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.
- 10. Public Access Management Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Applicants shall prepare and submit two sets of public access improvement plans for the Executive Director's review and approval. These plans will include boardwalk design and location, park improvements such as benches and trash receptacles, interpretative

12. **Sewer System. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Applicants shall submit a sewer system plan to the Executive Director for review and approval (this plan may be part of the Final Maps as described in Special Condition #1). All sewer lines/components shall be placed in developed areas of the re-subdivision and not in open space/habitat areas.
13. **Compliance With Geotechnical Recommendations. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the Permittees shall submit to the Executive Director written evidence of compliance with the recommendations contained in the 1998, 1999, and 2000 geotechnical reports prepared by Reynolds Associates.
14. **Incorporation of City's Conditions of Approval and Design and Lot Development Standards.** The Conditions of Approval and Design and Lot Development Standards adopted by the City of Monterey for this project are attached as Exhibits 7 & 8 to this permit (except for condition #12 regarding noise); these conditions and design/development standards are hereby incorporated as conditions of this permit. Any revision or amendment of these adopted conditions and design/development standards shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit. Any conflicts between the City's conditions incorporated herein and special conditions 1-13 of this permit shall be resolved in favor of special conditions 1-13 as determined by the Executive Director.

CALIFORNIA COASTAL COMMISSION

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

www.coastal.ca.gov

EMERGENCY PERMIT

Nancy Grech Trust, Et Al
239 Verano Drive
Daly City, CA 94015

Date: August 30, 2005
Emergency Permit No. 3-05-061-G

LOCATION OF EMERGENCY WORK:

671 Ocean View Blvd., Pacific Grove (Monterey County) (APN(s) 006-061-006)

WORK PROPOSED:

Demolition of existing garage.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of Public Safety Hazard requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director



By: STEVE MONOWITZ
District Manager

cc: Local Planning Department
Jeanne C. Byrne, Architect

Enclosures: 1) Acceptance Form;

Emergency Permit Number: 3-05-061-G

Date: 8/30/2005

Page 2 of 2

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by September 29, 2005).
4. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
5. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (i.e. Dept. of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, State Lands Commission.)

If you have any questions about the provisions of this emergency permit, please call the Commission's Central Coast District Office at the address and telephone number listed on the first page.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877

**MEMORANDUM**

Date: September 12, 2005
To: Commissioners and Interested Parties
From: Susan Craig, Coastal Planner
Charles Lester, Deputy Director (9/12/05)

Subject: **Objections Received Regarding Immaterial Amendment 3-84-139-A2 (Monterey Peninsula Hotel)**

Immaterial amendment CDP 3-84-139-A2 (Monterey Peninsula Hotel) was presented to the Commissioners at the August 2005 hearing (Attachment #1). The immaterial amendment provided for 1) façade changes that do not alter the size and/or scope of the approved hotel buildings and that are compatible with the character of Cannery Row; 2) additional parking in the approved hotel parking lot accomplished through the use of mechanical lifts; 3) a variety of additional public access opportunities along this portion of Cannery Row; 4) the imposition of a generic deed restriction that will greatly simplify the deed restriction process, and; 5) the installation of new piers/footings to provide support for the bayside lateral access and overlook area, which will provide a safer, stronger structure than the approved cantilevered design.

Commission staff received two written objections (Attachment #2) within ten working days of the mailing notice for this immaterial amendment. Pursuant to Title 14, Section 13166(b)(2) of the California Code of Regulations, if an objection is received, the amendment must be reported to the Commission at the next regularly scheduled hearing. If any three Commissioners object to the Executive Director's designation of immateriality, the amendment application shall be referred to the Commission for action. Otherwise the immaterial amendment shall become effective.

The objections received do not include any opposition to the proposed changes contained in the immaterial amendment. Instead, the objections received state that the Commission should not consider this amendment because the previous permit amendment for this project (CDP 3-84-139-A1, which was approved by the Commissioners in January 2001) has expired. In 2002, however, the previous developer for the project had requested an extension to CDP 3-84-139-A1. At that time, Commission staff wrote a letter to the developer stating that a time extension for CDP 3-84-139-A1 was not necessary because the underlying permit, CDP 3-84-139, had been exercised when initial foundation work development was undertaken in the 1980s (see Attachment #3). Thus, the objection that the permit for the approved project has expired is without merit.

The objections received cite a change in circumstance since approval of CDP 3-84-139-A1 in 2001 by the Commission, i.e., that the traffic situation in Monterey has worsened due to the

closure of a road through the Defense Language Institute, which was previously used by commuters. A change of circumstance, however, is appropriate when reviewing a request for an extension to a permit, not an immaterial amendment to a permit. In any event, the Commission approved CDP 3-84-139-A1 in 2001 with special conditions that required that traffic and parking studies be performed during the first two years of operation of the hotel and that the permittee be required to submit a mitigation plan for Commission review if these studies demonstrate extensive parking deficiencies or excessive unanticipated traffic impacts due to operation of the hotel. In addition, the City has required the permittee to pay into a transportation fund to contribute to the existing WAVE (Waterfront Area Visitor Express) shuttle program 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. With these conditions, the Commission found CDP 3-84-139-A1 to be consistent with the Coastal Act and the Cannery Row LUP. The immaterial amendment makes no changes to these conditions.

The objections received also note the water shortage on the Monterey Peninsula. The City has reserved 29.072 acre feet/year of water for this project. If this visitor-serving project were not approved, the City of Monterey would likely use this 29.072 acre feet of water for other development. The City of Monterey's Conditions of Approval for the project provide for water-saving devices, low-flow fixtures, and landscaping with drought-tolerant plants. The Commission conditioned the approval of CDP 3-84-139-A1 to require that the permittee submit yearly water-use amounts to the Commission for review for a period of five years. If yearly water use exceeds 29.072 acre feet, then this condition requires that specific steps be taken to limit water use to the approved 29.072 acre feet, or the City of Monterey may allocate more water to the hotel, if any is available. Again, the proposed immaterial amendment makes no change to this condition regarding water resources.

For the above-stated reasons, Commission staff recommends that the Commission uphold the Executive Director's determination of immateriality with respect to the proposed amendment.

Please see Attachment #4 for a letter from the Mayor of the City of Monterey regarding the immaterial amendment.

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 *JM 7/29/05*
 DATE July 29, 2005
 SUBJECT Permit No: 3-84-139-A2
 Granted to: Pacific Hotel Management, LLC, Attn: Clement Chen III;

Original and Amended Description:

for Hotel development amended to 208 rooms (originally 212 rooms); 10,200 sq. ft of meeting area (originally 1,450 sq. ft. of meeting area); 18,581 sq. ft. of retail space. (originally 13,920 sq. ft. of retail space); 95 restaurant seats (originally 200 restaurant seats) 273 parking stalls (originally 263 parking stalls).

at 750 Cannery Row, Monterey (Monterey 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:

1) revise the exterior facades of each building to include a mixture of horizontal siding, brick, and corrugated metal (instead of stucco and stone cladding); 2) provide 340 parking spaces (instead of the approved 273 parking spaces) through the use of mechanical lifts (which will reduce the project's parking deficit from 87 spaces to 20 spaces); 3) update access conditions as necessary to include the following changes: a) revise the automobile turnaround area so that it does not cut underneath Building A and so it provides room for two cars to pass side by side; b) compress the automobile turnaround area closer to Cannery Row and reduce the turnaround area from 3,711 sq. ft. to 3,557 sq. ft.; c) provide for a public access connection between Building A and Doc Ricketts' Lab that connects to the bayside lateral access (this access will be open 8:00 a.m. until one hour after sunset daily, consistent with the bayside lateral access); d) widen the bayside lateral access by 6 feet by reducing the footprint of Building A; e) enlarge the courtyard of Building A by making it wider and deeper and by reducing the footprint of Building A, which will provide approximately 101 square feet of additional public access; f) add a 10' wide pedestrian arcade at the eastern face of the hotel to provide additional public access from Cannery Row to the Plaza del Mar (this access is to be opened when the Plaza del Mar is open); g) Add a 6' wide pedestrian access path from Cannery Row to the Plaza del Mar that is located between the hotel and the turnaround area (this access is to be open when the Plaza del Mar is open); h) add five new coastal access signs at various points along Building A and revise one public access sign located at the entrance to the walkway between Building A and Doc Ricketts' Lab; i) revise the outline of the outer edge of the bayside lateral access from a "stepping in and out" design to a "straight edge" design, with no increase in over-water coverage of this access; 4) revise the structural support of the lateral bayside access and overlook area to include 16 new piers and footings, instead of a cantilevered design; 5) modify the approved project to include a transfer of the McAbee Beach parcel (APN 001-021-003) from the Cannery Row Company to the City of Monterey and delete Special Condition #4c; 6) modify the approved project to include a transfer of the City-owned parcel (APN 001-011-007), which will provide for the automobile turnaround area and public access, from the City to the Cannery Row Company and delete Special Condition #4e; 7) apply a Generic Deed Restriction to the conditions of approval and delete Special Conditions #4a and #4b and modify the "waiver of liability" condition (to simplify the deed restriction process). **New Special Condition #9 is attached**

*Attachment #1
 DE 1 of 3*

FINDING

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 reasons:

The requested amendment is not a material change to the permit because: 1) the façade changes do not alter the size and/or scope of the approved buildings and are compatible with the character of Cannery Row; 2) the additional parking will be accomplished through the use of mechanical lifts and will not increase the size of the approved parking garage; 3) the amendment includes a number of changes that provide additional public access opportunities along Cannery Row; 4) the imposition of a generic deed restriction will greatly simplify the deed restriction process.

Regarding the new piers/footings, a biological survey of the intertidal area where the new piers/footings will be placed found no protected or sensitive species. In addition, the new piers will provide a safer, stronger structure than one that is cantilevered. Also, the revised project description includes appropriate best management practices to protect water quality during construction. Additionally, the project is consistent with the certified Cannery Row Land Use Plan regarding guidance for over-water structures. Finally, the applicant supplied a letter that states that they will not undertake any construction until receiving all necessary permits and/or authorizations from the Army Corps of Engineers and the Monterey Bay National Marine Sanctuary;

If you have any questions about the proposal or wish to register an objection, please contact Susan Craig at the Central Coast area office.

Attachment #1
Pg 2 of 3

NEW SPECIAL CONDITION #9 (GENERIC DEED RESTRICTION)

9. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,
the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed and recorded against the parcel(s) governed by this permit a lease and 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 properties, subject to terms and conditions that restrict the use and enjoyment of these properties; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Properties. The lease and deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The lease and deed restriction shall also indicate that, in the event of an extinguishment or termination of the lease and deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject properties 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 properties.

Attachment #1
Pg 3 of 3

Save Our Waterfront Committee
781 Terry Street, Monterey
Phone: 831-372-8323 Fax: 831-372-2919
email: bsb@evansmonterey.com

RECEIVED

AUG 12 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ms. Susan Craig
California Coastal Commission
725 Front St., Suite 300
Santa Cruz, CA 95060
Fax: 831-427-4877

Dear Ms. Craig:

In response to the Commission's July 29, 2005 notice of proposed permit amendment, I object to Permit No: 3-84-139-A2 for Pacific Hotel Management, LLC at 750 Cannery Row—the Cannery Row Hotel project.

The Commission should not be considering this amendment, because the previous permit amendment for this project, 3-84-139-A1, granted by the Coastal Commission on January 10, 2001, has expired. The Coastal Commissioners passed the following expiration language in its conditions of approval for the permit amendment:

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.

Since development on the amended project has not commenced to this day—only the incremental work on the 1980's approved project has gone forward—and the Coastal Commission did not extend the permit by January 10, 2003, the permit died that day. Any further amendments would need to be heard by the California Coastal Commissioners.

If 3-84-139-A2 is an amendment to the project approved in 1984 without reference to the 2001 amendment, then it is certainly a material change to that project, as the Executive Director found in 2001 with a proposal for similar changes.

Any amendment to the 1984-approved Cannery Row hotel must be heard by the Coastal Commissioners. There have been many substantial changes to the environment since the mid-80s; in fact, just since early 2001, the changes in traffic (with the closure of roads through the DLI) and water resources have been significant. The Coastal Commission needs to hear and carefully consider any proposed changes in this light.

Sincerely,



Barbara Bass Evans
Save Our Waterfront Co- Chair

Attachment #2
Pg 1 of 3

**Bringing you HOPE -
Helping Our Peninsula's Environment**

Box 1495, Carmel, CA 93921
831/624-6500

Info@1hope.org
www.1hope.org

RECEIVED

AUG 11 2005

Ms. Susan Craig
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 11, 2005

Trustees 2005
Dena Ibrahim
Holly Kiefer
Ed Leeper
Vienna Merritt-Moore
Terrence Zito

Founding Trustees
Terrence Zito
Darby Worth
Ed Leeper
Robert W. Campbell
David Dilworth

Science Advisors
Dr. Hank Medwin, Ph.D.
- Acoustics
Dr. Susan Kegley, Ph.D.
- Hazardous Materials &
Pesticides
Dr. Arthur Partridge, Ph.D.
Forest Ecology

Significantly Worsened Circumstances: Constant Gridlock in the Project Area; Hotel Permit Has Expired

Dear Ms. Craig:

We must respectfully object to the proposed permit amendment and lack of new environmental review for the Cannery Hotel Project, #3-84-139-A2.

Environmental conditions have drastically worsened since the last amendment was passed in January 10, 2001 without later renewal.

One significant change in circumstances is intense traffic congestion on Highway 1 through the Defense Language Institute, which occurred shortly after the Coastal Commission approved the previous amended permit #3-84-139-A1 in January of 2001.

You may not be aware that there are only 3 lanes (not 3 roads) of public roads leading out of the project site and Pacific Grove in case of an emergency (Lighthouse/Del Monte, and Holman Highway to Route 1).

You should find attached photographs of nightly gridlock traffic jams on Lighthouse Avenue and Holman Highway that have become common, especially during the summer months on the Monterey Peninsula and the Cannery Row area. According to a Monterey police officer this morning the daily gridlock begins as early as 2:00pm and routinely extends to 6:00 pm.

Cal-Trans' standard for a significant impact when an existing intersection is at LOS "F" is the addition of a single vehicle trip. Any activity creating at least one new vehicle trip during rush hour is causing a significant impact:

"It is the Department's position that the addition of even one peak hour trip in a LOS 'F' environment represents a significant impact."

(Cal-Trans letter dated Nov 18, 1997 to the Monterey County Planning Dept on the September Ranch project.)

LOS stands for "Level of Service" where the scale ranges from 'A' to 'F'; 'A' means free-flowing, 'F' means gridlock - measured as a minimum trip delay of 60 seconds.

"Peak hour trip" means during rush hour (8 - 9:30 am and 4:00 - 5:30 pm)

Monterey County Public Works significance standard:

"If the intersection is already operating at LOS F, any increase (one vehicle) in the critical movements volume to capacity ratio is considered significant."

Attachment #2 pg 2 of 3

Founded in 1988, and known for helping with hundreds of environmental and democracy successes, HOPE is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.

considered significant."

Founded in 1990, and known for helping with hundreds of environmental and democracy successes, *H.O.P.E.* is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy. ~~for interseccions already operating at unacceptable levels. Thus, a~~ significant impact would occur if a project adds 0.01 or more to the critical movements volume to capacity ratio."

The additional traffic congestion generated by the hotel would make the current situation even worse and significantly reduces coastal access. The project will cause magnitudes more traffic than that single new trip needed to reach the threshold of either Cal-Trans or the County Public Works.

We are also always concerned that the 29 acre-feet of water allotted to this project will worsen our officially declared water supply emergency, growing worse with every new project.

It is clear that there has been no great hurry to build this hotel, as it was first approved in 1984 and shows only crumbling concrete and rusting rebar for its 21 years of "development." Now-with traffic at a standstill and the future of our water supply at risk-is certainly not the time to suddenly move full-speed ahead. The Coastal Commissioners, at the very least, should have the opportunity to review these dramatic changed circumstances related to what happens to this proposed permit amendment.

Sincerely,


David Dilworth, Executive Director

Attachment #2
P. 8 3 of 3

CALIFORNIA COASTAL COMMISSION

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



October 31, 2002

Gregory Alden, Vice President
Woodside Hotels & Resorts
951 Mariner's Island Blvd., Ste. 150
San Mateo, CA 94404

Subject: *Time Extension for CDP 3-84-139-A1*

Dear Greg,

Per our conversation of October 30, 2002, a time extension for Coastal Development Permit 3-84-139 is not necessary because the permit was previously exercised when initial foundation work development was undertaken in the 1980s. For the amended permit approved by the Commission in January 2000 (CDP 3-84-139-A1), all "Prior to Issuance" special conditions refer to the issuance of the amended permit. However, an amended permit does not require an extension if the original permit has been exercised (as in this case).

Please accept my apology for not informing you that a time extension was unnecessary prior to your submittal of the time extension request.

Sincerely,

A handwritten signature in cursive script that reads "Susan Craig".

Susan Craig
Coastal Planner
Central Coast District Office

Attachment #3



RECEIVED

AUG 31 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 31, 2005

Mayor:
DAN ALBERT

Councilmembers:
CHUCK DELLA SALA
LIBBY DOWNEY
JEFF HAFERMAN
CLYDE ROBERSON

City Manager:
FRED MEURER

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

Via Facsimile: (831) 427-4877

Re: Permit No: 3-84-139-A2

Dear Commissioners:

I write to express the City's wholehearted support of the immaterial amendment approved by your Commission for the Hotel Project at 750 Cannery Row. The Project is to be constructed on a glorious spot on Monterey Bay that has not been accessible to the public.

The Project, as approved by the City and your Commission, calls for the construction of a boardwalk over Monterey Bay and an observation overlook extending beyond neighboring buildings which will provide unmatched views of Monterey Bay and the Cannery Row coastline to the public for the next 99 years. It is also one of the most positive economic endeavors in the recent history of the City. The issuance of the immaterial amendment is necessary for these benefits to occur.

Thank you for every consideration.

Sincerely,

Dan Albert
Mayor

- c: City Council
- City Manager
- Community Development Director
- Coastal Commission Staff c/o Susan Craig
- Clement Chen, Pacific Hotel, LLC., 400 South El Camino Real, Ste. 200,
San Mateo, CA 94402-1731
- Frank Donangelo, Cannery Row Co., 765 Wave St., Monterey, CA 93940

Attachment #4

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 *PD 8/30/05*
DATE: August 30, 2005
SUBJECT: **Permit No. 3-00-125-A4**
Granted to: California Department Of Transportation (Caltrans), Attn: Cathy Stettler

Original Description:

For: **Disposal of up to 30,000 cubic yards of talus material which accumulates at the toe of Waddell Bluffs on the inland side of Highway 1, by transporting material to seaward side of Highway 1 and depositing onto beach immediately adjacent to the highway embankment for dispersal by wave action (late fall/early winter).**

At: **Highway 1 (at postmile 36.3 - 37.4, 8 miles north of Davenport), Santa Cruz 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:

- 1) **Extend expiration date of permit to October 14, 2010; 2) extend southern limits of Location A to allow disposal of talus over the rock revetment at Waddell Beach parking lot during the 2005 disposal season only; and 3) revise Special Condition 3b by removing bulleted item 3, requiring surveys by licensed surveyors.**

FINDING

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

The extension of CDP 3-00-125 until October 14, 2010 will provide an additional 5 years for Caltrans to seasonally dispose of Waddell Bluffs talus materials in designated areas west of Highway One, as necessary to protect coastal access and recreation opportunities as well as public safety. Monitoring of disposal activities during the permit's initial five years indicates that approved disposal methods, as adjusted by previous permit amendments, do not adversely impact marine habitats, water quality, or beach profiles. In light of this information, the requirement to survey beach topography is no longer necessary. Use of the talus materials to cover the revetment at the Waddell Beach State Parking Lot will be conducted in a manner that minimizes temporary disruption to public parking and beach access opportunities in accordance with the parameters established by amendment 3-00-125-A3, and will be limited to the 2005 disposal season in light of the pending application to retain the temporary revetment installed on an emergency basis.

If you have any questions about the proposal or wish to register an objection, please contact Lee Otter 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

www.coastal.ca.gov

August 30, 2005

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT**

Notice is hereby given that: **David D. Smith & Laurie S. Miller**
have applied for a one year extension of Permit No.: **3-02-031-E2**
granted by the California Coastal Commission on: **September 11, 2002**

for **Construction of a two-story, 1440 square foot single family residence with two-car garage, basement, cantilevered decks, a roof-top deck, a fenced trash area and retaining walls; grading and removal of approximately 244 cubic yards of sand from site.**

at **6 Dunecrest Ave., Monterey (Monterey County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,
PETER M. DOUGLAS
Executive Director



By: STEVE MONOWITZ
District Manager