

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

Th25

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

For the

August Meeting of the California Coastal Commission

MEMORANDUM

Date: August 7, 2008

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 August 7, 2008 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

1. 3-08-028-W Coastal San Luis Resource Conservation District, Attn: Julie Thomas (Oceano & Arroyo Grande, San Luis Obispo County)
2. 3-08-035-W George & Helen Arroyo (Pacific Grove, Monterey County)

DE MINIMIS WAIVERS

1. 3-08-023-W Oceano Community Services District (Oceano, San Luis Obispo County)

EXTENSION - IMMATERIAL

1. 3-04-009-E3 Gregory P. Beardsley (Monterey, Monterey County)

TOTAL OF 4 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>
3-08-028-W Coastal San Luis Resource Conservation District, Attn: Julie Thomas	Arroyo Grande Creek Flood Control Channel Vegetation Management Project, 2008	Arroyo Grande Creek (from the South San Luis Sanitation Plant upstream to approximately 1000 north of confluence with Los Berros Creek; Los Berros Creek from confluence east to Century Lane), Oceano & Arroyo Grande (San Luis Obispo)
3-08-035-W George & Helen Arroyo	326 square foot addition to an existing 1,225 square foot single family residence.	322 Central Avenue, Pacific Grove (Monterey 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>
3-08-023-W Oceano Community Services District	Repair and/or reconstruct up to 26 segments of earthquake damaged sewer mains and/or laterals in Oceano. Damage cause by the San Simeon Earthquake in 2003. Construction will include either excavation or trenchless technologies, depending on segment type and location.	Segments # 1 Through #29, Oceano (San Luis Obispo County)

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-04-009-E3 Gregory P. Beardsley	Construction of 5 residential condominium units, 674 square feet of retail commercial space, and 5 basement parking spaces on a 4,750 square foot lot.	201 Cannery Row, Monterey (Monterey County)

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SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**NOTICE OF PROPOSED PERMIT WAIVER**

Date: July 24, 2008
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCM*
Jonathan Bishop, Coastal Program Analyst
Subject: Coastal Development Permit (CDP) Waiver 3-08-028-W
Applicants: Coastal San Luis Obispo Resource Conservation District

Proposed Development

Minor hand trimming of new willow root sprouts to encourage canopy growth; thinning of lower branches of woody vegetation (primarily willows) located between the levee and the active flow meander of Arroyo Grande Creek in order to increase channel capacity for flood control purposes; removal of invasive plant species; and trash and debris removal.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project, like the preceding three projects previously authorized by the Commission, has been similarly designed to avoid adverse impacts to coastal resources by limiting the areal extent of trimming and vegetation thinning, and limiting such activities to crews using hand tools only. Only fallen and low overhanging willows branches will be cut and all root balls will be left in tact. The crews will also remove all invasive exotic species. No heavy machinery will be allowed to enter the creek channel and the use of herbicides is prohibited. The project includes biological surveys prior to hand thinning/trimming activities and implements. Biological monitors will be used for the duration of the project to ensure these activities do not disrupt any occupied habitat areas.

Therefore, the impact to coastal resources will be insignificant within the meaning of California Code of Regulations Section 13252(e).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, August 7, 2008, in Oceanside. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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



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WEB: WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED PERMIT WAIVER

Date: July 24, 2008
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCARL*
Mike Watson, Coastal Planner *mw*
Subject: Coastal Development Permit (CDP) Waiver 3-08-035-W
Applicants: George and Helen Arroyo

Proposed Development

326 square foot addition to an existing 1,225 square foot, single-family residence on 322 Central Avenue in the City of Pacific Grove.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The project is located more than one block inland of the Pacific Grove shoreline, and thus one-block inland of the recreational trail and main public access thoroughfare that winds along the Pacific Grove bluffs. The proposed residence (with addition) would be compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located, and it includes drainage BMPs to reduce stormwater runoff and remove contaminants prior to conveyance off-site. The project has no potential for adverse effects on coastal resources and is consistent with Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, August 7, 2008, in Oceanside. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.



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SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**NOTICE OF PROPOSED PERMIT WAIVER**

Date: July 24, 2008
To: All Interested Parties
From: Dan Carl, Central Coast District Manager
Jonathan Bishop, Coastal Program Analyst *JB*
Subject: De Minimis Coastal Development Permit (CDP) Waiver 3-08-023-W
Applicants: Oceano Community Services District

Proposed Development

Repair and/or reconstruct up to 26 segments of earthquake damaged sewer mains and laterals in Oceano. Construction includes either excavation or trenchless technologies depending on segment location.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed sewer repair/replacement project responds to earthquake damage to the sewer line, and has been designed to avoid resource impacts and improve habitat values over existing conditions. As part of project development, alternative alignments were identified for six segments located within or adjacent to potential coastal wetlands to further reduce the total area of project disturbance from 3.398 acres to 0.062 acres. Other project alternatives considered would not be feasible or would result in greater resource impacts. No permanent wetland impacts will occur as a result of the project and none of the project segments will impact public access to or along the shoreline.

The project includes built-in mitigation measures to ensure that coastal resources are clearly protected during construction (including pre-construction surveys, exclusionary fencing to protect all habitat areas, personnel training, and water quality BMPs), and includes restoration immediately following completion of construction to enhance habitats in and around the project area to a higher level of resource value than exists today. Staff has worked closely with the Applicant to develop a sensitively designed project that can correct a serious sewer line problem that is currently leading to resource degradation in Oceano. As proposed, the project represents the results of that effort, and avoids the potential for adverse effects on coastal resources. As such, the project is consistent with Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, August 7, 2008, in Oceanside. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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



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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: July 24, 2008
To: All Interested Parties
From: Dan Carl, Central Coast District Manager *DCM*
Susan Craig, Coastal Planner
Subject: Proposed Extension to Coastal Development Permit (CDP) 3-04-009
Applicant: Gregory P. Beardsley

Original CDP Approval

CDP 3-04-009 was approved by the Coastal Commission on July 15, 2004, and provided for the construction of 5 residential condominium units, 674 square feet of retail commercial space, and 5 basement parking spaces on a 4,750 square foot lot on the inland side of Cannery Row in the City of Monterey.

Proposed CDP Extension

The expiration date of CDP 3-04-009 would be extended by one year to July 15, 2009. The Commission's reference number for this proposed extension is 3-04-009-E3.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Thursday, August 7, 2008, in Oceanside. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

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



CALIFORNIA COASTAL COMMISSION

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



August 6, 2008

To: Commissioners and Interested Parties

From: Charles Lester, Senior Deputy Director, Central Coast District

Re: Additional Information for Commission Meeting Thursday, August 7, 2008

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th27b, MCO-MAJ-1-08 Pt.1	Monterey County(Salinas Rd./Hwy 1)	Correspondence	1
Th28a, A-3-MCO-08-37	Big Sur Preservation Alliance	49-day waiver	15
Th29a, A-3-GRB-07-051	IGIT, Inc.	ExParte Communications	17
		Staff Report Addendum	19
		Correspondence	25
Th29b, 3-08-13	Cannery Row Marketplace	ExParte Communications	37
		Correspondence	47

MISCELLANEOUS - ITEM NOT ON AUGUST AGENDA

Letter to Commission from Ed Davidson - Proposed sale of state tidelands at "Its Beach" by State Parks Dept. to City of Santa Cruz. 73

Th27b

MONTEREY COUNTY



THE BOARD OF SUPERVISORS
LOUIS R. CALCAGNO, SUPERVISOR - SECOND DISTRICT

RECEIVED

August 1, 2008

Receiver

AUG 01 2008

AUG 01 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Patrick Kruer, Chair
San Diego Coast District Office
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

California Coastal Commission
San Diego Coast District

Re: LCP Amendment No. MCO-MAJ-1-08 Part 1 / Agenda Item No. Th27b

Dear Chair Kruer & Commissioners:

I am writing as the elected representative of over 80,000 residents of the 2nd District on the Monterey County Board of Supervisors, which includes the portion of Highway 1 that is the subject of the above referenced LCP Amendment, to urge the Commission to deny any motion to reject Major Amendment Number 1-08, which has been submitted for your consideration by the County of Monterey.

Safety improvements to the Salinas Road interchange on Highway 101 are desperately needed. This intersection is the single most dangerous section of highway for travelers in all of Monterey County. In order for CalTrans to make the much-needed improvements, which will save many lives in the future, some language in the LCP needs to be changed. The staffs from CalTrans, the Coastal Commission, and the Monterey County Planning Department have carefully crafted the proposed language amendments to allow the intersection improvements to proceed as planned without compromise to the integrity of the policies of the *California Coastal Act*.

It is also important to consider that Highway 1 from the Santa Cruz County line to Castroville serves as a vital transportation corridor necessary for the viability of fishing and ag industries as well as for access by visitors to the coastline. The scope of this project is to improve safety along this important corridor for existing traffic, which serves to fulfill the primary goals of the *California Coastal Act*: to provide shoreline access for the general public; and, to preserve the fishing and agricultural industries along California's coastline.

Thank you for your consideration.

Sincerely yours,

Louis R. Calcagno
Supervisor, 2nd District
County of Monterey, Board of Supervisors

LRC: cc

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Th27b

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
 SAN LUIS OBISPO, CA 93401-5415
 PHONE (805) 549-3431
 FAX (805) 549-3062
 TTY 711
<http://www.dot.ca.gov/dist05>

Item Th27b – In Favor



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JUL 31 2008

CALIFORNIA
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 CENTRAL COAST AREA

July 28, 2008

Patrick Kruer, Chair & Commissioners
 California Coastal Commission
 San Diego Coast District Office
 7575 Metropolitan Drive, Suite 103
 San Diego, CA 92108-4402

Dear Chairman & Commissioners:

**08/07/08 COMMISSION AGENDA ITEM Th27b
 MONTEREY COUNTY LCP AMENDMENT NO. MCO-MAJ-1-08 PART 1
 (HIGHWAY ONE-SALINAS ROAD INTERSECTION)**

The purpose of this letter is to convey the Department of Transportation's (Caltrans) support and concurrence of the Coastal Commission Staff Report, which recommends approval of the Monterey County Local Coastal Program (LCP) Amendment.

Approval of this amendment would allow much needed public safety and operational improvements at the Highway One-Salinas Road intersection, and allow the County of Monterey to issue the Coastal Development Permit required for the project contract.

Caltrans has collaborated closely with Commission staff to ensure success for the project and all mitigation required. Attached is a project fact sheet that we hope you find informative. Thank you for your consideration.

Sincerely,

RICHARD KRUMHOLZ
 District 5 Director

Attachment

HIGHWAY 1 IN MONTEREY COUNTY



Salinas Road Interchange Project



PROJECT BENEFITS

- ▶ Constructs vital highway safety improvements to address accident history: 83 collisions & 3 fatal incidents (2001-2005);
- ▶ Removes left-turn conflicts;
- ▶ Reduces delay & idling time for up to 43,000 vehicles a day on Hwy 1 & Salinas Road;
- ▶ Reflects a community-driven design with minimum feasible footprint;
- ▶ Improves coastal access for recreational travelers, product mobility for agricultural businesses & mobility for residents;
- ▶ Compatible with existing 2-lane roadway to the south;
- ▶ Upgrades transit, park & ride, bicycle & pedestrian facilities.

PROJECT DESCRIPTION

The project will construct:

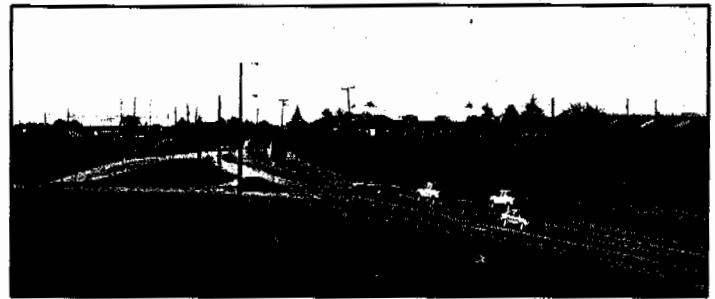
- ▶ A new interchange to carry Salinas Road over Highway 1;
- ▶ New on- and off-ramps;
- ▶ A frontage road between Salinas & Jensen Roads to direct traffic to safe entry & exit points on Highway 1;
- ▶ A private frontage road to improve access to local businesses.

FUNDING

Proposition 1B - \$37,061,000
 RTIP - \$9,945,000
 ITIP - \$1,510,000
 Total Project Cost = \$48,000,000



TAMC
TRANSPORTATION AGENCY
MONTEREY COUNTY



Existing Highway 1/Salinas Road Intersection

PROJECT SCHEDULE

Project Complete	2011
Begin Construction	2009
Right-of-Way Acquired	2008
Design Complete	2008
Environmental Review Completed	2006

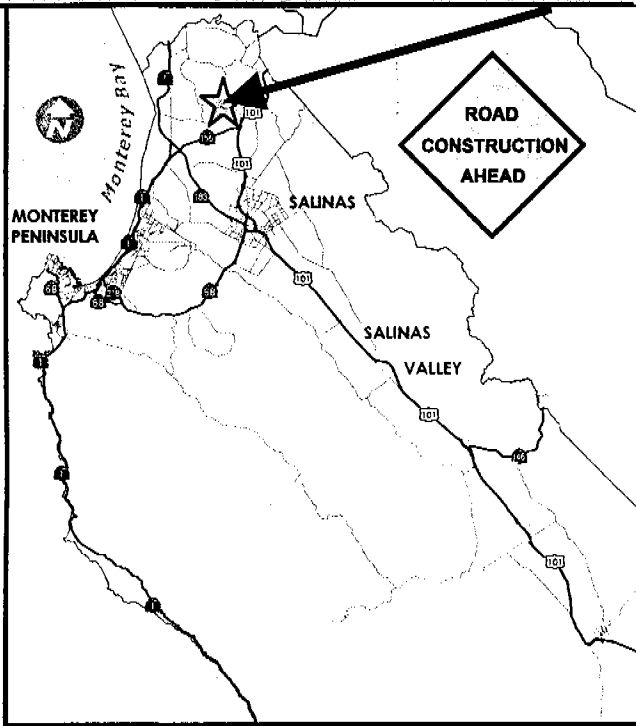
Estimated schedule - subject to revision

IMPACT MINIMIZATION & MITIGATION

The project was designed to:

- ▶ Include context sensitive, community based design features;
- ▶ Meet only expected growth;
- ▶ Retain Highway 1's two-lane rural agricultural character;
- ▶ Have the least feasible agricultural conversion and impacts to wetlands;
- ▶ Fully mitigate for unavoidable encroachment onto 0.2 acres of agricultural ditches which are coastal wetlands;
- ▶ Fully mitigate for unavoidable encroachment onto agricultural lands.

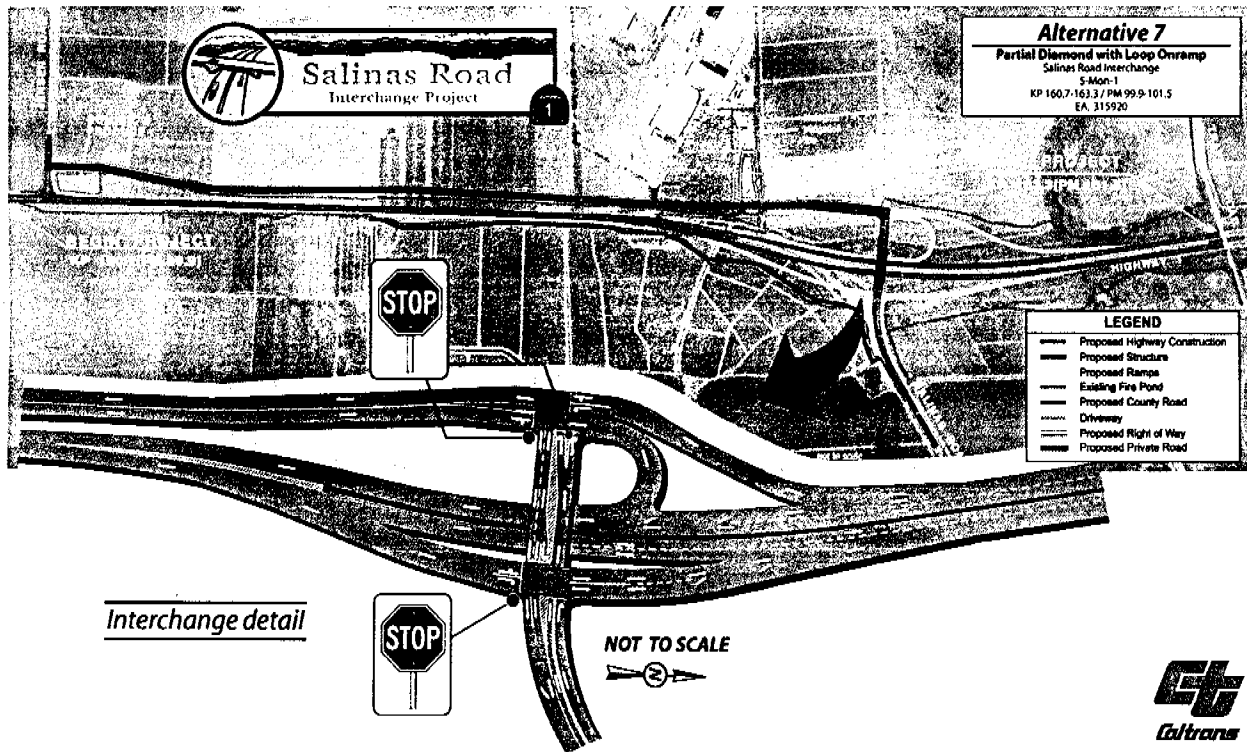
PROJECT LOCATION



STAKEHOLDER PARTNERS

The design was developed collaboratively with local residents, businesses, and resource agencies. The project has wide local support.

- Citizens Advisory Group (local residents, farmers, business owners)
- Transportation Agency of Monterey County
- California Highway Patrol
- Monterey County Public Works and Department of Planning and Building
- Monterey County Supervisor's Office of Lou Calcagno
- Monterey County Agricultural Commission
- Monterey County Agricultural and Historical Conserancy
- California Coastal Commission
- North County Fire Protection District
- U.S. Representative Sam Farr
- Monterey-Salinas Transit
- Elkhorn Slough Foundation



Interchange detail

NOT TO SCALE



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Th27b 01

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AUG 05 2008

CALIFORNIA
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CENTRAL COAST AREA

TAMC
TRANSPORTATION AGENCY
FOR MONTEREY COUNTY



Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

Please distribute to Commissioners

TH27b
D. HALE

August 5, 2008

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AUG 05 2008

CALIFORNIA
COASTAL COMMISSION

Patrick Krner, Chair
California Coastal Commission
c/o Peter Douglas, Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
FAX (415) 901-5400

RE: Highway 1 – Salinas Road Interchange
SUPPORT for Local Coastal Plan Amendment MCO-MAJ-1-08 Part 1
Hearing Agenda Item Th27b

Dear Director Douglas:

The Transportation Agency for Monterey County strongly supports the staff recommendation to approve the Local Coastal Plan amendment requested by the County of Monterey. This action will allow a critical highway safety improvement to move forward in a manner that mitigates and minimizes agricultural land impacts while supporting the Commission's primary mission to improve coastal access.

Our Agency has worked hand-in-hand with Caltrans to bring this safety project to fruition with the goal of reducing the frequency and severity of crashes that occur at the Highway 1 – Salinas Road area. The California Transportation Commission has joined our agencies in recognizing the statewide importance of this safety and congestion relief improvement by granting \$35 million in construction funding from the voter-approved state infrastructure bond.

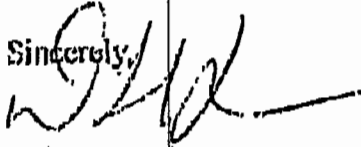
A unique feature of this project is how closely it was designed in coordination with the surrounding community and government agencies. Caltrans created a Citizens Advisory Group that met for over two years to provide input on how to best integrate the project into the surrounding environment. As a result, the amount of affected agricultural land was reduced, the wetlands impacts were minimized and the project has a low visual profile. Caltrans is also working with the Elkhorn Slough Foundation to offset the unavoidable loss of some agricultural land and wetlands. Coastal Commission staff participated as a valuable resource to this group and we are pleased that they are recommending support for the Local Coastal Plan amendment.

Letter to Peter Douglas, Executive Director
California Coastal Commission
August 5, 2008

Page 2

Construction of an interchange at Highway 1 and Salinas Road is a spot improvement will promote regional mobility and coastal access in a way that is safer for all travelers. This project will also facilitate north-south travel along the US 101 corridor, an alternative to the heavily-congested Highway 1. Thank you very much for your positive consideration of this amendment.

Sincerely,



Debra L. Halo
Executive Director

cc: Richard Rosales, Caltrans project manager
Monterey County Supervisor Lou Calcagno

7/27/08

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER
Governor

Department of Alcoholic Beverage Control
Department of Corporations
Department of Financial Institutions
California Highway Patrol
California Housing Finance Agency
Department of Housing & Community Development
Department of Managed Health Care



DALE E. BONNER
Secretary

Office of Military & Aerospace Support
Department of Motor Vehicles
Office of the Patient Advocate
Department of Real Estate
Office of Real Estate Appraisers
Office of Traffic Safety
Department of Transportation

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

July 8, 2008

Patrick Kruer, Chair
California Coastal Commission
c/o The Monarch Group
7727 Herschel Avenue
La Jolla, CA 92037

Dear Chairman Kruer:

**HIGHWAY ONE-SALINAS ROAD INTERSECTION
MONTEREY COUNTY LCP AMENDMENT NO. MCO-MAJ-2-08 PART 1**

The purpose of this letter is to stress the importance that action be taken on the Salinas Road Intersection (July 2008 Meeting Agenda item 16.d) no later than your August 2008 hearing.

This project will receive bond funds from the Corridor Mobility Improvement Account, made available through voter approved Proposition 1B. Governor Schwarzenegger has heightened the level of accountability and transparency on bond-funded projects with sharp focus on their delivery within their approved scope, cost and schedule.

This project was due for a hearing this month. The Department of Transportation (Caltrans) will already incur additional costs with the one-month delay to the August 2008 meeting.

This project is ready for your consideration and action. While your staff recommendation allows maximum flexibility of up to one year (August 2009) to bring it to hearing, action later than August 2008 has the potential to jeopardize the funding and ultimately risks the delivery of the project.

I urge you to ensure that action is taken on this important item no later than August 2008.

Sincerely,

JIMBOURGART
Deputy Secretary
Transportation & Infrastructure

Cc: Peter Douglas – CCC Executive Director

Th27

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ATTORNEY GENERAL'S OFFICE - CIVIL RIGHTS

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942875
SACRAMENTO, CA, 94273-0001
PHONE (916) 654-5266
FAX (916) 654-5608
TTY 711



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July 8, 2008

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JUL 09 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Peter Douglas
Executive Director
California Coastal Commission
c/o The Manarch Group
7727 Herschel Avenue
La Jolla, CA 92037

Dear Mr. Douglas:

HIGHWAY ONE-SALINAS ROAD INTERSECTION
MONTEREY COUNTY LCP AMENDMENT NO. MCO-MAJ-2-08 PART 1

The purpose of this letter is to stress the importance that action is taken on the Salinas Road Intersection (July 2008 Meeting Agenda item 16,d), no later than your August 2008 hearing.

Throughout the project's development, the team members established an effective pattern of interaction and feedback among the various public agencies and interested stakeholders. As a result of this work, the project has broad support.

This project will receive bond funds from the Corridor Mobility Improvement Account, made available through voter-approved Proposition 1B. Governor Schwarzenegger has highlighted the level of accountability and transparency in bond-funded projects with sharp focus on their delivery within their approved scope, cost and schedule.

I urge you to ensure that action is taken on this important item no later than August 2008 so as to preserve the funding that has been committed to the project and to deliver it to the public on time.

Sincerely,

WILL KEMPTON
Director

c: California Coastal Commission Members

Th27b



Ag Land Trust

P.O. Box 1731
Salinas, CA 93902
tel. 831.422.5868
fax. 831.758.6053

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AUG 04 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 1, 2008

Position: In Favor

California Coastal Commission
45 Fremont St.
San Francisco, CA 94105

Re: Item No. Th27b

Commissioners:

The Ag Land Trust (formerly the Monterey County Agricultural and Historic Land Conservancy, Inc.) would like to lend its support to the Highway One-Salinas Road interchange project. We have been working with Cal Trans for several years in an attempt to work out an agricultural mitigation for the loss of agricultural land in the project area. We have been working closely with Wendy Waldron (wendy_waldron@dot.ca.gov) and have come up with favorable mitigation options. The above together with removing one of the most dangerous traffic situations on the California coast makes for a very favorable project. Feel free to call if you have any questions or comments.

Very truly yours,

Brian Rianda, Managing Director, Ag Land Trust

CALIFORNIA COASTAL COMMISSION

31 July

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov



Dear Commissioners,
Please vote YES to Amend and
implement. My son lives in area so
I know the safety needs.

Page: 1

Date: July 24, 2008

IMPORTANT PUBLIC HEARING NOTICE

Thank you.

Local Coastal Program

RECEIVED

Lorri
Lockwood

AUG 04 2008

Highway One-Salinas Road (intersection, south of
Jensen Road to Trafton Road, North County area),
Monterey County

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

LCP AMENDMENT NO. MCO-MAJ-1-08 Part 1

Highway One-Salinas Road Interchange

Miss Lorri Lockwood
PO Box 264
Big Sur, CA 93920-0264

Amend Monterey County's Local Coastal Program North County Implementation Plan (Sections 20.144.060.C.2 and 20.144.080.D.2 to allow certain public safety improvements at the Highway One-Salinas Road intersection, including a new overpass and frontage road.

Rah!

HEARING DATE AND LOCATION:

DATE: Thursday, August 7, 2008
TIME: Meeting begins at 8:00 AM ITEM NO: Th27b
PLACE: City of Oceanside, City Council Chambers
300 North Coast Highway, Oceanside, CA
PHONE: (760) 801-0718

HEARING PROCEDURES:

{please note this telephone number is only for when the meeting is in session}

This item has been scheduled for a public hearing and vote. People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date. The Coastal Commission is not equipped to receive comments on any official business by electronic mail. Any information relating to official business should be sent to the appropriate Commission office using U.S. Mail or courier service.

AVAILABILITY OF STAFF REPORT

A copy of the staff report on this matter is available on the Coastal Commission's website at <http://www.coastal.ca.gov/mtgcurr.html>. Alternatively, you may request a paper copy of the report from Lee Otter, Coastal Program Analyst, at the Central Coast District office.

SUBMISSION OF WRITTEN MATERIALS:

If you wish to submit written materials for review by the Commission, please observe the following suggestions:

- We request that you submit your materials to the Commission staff no later than three working days before the hearing (staff will then distribute your materials to the Commission).
- Mark the agenda number of your item, the application number, your name and your position in favor or opposition to the project on the upper right hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission staff person listed on page 2.

Dobler & Sons, LLC

- Growers & Packers of Fresh California Vegetables -

174 STRUVE ROAD
MOSS LANDING, CA 95039-9639
(831) 722-3057 • (831) 633-2409
FAX (831) 724-3824

Th 276 Receiver

JUL 25 2008

California Coastal Commission
San Diego Coast District

RECEIVED

JUL 29 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
San Diego Coast District Office
Attention: Patrick Kruer, Chair & Commissioners
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

July 23, 2008

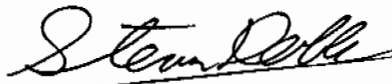
Dear Sirs,

I am writing you regarding the project at the intersection at Highway 1 and Salinas Road in Monterey County. I received a note that the hearing on this project has been delayed for some reason.

I just wanted to express my concern for the project and hope that there is no problem in proceeding with it. This is a badly needed improvement to the road. Myself and employees pass this intersection multiple times each day and slow down and hope we make it through without incident each time. I personally have pulled a friend out of his vehicle after a crash there in which two people in the car that hit him died.

Again, I just wanted to express my concern that the project would not be delayed or risk losing funding.

Respectfully,



Steven Dobler
Farmer
Jensen Road & Struve Road Area

Th276

Marty Ackerman

112 Ocean View Way

Santa Cruz, CA 95062

831/426-8041

July 21, 2008

California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

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JUL 29 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Highway One-Salinas Road Intersection
Amendment to Monterey County Local Coastal Plan
August 7, 2008 Meeting - Agenda Item Number 27(b)

Dear Coastal Commissioners:

For a number of years I commuted several times a week between North Monterey County and the cities of Monterey and/or Santa Cruz. My drive necessitated use of the intersection of Salinas Road and Highway One, and I have never in my life dreaded an intersection more than that one. Traffic on Highway One is so fast and heavy that on numerous occasions when I needed to turn from Salinas Road onto Highway One going south (toward Monterey), the traffic was so heavy that I instead turned right onto Highway One North, exited the highway into the City of Watsonville, turned around, and went back onto Highway One South.

In addition, vehicles trying to turn left onto Salinas Road from Highway One South can wait several minutes before being able to do so, and traffic often backs up beyond the "stacking" lane.

One memorable morning several years ago I had the unfortunate experience of coming upon a car that minutes before had been hit by a truck and torn almost in half while trying to turn left, onto Southbound Highway One, from Salinas Road. The image of this fatality accident still haunts me today.

It is essential that the Coastal Commission support the Amendment to the Monterey County Local Coastal Plan to allow for the road improvements that will improve safety and productivity for coastal residents. Thank you for your consideration.

Sincerely,



Marty Ackerman

Receiver

JUL 29 2008

California Coastal Commission
San Diego Coast District

STATE OF CALIFORNIA - THE RESOURCES AGENCY

RECEIVED

ANDREW SCHOEN, INZENEGUER, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4868
FAX: (831) 427-4877

JUL 18 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



**Waiver of 49 Day Rule for an Appeal of a Local
Government Coastal Development Permit Decision**

Local Government Application Number: PLN070512
Coastal Commission Appeal Number: A-3-MCO-08-037
Applicant Name: Big Sur Preservation Alliance
Appeal Filing Date: 7/14/08

I hereby waive my right to a hearing of the above-referenced appeal within 49 days after the appeal has been filed as established by Public Resources Code Sections 30621 and 3062 (a). I understand that the local decision approving my coastal development permit application has been stayed and that I have no authorized permit to proceed with my project until the California Coastal Commission takes a final action on the project or the appeal is withdrawn. I also understand that the first Coastal Commission hearing on my item may only be a determination as to whether the appeal raises a "substantial issue." If substantial issue is found, the de novo hearing on the merits of the project may be continued to a subsequent meeting. Although I understand that the Commission may not be able to honor my scheduling requests, I request that the referenced appealed project be scheduled for _____

[Applicant or Applicant's Authorized Representative must sign and date below.]

AN Cifelli
Signature of Applicant or Applicant's Authorized Representative

7/16/08
Date

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Th29a

AUG 04 2008

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Item. Thurs. 29a:

Name or description of project, LCP, etc.:

A-3-GRB-07-51 (IGIT Inc.)

Date and time of receipt of communication:

July 30, 2008 11:30 am

Location of communication:

San Jose, CA

Type of communication (letter, facsimile, etc.):

Personal meeting

Person(s) initiating communication:

David Neish, Ron Perkins

Person(s) receiving communication:

Pat Kueer

Detailed substantive description of content of communication: (Attach a copy of the complete text of any written material received.)

Applicants described the proposed 20 unit hotel condominium development in Grover Beach, CA. Applicant's representative indicated that all CCR staff concerns had been addressed and resulted in numerous modifications to the proposal, namely providing a 50' setback buffer from an adjacent property riparian area. As a result CCR staff and applicant were in agreement with the special conditions. Applicant indicated that he was hopeful that this matter would be placed on the Consent Calendar.

Date 8/4/08

Signature of Commissioner [Signature]

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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CALIFORNIA COASTAL COMMISSION

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

Th29a

Prepared August 5, 2008 (for August 7, 2008 hearing)

To: Commissioners and Interested Persons
From: Dan Carl, District Manager *DC*
 Jonathan Bishop, Coastal Planner
Subject: STAFF REPORT ADDENDUM for Th29a
 Appeal A-3-GRB-07-051 (Pacific Coast Hotel)

In the time since the release of the above-referenced staff report, staff has identified some minor corrections that will help clarify and make explicit certain aspects of the staff recommendation with respect to the condominium hotel component of the proposed project. These corrections do not alter the basic premise of the staff recommendation, rather they merely clarify certain aspects of it related to ensuring that the project adequately protects and provides for general public overnight use of the units in question. Special condition 8, starting on page 9 of the staff report, is replaced in its entirety as follows:

8. Hotel. The hotel component of the project consists of hotel areas (i.e., lobby, front desk, offices, washing areas, maintenance areas, etc.) that will be owned by the hotel owner(s), and individual condominium hotel units and common areas that will be owned by unit owners. The hotel component of the project shall be subject to the following:

a. Hotel Plans. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two copies of plans and documentation materials (hotel plans) that clearly identify: all elements of the hotel component of the project (together the "hotel"); the manner in which ownership will be applied to each element of the hotel, including hotel areas, common areas, and individual units; a hotel operator responsible for managing the hotel, including the booking of reservations for all units; the hotel lobby area configuration and operational parameters; and the mechanism by which the individual units are to be booked, including at a minimum provisions for a reservation data base to be managed by the hotel operator. As used in herein and in this condition, the terms "book", "booked", and "booking" shall mean the confirmation of a reservation request for use of an individual unit by either the owner of the unit, the owner's permitted user, or by a member of the public, and the entry of such confirmation in the hotel operator's reservation data base.

The hotel shall be maintained in its approved state, and shall be managed and operated consistent with the approved hotel plans.

b. Unit Owner Occupancy Limitations. Each unit owner, including any individual, family, group, or partnership of owners for a given unit (no matter how many owners there are) may use their unit for no more than 84 days in any calendar year, and no more than 14 total days between the



California Coastal Commission

A-3-GRB-07-051 (Pacific Coast Hotel) strfpt addendum 8.7.2008 hrg.doc

Saturday of the Memorial Day weekend through the Monday of the Labor Day weekend, with no stay exceeding 29 consecutive days of use during any 60 day period. Such occupancy limitations shall be unaffected by multiple owners of an individually owned unit or the sale of a unit to a new owner or new owners during the calendar year, meaning that all such owners of any given unit shall be collectively subject to the occupancy restrictions as if they were a single, continuous owner. Whenever any unit is not occupied by its owner(s), that unit shall be available for use by the general public on the same basis as a traditional hotel room.

- c. **Rental Agent Allowed.** Each owner of a unit shall have the right, at its sole discretion, to engage a rental agent of his or her choice to serve as the rental agent for their unit, but any engagement of such agent other than the hotel operator shall be on a non-exclusive basis. Whether or not the hotel operator is selected as an owner's exclusive rental agent, the hotel operator shall manage the booking and the reservation of all units in the hotel. The hotel operator shall have the right and obligation to offer any unit for general public use during all time periods not reserved by a unit owner for his or her personal use, or for the use of an owner's permitted user, or reserved for use by a public renter procured by an owner's rental agent who is not the operator. As more fully described herein, unit owners shall report and personally certify the rental rate and terms of any rental of the owner's unit made independently of the hotel operator, and the hotel operator shall book all unit reservations in the operator's reservation database, a service for which the hotel operator may charge the unit owner a reasonable fee.

If the hotel operator is not serving as the exclusive rental agent for a unit, then the hotel operator shall nevertheless have the right, working through the unit owners or their designated rental agent, to book any unoccupied room to fulfill public demand. The owner or an owner's rental agent may not withhold units from use unless they have already been reserved for use by the owner, consistent with the length of occupancy limitations identified above. In all circumstances, the hotel operator shall have full access to the unit's reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.

- d. **Unit Marketing.** The hotel operator shall market all units to the general public. Owners of individually owned units may also independently market their units. Unit owners shall not discourage rental of their units nor create disincentives meant to discourage rental of their units
- e. **Hotel Management.** The hotel operator shall manage all aspects of the hotel, including but not limited to reservation booking, mandatory front desk check-in and check-out, maintenance, and cleaning services (including preparing units for use by guests/owners, a service for which the operator may charge unit owners a reasonable fee). All unit keys shall be electronic and shall be newly created by the hotel operator upon each change in user occupancy for any unit. All units shall be rented at a rate similar to that charged for traditional hotel rooms of a similar class or amenity level in the California coastal zone.



- f. Marketing and Sale of Condominium Interests.** All documents related to the marketing and sale of condominium interests in units (including marketing materials, sales contracts, deeds, CC&Rs and similar documents, etc.) shall notify potential buyers of the following:
1. Each owner of any unit is jointly and severally liable with the hotel owner(s) and the hotel operator for any violations of the terms and conditions of coastal development permit A-3-GRB-07-051 with respect to the use of that owner's unit; and
 2. The occupancy of a unit by its owner(s) and their guests is restricted to a maximum of 84 days per calendar year, a maximum of 14 total days between the Saturday of the Memorial Day weekend through the Monday of the Labor Day weekend, and a maximum of 29 consecutive days of use during any 60 day period. When not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public pursuant to the terms of coastal development permit A-3-GRB-07-051, which permit and the CC&Rs applicable to the unit contain additional restrictions on use and occupancy; and
 3. Each owner of a unit who does not retain the operator of the hotel as his or her rental agent shall be obligated by the governing documents of the hotel to truthfully report to the hotel operator (and to certify each such report) each effort, if any, he or she has made to rent his or her unit to a member of the public, and the terms and conditions of any such offer, and the terms and conditions of each rental offer which has been accepted by a member of the public.

Prior to the sale of an individual unit, the unit's seller and the hotel operator (and any successors-in-interest) shall obtain a written acknowledgement from the buyer indicating that they understand, acknowledge, and accept each of the above marketing and sale restrictions.

- g. Conversion Prohibited.** The conversion of the approved units to other types of limited use overnight visitor accommodation units (e.g., timeshare, fractional ownership, etc.) or to full-time occupancy condominium units or to any other units with use arrangements that differ from the approved project shall be prohibited.
- h. Occupancy and Use Monitoring and Recording.** The hotel operator and any successors-in-interest shall monitor and record hotel occupancy and use by the general public and the owners of individual units throughout each year. Such monitoring and record keeping shall include specific accounting of owner usage for each individual unit; rates paid for hotel occupancy and for advertising and marketing efforts; and transient occupancy taxes (TOT) for all units, services for which the hotel operator may charge unit owners a reasonable fee. The records shall be sufficient to demonstrate compliance with the restrictions set forth in Sections 8(a) through 8(g) above. All such records shall be maintained for ten years and shall be made available to the Executive Director upon request and to any auditor required by Section 8(i) below. Within 30 days of commencing hotel operations, the hotel operator shall submit notice to the Executive Director of commencement of hotel operations.



- i. **Audit.** WITHIN 120 DAYS OF THE END OF THE FIRST CALENDAR YEAR OF HOTEL OPERATIONS, the hotel operator shall retain an independent auditing company, approved by the Executive Director, to perform an audit to evaluate compliance with this special condition regarding occupancy restrictions, marketing and sale restrictions, management requirements, recordkeeping, and monitoring by the hotel owner(s), the individual unit owners, and the hotel operator. The hotel operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Executive Director, upon request, within six months after the conclusion of the first year of hotel operations.

Within 120 days of the end of each succeeding calendar year, the hotel operator shall submit a report identifying compliance with this special condition regarding occupancy restrictions, marketing and sale restrictions, management requirements, recordkeeping, and monitoring by the hotel owner(s), the individual unit owners, and the hotel operator to the Executive Director. The audit required after the first year of operations and all subsequent reports shall evaluate compliance by the hotel operator and owners of individual units during the prior one-year period. After the first five calendar years of hotel operations, the one-year reporting period may be extended to two years upon written approval of the Executive Director if each of the previous reports reveal compliance with all restrictions imposed by this special condition. The Executive Director may, by written notice to the hotel operator, require a third party audit regarding the subject matter of the reports required in this section for the prior three or fewer calendar years if he or she reasonably believes that the foregoing submitted reports are materially inaccurate. The hotel owner(s), each individual unit owner, and the hotel operator shall fully cooperate with and shall promptly produce any existing documents and records which the auditor may reasonably request. The expense of any such audit shall be borne by the hotel owner(s) and/or the hotel operator.

- j. **Compliance Required.** The hotel owner(s) and hotel operator or any successors-in-interest shall maintain the legal ability to ensure compliance with the terms and conditions stated above at all times in perpetuity, and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions. The hotel owner(s) and the hotel operator shall be jointly and severally responsible for ensuring compliance with the requirements described in this condition and/or recorded against the property, as well as jointly and severally liable for violations of said requirements. Each owner of an individual unit is also jointly and severally liable with the hotel owner(s) and hotel operator for all violations of said requirements and for any and all violations of the terms and conditions coastal development permit A-3-GRB-07-051 with respect to the use of that owner's unit. Violations of this coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.
- k. **CC&R Declaration of Restrictions.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for the review and approval of the Executive Director text a



declaration of restrictions in a recordable covenants, conditions, and restrictions (CC&R) form (CC&R Declaration of Restrictions) which shall include:

1. All the specific restrictions listed in Sections 8(a) through 8(j) above;
2. Acknowledgement that these same restrictions are independently imposed as condition requirements of coastal development permit A-3-GRB-07-051;
3. A statement that the provisions of the CC&R Declaration of Restrictions that reflect the requirements of Sections 8(a) through 8(j) above, cannot be changed without approval of a coastal development permit amendment, unless it is determined by the Executive Director of the Coastal Commission that such an amendment is not legally required. If there is a section of the CC&Rs related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the CC&Rs related to amendments.

The approved CC&R Declaration of Restrictions described above shall be recorded against all individual property titles simultaneously with the recordation of the subdivision map for the approved project.

- 1. Implementation Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for Executive Director review and approval a plan specifying how the requirements of this condition will be implemented. The plan must include, at a minimum, the form of the sale, deed and CC&R terms and restrictions that will be used to satisfy these special condition requirements and the form of the rental program agreement to be entered into between the individual unit owners, the hotel owner(s), and the hotel operator. The plan shall demonstrate that the Permittee will establish mechanisms that provide the hotel owner(s) and hotel operator and any successor-in-interest hotel owner(s) and hotel operator adequate legal authority to implement the requirements of this condition. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by this condition, including deed restrictions and CC&Rs, shall be prohibited without an amendment to coastal development permit A-3-GRB-07-051, unless it is determined by the Executive Director that an amendment is not legally required.



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Th29a



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August 5, 2008

AUG 05 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Chairman Patrick Kruer
California Coastal Commission
The Monarch Group
7727 Herschel Ave.
La Jolla, California 92037

Dear Chairman Kruer:

It was a pleasure meeting you on Wednesday July 30, 2008. In our meeting, you raised the issue of whether I could personally guarantee that the project would function as a hotel.

As you know, I am president and CEO of IGIT, Inc., the permit applicant for the Pacific Coast Hotel project in Grover Beach, California. IGIT has only two shareholders - myself and my wife.

I will personally guarantee IGIT's performance under the conditions of the permit.

IGIT will own and operate the Pacific Coast Hotel according to the permit conditions, or IGIT will own and contract with a qualified operator to run the Pacific Coast Hotel according to the permit conditions, or IGIT will sell its hotel interest to a third-party owner who will assume the responsibility for hotel operations under the permit conditions.

As you will recognize from this letter, I am committed to ensuring that this project will operate as a hotel.

Many thanks for your consideration.

Ronald Wayne Perkins, CEO and President, IGIT Inc.

Cc: Charles Lester, Dan Carl, and Jonathan Bishop

Mail: P.O. Box 385 • Grover Beach, CA 93483
Office: 166 South 10th Street • Grover Beach, CA 93433 • Phone (805) 481-8562 • Fax (805) 481-8666

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AUG 05 2008

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

BRISCOE IVESTER & BAZEL LLP
155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
FAX (415) 398-5630

Anastasia M. Telesetsky
(415) 402-2707
atelesetsky@briscoelaw.net

August 5, 2008

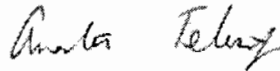
Re: Request to be scheduled on the Consent Calendar for August 7, 2008

Dear Coastal Commission Staff:

We are writing to request on behalf of our client IGIT, Inc. to be placed on the Consent Calendar for August 7, 2008 (Item 26). We are currently scheduled as Item 29(a). We are in agreement with all of the general and special conditions that have been drafted by the staff of the Coastal Commission for the Pacific Coast Hotel project.

Sincerely yours,

BRISCOE IVESTER & BAZEL LLP



Anastasia M. Telesetsky

Th29a

LAW OFFICES OF BABAK NAFICY
569 Higuera Street, Suite C
San Luis Obispo, CA 93401
ph (805) 593-0926
fax (805) 593-0946

August 1, 2008

Via electronic Mail

California Coastal Commission
c/o Jonathan Bishop, Commission Staff

RE: Pacific Coast Hotel Appeal, Agenda Item Th29a

Honorable Commissioners

I submit these comments on behalf of the North Grover Beach Neighborhood Alliance (“Alliance”), a California non-profit neighborhood association dedicated to improving the quality of life in Grover Beach through emphasis on sound land use planning and environmental awareness. Last year, after its comments to the City of Grover Beach relative to this project were largely ignored, the Alliance was forced to challenge the City’s approval of the Pacific Coast Hotel in San Luis Obsipo Superior Court in order to force the City to comply with CEQA and other planning laws.

The Alliance urges you to grant the appeal because, despite all project modifications and proposed conditions of appeal, the project remains inconsistent with the goals and policies of the Local Coastal Plan (“LCP”). Many of the issues raised in the Alliance’s lawsuit are also implicated in this appeal, including the project’s likely adverse impacts on scenic coastal views, traffic and violation of the limits on allowable density.

Introduction

The project site is within the planned commercial land use category (LCP Map 5), which is intended to “provide for master-planned clusters of visitor-serving facilities, such as shops, restaurants, and bed and breakfast inns.” The project is zoned C-P-C (LCP, Map 6), which is intended to “provide for the visiting-serving needs in a manner that is sensitive to the environment, visual and archeological resources within and adjacent to the boundaries of the District by sensitively siting and designing structures.”

The project is a “condominium hotel,” which means that each unit is individually owned, and may be occupied by the owner for up to 84 days per year. The Staff Report explains that “to

ensure that the condominium units remain available primarily to the general public and **retain a visitor-serving element**, limitations have been placed on the units (Special Condition 8).” (Emphasis added.) Properly understood, the Staff Report admits that the project is primarily residential in character, which means that even with the imposition of proposed limitations, the project will only retain “a visitor-serving element.”

Issue 1: the project is inconsistent with the LCP policy prohibiting private ownership

Owner-occupancy is inconsistent with both the project’s land use category and zoning designation, according to both of which no owner-occupancy may be allowed. The LCP’s site specific regulation of the site includes Standard 11 (LCP p.68) , which clearly prohibits individual ownership.

The Staff Report (at p. 19) suggests that the provisions of Standard 11 prohibiting private ownership of overnight units may not apply to this site. The Staff Report does not explain this contention other than to suggest that condominium hotels are a type of privately-owned hotels and that this type of financing is necessary for the project to succeed. None of these contentions have merit.

The LCP explains that policies relative to “private visitor-serving and recreational facilities” are intended to apply to the “combined 7-1/2 acre state-owned and the 15 acres of privately-owned land fronting on Highway 1” See, Recommendation 5.7(F)1.a, LCP p.67. The project site is clearly within the area defined in the LCP.

Moreover, although the proposed condominium/hotel rooms will be available to the public during a part of the year, each unit will be **privately owned**. The LCP Standard 5.7(F)1.a(11) (LCP p.68) strictly prohibits private ownership; no exception is made for privately-owned accommodations that may be periodically available to the public.

Finally, neither the applicant nor the staff have provided any evidence to support the contention that private ownership of the condominium/hotel rooms is “necessary” for the project to “succeed”. What is clearly called for but lacking in the record is an economic analysis of the feasibility of a traditional publicly-owned bed and breakfast or inn of the kind contemplated in the LCP. Without such documentary evidence in the record, it would be impossible for the Commission to conclude that strict compliance with the LCP would be infeasible.

Issue 2: the Project violates the LCP by exceeding the maximum permissible number of units

The project is also inconsistent LCP Standard 5.7(F)1.a(1), which requires a maximum room per acre ratio of 15. The proposed project purports to allow a ratio of 20 rooms per acre. As more fully explained below, in fact the project consists of 25 units, and is therefore clearly exceeds the maximum allowable number of units.

As the Staff explained in its August 21, 2006 letter to the City of Grover Beach, the project's 26,270 square foot parcel can accommodate a maximum of 10 hotel units. See, August 21, 2006 letter from Jonathan Bishop to George Hansen, page 2. The City of Grover Beach approved the project with 20 condominiums/rooms, roughly double the number of rooms that can be accommodated at a rate of 20 rooms/acre. The City also approved a total of 5 commercial units, bringing the total number of "units" approved to 25. The tentative tract map approved for the project includes 26 legal lots. The Commission would be committing the same error were it deny the appeal based on the assumption that the project consists of only 20 units.

The City approved the project with 20 condominiums/rooms based on the project's "gross acreage" which is 45,590 square feet, but which includes streets and public right of ways. As the Staff pointed out to the City in its 2006 letter, "clearly, these areas [public streets and right of ways] could not be developed with hotel units, and should be applied in calculating allowable density." Moreover, the City's approval completely ignored the additional 5 commercial units, which should have been considered "units" for the purpose of calculating the project's total density.

The City approved the project in reliance on its own Resolution No 05-40, according to which right of ways and city streets within the parcel may be used to calculate density. This resolution, however, does not apply to the proposed project and is irrelevant to the Commission's analysis for several reasons. First, the resolution is intended to apply residential zones only. As explained above, the proposed project is not within a residential zone; it is located within a commercial, visitor-serving zone. Accordingly, the Resolution No. 05-40 is inapplicable to the project.

But even if the Resolution did apply to commercial zones, it could not have been applied to this project because Resolution 05-40 was never formally adopted as part of the City's LCP. The City never proposed to the Commission as relevant to and therefore an amendment to the LCP, and the Commission never approved such an amendment. The Commission must therefore use the generally accepted rule that portions of the project within streets and right of ways may not be considered for density calculations.

Issue 3. The Project violates LCP policies designed to protect visual resources.

Section 2.2 Part II of the LCP contains a discussion of visual resources. Relevant to the project area (Visual Area No. 1) The LCP explains that "visually significant features [of the area] include a riparian corridor along Meadow Creek south of Grand Avenue, sand dunes which extend between and beyond the City's northern and southern boundaries, a wide, level beach and a long and unobstructed shoreline." The LCP makes clear that the Area 1, including the project site, contains very sensitive scenic vistas.

To protect these scenic values, the LCP recommends the following policies: "dunes, beach and shoreline shall continue to dominate the area visually. All structures shall be subordinate or

complimentary to these natural features and to existing structures.” 2.2.4(A)(1), p. 38. “The scenic and visual quality of this area shall be considered protected and enhanced where feasible.” 2.2.4(A)(2), p. 38.

Finally, specifically relevant to the project site, LCP’s Standard 2 requires that proposed projects must be designed to protect existing view corridors.

The City’s Mitigated Negative Declaration (MND) admits that the project would result in adverse visual impacts in areas that “currently offer views of the dunes to the west of the dune and the gulf course and open space to the north of the project site.” The MND does not seriously consider these esthetic impacts, focusing instead on the orderliness of the development, the project’s architectural compatibility with the surroundings, and the signage.

The Staff Report does not expend much more effort considering the project’s impact on scenic coastal resources. Like the MND, the Staff Report concentrates on the project’s architecture, and concludes that with the revisions agreed to by the applicant, the project would be consistent with the LCP’s architectural standards and visual elements. With respect to views of the beach, dunes and the ocean, the Staff Report only explains that the project will provide public shoreline views from a viewing tower. The Staff Report also states that “[i]n addition, the western extent of the project has been pulled back away from Meadow Creek, which clusters the buildings into a tighter configuration.”

The Staff Report does not include any adequate analysis from which to conclude the degree to which, if any, these modifications may improve the project’s impact on scenic coastal views. Moreover, the Staff Report does not explain whether additional modifications to reduce the impact on coastal views could have been feasibly implemented. Finally, the Staff Report does not discuss whether the project’s residual impact on coastal views are significant. In short, there is no analysis or evidence from which to conclude whether the project’s impacts on coastal visual resources may be significant.

In short, there is no evidence from which to conclude that the project has been adequately modified to protect coastal views to the maximum extent possible, or that the residual impact on views is insignificant. The Commission, therefore, cannot conclude that the project is consistent with the LCP policies and goals designed to protect coastal views.

Issue 4. The Project violates the LCP’s traffic access policies

The LCP contains Standard 3, which requires access to the site from Highway 1 and Le Sage Drive. The proposed project provides access from Grand Ave. In its 2006 letter to the City, the City noted this inconsistency, which is not discussed in the current Staff Report. (Ssee, Staff’s 8/31/2006 letter, page 3).

Conclusion

The appeal must be upheld because, even with project modifications and conditions, the project is inconsistent with several LCP goals and policies. Moreover, the Staff Report does not contain sufficient information and evidence from which to conclude that the project's potentially significant impacts are reduced to a level of insignificance. It can be fairly argued that the project's impacts on aesthetics (coastal views), traffic, consistency with applicable land use plans remains significant.

Sincerely,

/s/ _____

Babak Naficy

Attorney for North Grover Beach
Neighborhood Alliance

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ANDRE,
MORRIS
& BUTTERY
A PROFESSIONAL LAW CORPORATION

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JUL 31 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

July 30, 2008

Via Golden State Overnight Delivery

California Coastal Commission
Attn: Jonathan Bishop
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Coastal Commission Application Number A-3-GRB-07-051
Applicant: IGIT, Inc.
Hearing on De Novo Appeal
Date of Hearing: August 7, 2008
Agenda Item: Th20a

Dear Commissioners:

This firm represents the owners of the Le Sage Riviera RV and Mobile Home Park, located at 319 Highway One, Grover Beach, California, that lies immediately north of and adjacent to the project site mentioned above. Our client provides the public with 63 visitor serving RV spaces and 6 are located on its property closest to the proposed development. The property owner has two concerns with the project as proposed. First, our client is concerned with the details of the Meadow Creek Habitat Restoration Area; and second, the impact the project as designed will have on our RV users.

Meadow Creek Habitat Restoration Area

In 1974 our client acquired from IGIT's predecessor a 16-foot strip along Meadow Creek going from Le Sage Riviera RV Park to Grand Avenue. We provided staff with a copy of the deed for this strip in May. This section was acquired to provide an emergency access to and from the Le Sage's property. The access strip is shown in the photos enclosed hereto with the RV Park shown at the rear and Meadow Creek shown on the left. However, Exhibit G to the Staff Report (copy enclosed) describes the Meadow Creek Riparian Habitat Restoration Area. Our client wants to confirm that the 16-foot access strip **is not** part of the Habitat Restoration Area and that any approval of the project **will not** be conditioned on the applicant performing work in the Habitat Restoration Area.

Th29a
PETER R. ANDRE (1918-2000)
MICHAEL J. MORRIS
JAMES C. BUTTERY
DENNIS D. LAW
J. TODD MIROLA
SCOTT W. WALL
KATHRYN M. EPPRIGHT
KEVIN D. MORRIS
WILLIAM V. DOUGLASS
JEAN A. ST. MARTIN
LISA LaBARBERA TOKE
MELISSA McGANN BABU
BETH A. MARINO
JULIE CASEY MARTINEZ
PHILIP A. MARTINEZ
RYAN M. ARNOLD
KAREN-MARIE L. GJERDRUM
COLLETTE A. HILLIER

2739 Santa Maria Way, Third Floor
Post Office Box 1430
Santa Maria, CA 93456-1430
Telephone 805.937.1400
Facsimile 805.937.1444

1102 Laurel Lane
Post Office Box 730
San Luis Obispo, CA 93406-0730

www.amblaw.com

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MORRIS
& BUTTERY

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California Coastal Commission
July 30, 2008
Page 2

Negative Impact on RV Users at Lesage Riviera RV Park

The project as proposed would have a zero set back on a portion of its northern boundary and a four-story structure (including parking area) is proposed to be constructed on this boundary. It is unclear exactly where the roof line of the proposed structure will be in relation to my client's property. In any event, this design and the three-story height of the project would severely impair the enjoyment of our RV customers in the area immediately adjacent to the project. Specifically, the three-story would block both sunlight and satellite reception. Moreover, balconies and lights from the second and third stories of the north side of the proposed building will create an intrusive overlook of our RV customers. Needless to say, their privacy and quiet enjoyment would be infringed. Exhibit D, pages 3 and 4 to the Staff Report, among others show the zero lot line. Exhibit D, pages 10 and 11, demonstrate the height of structure along this boundary as well as intrusive lighting and balconies.

Thank you for your time and attention.

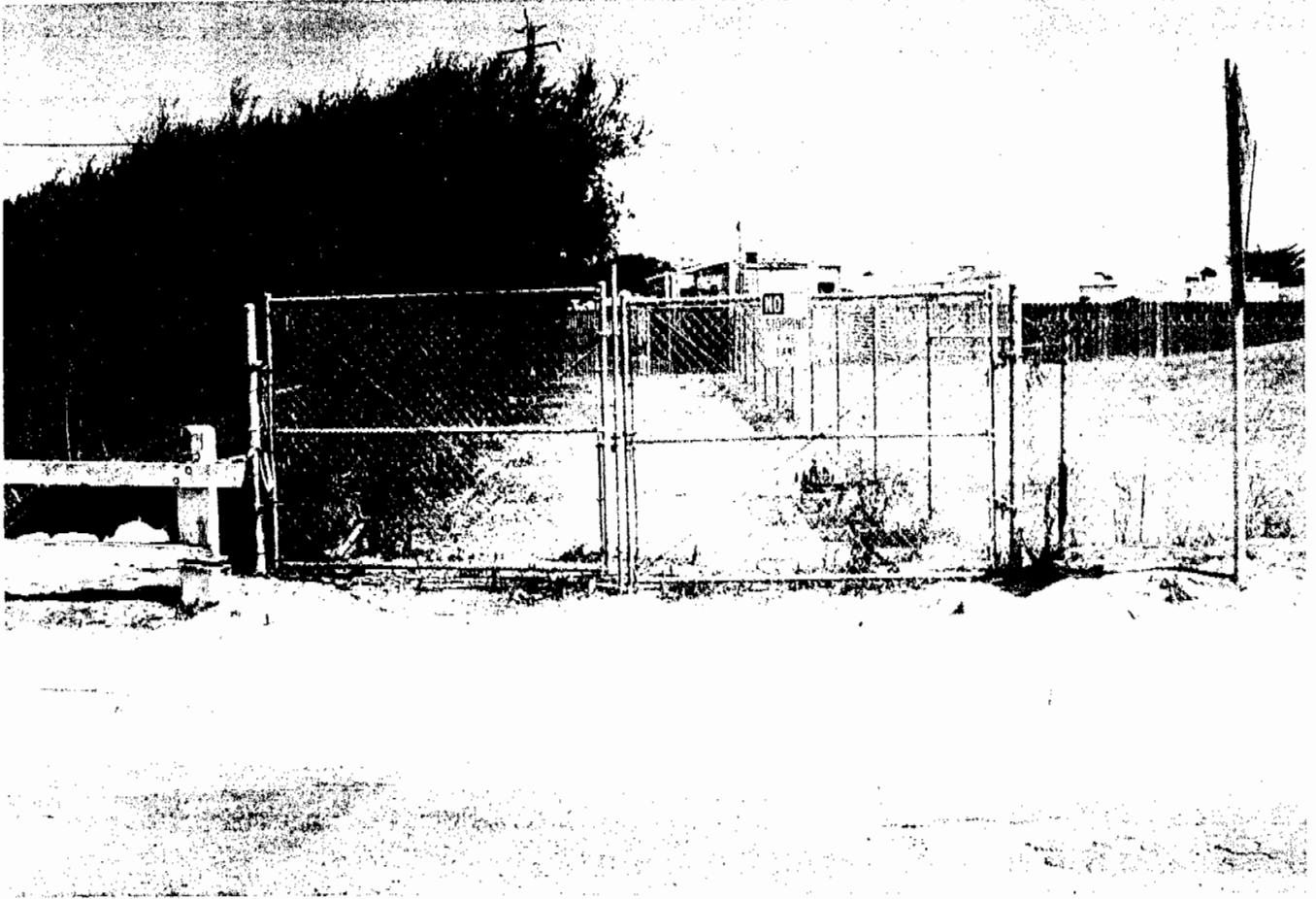
Very truly yours,



James C. Buttery

JCB:sdf
Enclosures

cc: (via U.S. Mail with enclosures)
Jim Murdock
Doug Le Sage
Phillip Greenlee



Th 29b 008

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AUG 05 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION

RECEIVED
AUG 05 2008
CALIFORNIA
COASTAL COMMISSION

Date and time of communication: August 4th, 2008 - 9:00 a.m.
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: Commissioner Neely's Eureka Office
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)


Person(s) initiating communication: Maggy Herbelin, ORCA Representative

Person(s) receiving communication: Commissioner Bonnie Neely

Name or description of project: Agenda Item Item Th 29b - Ocean View Plaza

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

ORCA opposes this project along with Save Our Waterfront Committee and Coastal Access for All. Reasons for opposition include: the project obstructs coastal views, there is a questions regarding the financial feasibility; there will be a 354% increase in water fees; if the desalination plant falls there will only be a 3-5 day water supply available; the project is inconsistent with water supply policies.


Signature of Commissioner

Date: August 4th, 2008

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

Th 296

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Thursday 29.b. Application No. 3-08-13 (Cannery Row Marketplace, Monterey)

Time/Date of communication: 10 am, August 1, 2008

Location of communication: San Diego

Person(s) initiating communication: Gabriel Solmer, Marco Gonzalez, Leslie Gaunt

Person(s) receiving communication: Pat Kruer

Type of communication: Meeting

On behalf of the Save Our Waterfront Committee, speakers agreed with the March 2008 staff report findings and recommendation, and pointed out inconsistencies with Coastal Act Sections 30250, 30231, and 30254 concerning protection of coastal waters and cumulative impacts. The main concerns were inadequate public services (water supply), inadequate public access, obstruction of coastal views, inadequate protection of coastal waters and impermissible dredge and fill of ocean waters.

Date: August 1, 2008



Pat Kruer

RECEIVED

AUG 04 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project: Application No. 3-08-13 (Cannery Row Marketplace, Monterey)

Date/time of receipt of communication: July 29, 2008; 4:30 pm

Location of communication: Palo Alto


Type of communication: Telephone

Person(s) initiating communication: Lennie Roberts, Mike Ferriara ORCA

Detailed substantive description of content of communication:

ORCA representatives briefed me about the project, and agreed with the staff recommendation.

7/29/08
Date


Signature of Commissioner

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JUL 30 2008
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc...: **Cannery Row Marketplace - Monterey.**

Date and time of receipt of communication: **July 22, 2008 @ 4:00pm.**

Location and type of communication: **K&S Ranch, Pescadero in person**

Person(s) initiating communication: **Tony Lombardo**

Detailed substantive description of content of communication:

1. The applicant claimed that the staff report recommending denial did not contain the findings and conditions of approval as directed by the Commission at the March meeting.
2. He went through the reasons for staff denial and his responses:
 - a. The project included more than a desal plant, therefore the plant can't be a coastal dependent industrial use.
 - b. Even though the statute doesn't state a size requirement, it is implicit that this project is not large enough to be a coastal dependent industrial use.
 - c. The approval of this project would set a precedent for other similar development on Cannery Row.
 - d. The above-surface emergency intake pipes and discharge pipe would interfere with the recreational uses in the Ed Ricketts Reserve.
 - e. The public coastal access components of the project are insufficient in the staff's opinion.
 - f. That in the event of the failure of the water system there will be pressure to connect to California-American Water Company and therefore when the desal system fails there will be a project on coastal resources due to the increased demand on California-American that will result.
3. He stated that the Court of Appeals just ruled in favor of the City of Monterey, that the Community Services District is now formed and will provide public ownership - as demanded by the Coastal Commission staff in 2005.
4. The applicant said they had secured commitments to provide emergency potable water supplies without connecting to Cal-Am - which is already prohibited under the City's conditions of approval.
5. The applicant's public access plan is consistent with and exceeds the requirements for public access for this property as spelled out in the City of Monterey Cannery Row LUP.
6. Since the staff failed to prepare findings and conditions as directed by the Commission, the applicant will be submitting to the Commission proposed findings and conditions for approval as requested by Commissioner Reilly in March.
7. We discussed the History and Heritage building and the plans for its reuse of the San Xavier Cannery building.

7/24/2008
Date



 Signature of Commissioner

77296

EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc...: **Oceanview Plaza - Monterey.**

Date and time of receipt of communication: **June 12, 2008 @ 4:00pm.**

Location and type of communication: **in person**

Person(s) initiating communication: **Tony Lombardo**

Detailed substantive description of content of communication:

I ran into Tony Lombardo at the Coastal Commission meeting in the hall and asked why he was there. He said he came to see the hearing on the Poseidon desalination plant, since the Commission had directed staff to return the Ocean View Plaza project (which also has a desalination component) to the Commission at the July meeting.

We briefly discussed the staff's recommendation for denial of the Ocean View Plaza project based on the fact that they did not believe that the Ocean View Plaza desalination plant (unlike all the others that have been before you) qualified as a coastal dependent industrial use.

Nor did staff feel that the community services district that was formed was adequate to address the public ownership concern they had expressed in May of 2005. However he pointed out it was staff that refused to process the Ocean View Plaza application until such a district was formed.

6/17/2008

Date



Signature of Commissioner

EX PARTE - OVP

RECEIVED

RECEIVED

FEB 27 2008

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

FEB 27 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA
COASTAL COMMISSION

Date and time of communication: 2.27.08 10:30 AM

Location of communication: S.L.O. COUNTY GOV. OFFICE
(If communication was sent by mail or
facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication: MORGAN RAFFERTY & JEFF PIENACK

Identity of person(s) receiving communication: COMMISSIONER ACHADJIAN

Name or description of project: SEE ATTACHED

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)
SEE ATTACHED

2.27.08

Date



Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

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FEB 27 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ex-Parte Meeting with Commissioner Achadjian

RE: March 2008 Coastal Commission Meeting

Attendees:

Morgan Rafferty, Executive Director, ECOSLO
Jeff Pienack, Chapter Chair, San Luis Bay Chapter, Surfrider

Date: February 27, 2008

ISSUES:

Thursday, March 6.

Th7b- A-6-CII-08-019, City of Carlsbad

The dredging, improving and long-term maintenance of portions of Agua Hedionda and Calavera Creeks for flood control enhancement purposes. The portion of the project in the Coastal Zone is the portion of Agua Hedionda Creek from the El Camino Real Bridge to the downstream side of Cannon Road Bridge.

Issues for consideration:

- Impacts to environmentally sensitive habitat (ESHA) and wetlands
- Inconsistency with approved 1994 Master Drainage Plan
-

We urge **SUPPORT** of Staff recommendation for finding of Substantial Issue

Th11b- City of Pismo Beach LCP Major Amendment Number 1-07 (Kendall/Five Cities Drive Rezone).

We urge **SUPPORT** of Staff recommendation

Th13a- A-3-MRB-06-064, Black Hill Villas, City of Morro Bay.

Subdivision of two parcels (totaling 3.17 acres) into 17 residential parcels and one common area parcel; removal of two existing residential structures; grading and site preparation for new residential sites and new access roads; construction of roads, utility infrastructure, and 17 residential units.

Issues for consideration:

- Protection of environmentally sensitive habitat (ESHA) and wetlands
- Inconsistent with certified LCP

- Viewshed Protection
- Set back issues
- Landform Alteration

All of these issues are addressed in staff recommended to ensure that the project protects coastal resources consistent with the requirements of the certified LCP. \

We urge SUPPORT of Staff recommendation

→ **Th13b- 3-06-065, Ocean View Plaza**

Mixed use project consisting of: 87,362 sq. ft. of retail and retail support use, including 30,000 sq. ft. of restaurant use; 38 market-rate condominiums. 13 inclusionary housing units; 8,408 sq. ft. of coastal/community use; 377 parking spaces; construction of an onsite desalination plant; rehabilitation of the San Xavier Fish Reduction Plant as a history center with an adjacent history plaza; replication of a utility bridge; and development of a community park.

Issues for consideration:

- Public access
- Coastal views
- Landform alteration
- Water quality
- Historic Resources

Of particular concern:

The Coastal Act requires that new development be located in existing developed areas with adequate public services and where it will not have significant adverse effects on coastal resources:

Section 30250(a): New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

This policy is directly applicable to the project because it is located in an already developed area – the highly urbanized City of Monterey – that is struggling with serious limitations on adequate public water supplies.

Because the applicant is proposing an alternative water supply outside of the current public service system for the City of Monterey, Section 30254 of the Coastal Act also is applicable. It provides for new or expanded public works facilities and states:

30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; . . .

Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned

public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic 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

We urge SUPPORT of Staff recommendation for denial of this project

77296

Susan Craig

From: Tom Luster
Sent: Thursday, February 21, 2008 8:04 AM
To: Susan Craig
Cc: Charles Lester
Subject: FW: FYI - ex parte

-----Original Message-----

From: Jeff Staben
Sent: Wednesday, February 20, 2008 5:32 PM
To: Tom Luster
Subject: FYI - ex parte

-----Original Message-----

From: Vanessa Miller
Sent: Wed 2/20/2008 2:52 PM
To: Jeff Staben; Dan Carl
Cc:
Subject: FW: Ex-Parte

-----Original Message-----

From: Dan B. Secord, M.D. [mailto:drdan@cox.net]
Sent: Wednesday, February 20, 2008 2:26 PM
To: Vanessa Miller
Subject: Ex-Parte

Date: February 20, 2008

Where: Santa Barbara

Who: Tony Lombardo

What: **Application No. 3-06-065 (Cannery Row Marketplace LLC, Monterey)**

Mr. Lombardo went over the project approved by the City of Monterey, which involves housing and commercial spaces in the former Cannery Row. We discussed the de-salination plant to provide water via a drilled pipe system that goes perpendicular to the project, has an emergency sea water intake and sub surface structure buried under the sand and filled with rocks which will filter sea water for the plant. Management of the de-salination system by a community service district (CSD), and permitted by the Regional Water Control Board. Public access to the sea and adjacent shoreline is featured.

Dan B. Secord, M.D.

Th296



Monterey/Santa Cruz Counties Building & Construction Trades Council

100 12th Street, Bldg. #2902, Suite #107 Marina, CA 93933
Phone 831.883.1188 • Fax 831.883.8112
www.msbcctc.com

John E. Bandarra
President

August 5, 2008

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AUG 05 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ned Van Valkenburgh
Vice President

Pat Kruger, Chair
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Paul Arseneault
Treasurer

Dear Chair Kruger:

The Monterey/Santa Cruz Building and Construction Trades Council represents approximately 4000 trades people in the Monterey Bay area. We have been in contact with the developers and representatives of the Ocean View Project from the beginning and continue to support the project as noted by our unanimous action at our August 4th meeting to send this letter.

Approval of the project will do many significant things that will have a positive affect for our community. Elimination of blight from the area that has existed for decades which is a daily reminder of a problem unresolved; access to the shoreline from the recreational trail as well as the street and a view corridor of the bay; and creation of a history center, park and plaza with the restoration of the Stohan Building are several huge benefits. Re-development of a previously commercial/industrial area bringing vitality, sustainability, and completion of that section of Cannery Row, is an example of infill at it's best. As a mixed use project it will provide housing in an urban setting. Lastly, we cannot overlook the economic benefits of such a project. The project will provide funding for needed traffic improvements, tax increment to local government, local sales taxes, and jobs, both short term in the way of construction, and long term for staffing the businesses which locate there.

In conclusion, we believe it is time to grant approval for this project and support such. The developers have included a proven de-sal system which can provide water at a sustainable rate. We believe that further delay of approval or denial of the project is not only an injustice to the developers but also an injustice to the greater community of the area that is in support of the project. It is time to move forward in a reasonable manner and we believe the project is reasonable.

WE URGE YOU TO SUPPORT APPROVAL OF THIS PROJECT.

Respectfully,

John E. Bandarra
President

Boilermakers #549
Bricklayers #3
Carpenters #608
Carpenters #605
Carpet, Lin. & Soft Tile #12
Elevator Constructors #8
Glaziers #1821
IBEW #234
Insulators & Asbestos #16
Ironworkers #155
Ironworkers #377
Laborers #270
Laborers #297
Millwrights #102
OP & CMA #300
Operating Engineers #3
Painters & Tapers #272
Plumbers & Steamfitters #62
Roofers & Waterproofers #95
Sheet Metal Workers #104
Sprinklerfitters #689

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AUG 05 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 4, 2008

Chairman Patrick Kruer
California Coastal Commission
725 Front Street
Santa Cruz, CA 95060

Dear Chairman Kruer,

On behalf of the Cannery Row Company, we believe the Coastal Commission should approve the proposal for the Ocean View Plaza project to be located on Cannery Row in the City of Monterey.

The Cannery Row area is nearing completion of a vision that was established many years ago. This project is consistent with that vision and as depicted in the Land Use Plan that has been adopted by the City of Monterey and California Coastal Commission.

Further this underdeveloped portion of property detracts from the remaining Cannery Row area that has been upgraded over the past years and does not complement the coastal experience of the visitors to Cannery Row.

Hopefully with this proposed development the Row can be completed.

Thank you,

Frank P. Donangelo
Vice President Planning & Development
Cannery Row Company

Th296

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AUG 01 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

①

7-30-08

Cannery Row Marketplace
Application No. 3-08-13

DEAR Coastal Commissioners

I am a life long resident of Monterey. I was born here in 1951. I am very protective of the environment, ambience, culture, and reputation of Monterey.

Cannery Row is a very unique street, not existing any place else in California or the world. It is historically and literary significant throughout the world. I am overwhelmingly in favor of this project for many reasons:

① the developer is required to renovate the historic Stohaus building.

② the developer is required to create a cultural center at the Stohaus building.

③ the developer is required to

(2) reconstruct the historical Saw XAVIER Warehouse across the street from the Stohans building using actual materials and siding from the original building.

(4) The developer is required to give 2 million dollars to the city of Monterey for traffic improvements in the area.

(5) The developer is required to build 13 low cost housing units on the site.

(6) Coastal access by the public is required for this project.

(7) The city will receive much needed sales tax funds from the retail portion of this project.

I am traveling to this meeting to speak (500 miles) in favor of this project and will give more detail on the benefits of it.

It is ~~an~~ right now a tremendous eyesore with no coastal access, and

③
No public benefits, PLEASE vote
in Favor of this project for
a win-win solution

Thank You

P.S. Susan CRAIG, make sure
all commissioners receive this
letter in copy.

Ronald Lomanto
16 CRANDEN DR.
Monterey, CA. 93940

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AUG 01 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th296

July 30, 2008

RECEIVED

AUG 01 2008

The Honorable Pat Krueger
Chair, and Members of the
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca 94105

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Please note that Coastal Commission staff has also received a copy of this letter.

**Re: Cannery Row Marketplace LLC
Application for Coastal Development Permit
CDP Application No. 3-06-065**

Dear Chairman Krueger and Commission Members:

As the former mayor for 20 years of the City of Monterey, I urge you to approve the Ocean View Plaza project which was approved by our City Council in June 2004. As discussed below, this project provides many benefits to the City of Monterey and all of the public who will visit the coast and Cannery Row.

Each time this matter was previously on the Coastal Commission's calendar to be heard, I planned to attend so I could tell you why I support this project. Unfortunately, I am not able to attend on August 7th because I have a long standing family commitment.

Elimination of Cannery Row's Eyesore and Safety Hazard

Ocean View Plaza is located on the last undeveloped space along the historic Cannery Row. Since the former canneries moved many years ago, the space has been a blighted eyesore which has been covered with graffiti and used for illegal trash dumping. To discourage these activities and to protect the public from the dangerous foundations that remain on the site, the property has been fenced off, and the property has not provided any coastal access.

The property is located at the approximate mid-point of Cannery Row. Given its location and its current condition, we believe it is likely that it has deterred visitors from fully exploring Cannery Row and from fully enjoying the beautiful coast of Monterey. I have previously described Cannery Row as a beautiful face with its front tooth knocked out because of the Ocean View Plaza property. With that space developed, the coastal experience along all of historic Cannery Row will be enhanced.

Public Access to the Coast

Ocean View Plaza will provide the only uninterrupted access between the City's Recreation Trail and the Monterey Bay. The project has been explicitly designed around

The Honorable Pat Kruer
Chair, and Members of the
California Coastal Commission
July 30, 2008
Page 2

a plaza that is expansive and very open, thereby providing a large view corridor and an inviting space for visitors and pedestrian traffic to experience this stretch of the coast.

The public access provided by the Ocean View Plaza far exceeds what the Cannery Row Land Use Plan requires. The Ocean View Plaza will provide public access across the Community Park and then through an expansive History Plaza. The Ocean View Plaza provides a public access easement across the entire length of the shoreline. The shoreline lateral access will be a continuation of the existing pathway from the Charthouse restaurant. Likewise, the shoreline lateral access will be continuous to the El Torito restaurant property. Access to the water's edge from the project's plazas is provided by two stairways. Additionally, there is a promontory under Building A which provides further public access. The retail/commercial spaces are visitor-serving. More than 8,000 square feet will be dedicated to coastal related retail or community use. The City of Monterey and its many visitors will benefit tremendously from this expansive public access.

History Will Be Preserved and Its Stories Told for All to Enjoy

On the History Plaza, visitors will be able to view historic fish holding tanks used by the former cannery, San Xavier. The San Xavier cannery and reduction plant, the last remaining historic cannery and reduction plant on Cannery Row, will be rehabilitated to serve as the History Center. A History Center has been included in the City's Historic Master Plan since 1999. The history of Cannery Row is very colorful, and the History Center will provide a much needed place to tell the stories about the people and events that made Cannery Row so important.

The History Center will serve as the focal point for heritage tourism on Cannery Row, and it will greatly increase the historic interpretation on Cannery Row.

Affordable Housing in Excess of What Is Required

Monterey County is one of the least affordable places to live. Providing affordable housing where people work is a goal of the City of Monterey. This project will build 13 of the 51 residential units as affordable housing—more than 25%. These 13 units will greatly assist Monterey residents and in particular service workers who may be employed by Cannery Row businesses.

The Honorable Pat Kruer
Chair, and Members of the
California Coastal Commission
July 30, 2008
Page 3

Traffic Improvements Will Further Enhance Public Access

In addition to the normal traffic impact fees the City of Monterey charges, this project will be providing an unprecedented Two Million Dollars (\$2,000,000.00) for the City of Monterey to use for traffic improvements to the Lighthouse Avenue Corridor that are wholly unrelated to this project. The Lighthouse Avenue Corridor is the principal means of gaining access to Cannery Row and Pacific Grove's beaches. These funds will allow much needed improvements to this street system beyond those necessitated by this project.

The EIR Demonstrates That Ocean View Will Not Harm the Environment

The certified EIR has been fully litigated, and the Court upheld the EIR. The EIR demonstrates that Ocean View will not harm environment.

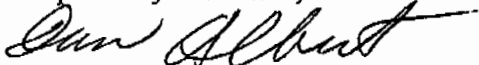
The Benefits of Ocean View Plaza Far Outweigh its Impacts

While some in our community have consistently opposed the redevelopment of this site in an effort to force the City to purchase it, the voters of the City overwhelmingly rejected a ballot initiative which would have prevented the development of this site. The City could not afford to purchase this site nor could it provide the benefits to the public in coastal access, jobs, affordable housing and traffic improvements that this project provides.

Ocean View Plaza will take a blighted eyesore and make it into a revenue producing jewel for Monterey. Instead of vandals and graffiti, there will be restaurants and stores attracting visitors to Cannery Row. Instead of fences and debris, there will be a park and an expansive and welcoming plaza for people to enjoy as they gaze at the ocean, explore the coast, and learn about the history of Cannery Row in the History Center.

I hope the Commission will approve this project at your August hearing so that the beautiful face of Cannery Row can be finished.

Respectfully submitted,



Dan Albert
Former Mayor of the City of Monterey

**The Honorable Pat Kruer
Chair, and Members of the
California Coastal Commission
July 30, 2008
Page 4**

**cc: Mr. Peter Douglas, Executive Director
Ms. Susan Craig, California Coastal Commission, Coastal Planner**

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JUL 31 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

July 31, 2008

Mr. Pat Kruger
Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca 94105

Via Fax 415-904-5400

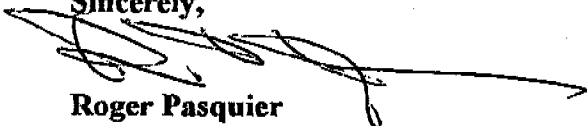
Dear Mr. Kruger,

As a resident of the Monterey Peninsula for 22 years and an on air personality at KION, I have interviewed many local individuals regarding Cannery Row, I would like to voice my support for the OCEAN VIEW PLAZA project.

The plaza project will clean up an unsafe and ugly area of Cannery Row. How anyone can say the current status of the site makes sense is being ridiculous. The proposed project will be a beautiful addition to Cannery Row and when complete will have long lasting positive effects for the city, county and state. It even has its own water through desalination.

The future is here and this project is the future. I ask you to approve the OCEAN VIEW PLAZA project as presented to the Coastal Commission.

Sincerely,



Roger Pasquier
Resident of Pacific Grove Ca
831-373-4716

CC" Susan Craig via fax 831-427-4877

*Real Property Advisors
29 Maple Way
San Carlos, California 94070
(650) 367-1204*

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JUL 31 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

July 29, 2008

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JUL 31 2008

CALIFORNIA
COASTAL COMMISSION

Mr. Pat Kruger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Ocean View Plaza
Monterey, California

Dear Commissioner Kruger:

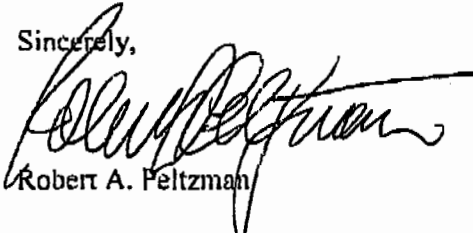
I am informed that the California Coastal Commission will review the Ocean View Plaza project for approval in the coming weeks. I urge you to approve this project.

As an urban land economist and a California citizen, I believe in preserving our natural resources. In particular, I believe we should protect our important California Coastline. Notwithstanding, there are places where urban development is a fitting use. Ocean View Plaza is a case in point. Firstly, this development will complement the existing structures along Cannery Row and make the district whole. Concurrently, this project will repair a noxious eyesore. Moreover, Ocean View Plaza will increase the Cannery Row tax base, which will support other needs in the community.

It is our duty as citizens to preserve our important resources. In reality, Cannery Row is a California resource. Ocean View Plaza will improve this district without compromising any of our natural resources, provided the developer is required to follow proper building guidelines. So, in my view, the public benefits of this project substantially outweigh the public costs.

Therefore, I urge your colleagues and you to approve Ocean View Plaza. Thank you.

Sincerely,



Robert A. Peltzman

RAP:tsm

cc: Ms. Susan Craig, Coastal Planner

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CENTRAL COAST AREA

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JUL 31 2008

CALIFORNIA
COASTAL COMMISSION

July 25, 2008

Mr. Pat Kruger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca. 94105

RE: Ocean View Plaza Project

Dear Mr. Kruger,

As a photography student in the early 70's I had the occasion to photograph parts of Cannery Row. While the row may have been photographically compelling, at that time it was neither attractive nor welcoming. As a long term business owner and peninsula resident I am disappointed that there has been no improvement in the intervening 35 years.

In 1996, when this project was sold, many in the community had hopes that something positive would finally happen. All the elements were in place, including a sale to a capable, experienced group with a genuine desire to improve this 'missing tooth' portion of the row.

Plans were drawn, submitted and requests for change were made by the planning authorities. Again, and again, and again. 12 years later and at the expense of thousands of hours of meetings, hearings, plan revisions and I'd guess a few million developer dollars later we have a plan that very naturally compliments this space. The end result is a wonderful project that the majority of residents are now ready to welcome into our community.

I implore your commission to approve this project NOW. Please allow the city to finally have the benefits of this project. The planning processes and the inordinate length to obtain approvals have become ridiculously long, and for what reason? Either the project can stand on its merits or not. This is a project that clearly can and one that the City of Monterey supports and wishes to see take place within its boundaries.

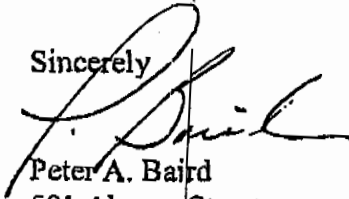
The sustainable desalination solution is innovative and valid. With present water constraints no further sensible development of any type will take place without introducing smart solutions to this need, and this project has addressed it completely and intelligently.

The public deserves access to this shoreline, and for the past several decades this has not been possible. The history plaza and history center will recognize and give due to the pioneers of the fishing heritage of our community. The housing makes sense. The job creation makes sense. The traffic improvements make sense.

All in all, this is a project whose time has come. The area that this project will encompass is embarrassingly blighted, and must be improved. Single parcel development would never bring the cohesiveness of a master planned approach, and if this project is not approved, it may be another 35 years before anything is able to be built.

I trust you can appreciate the positive significance of bringing this project to our community, and I urge you to approve it without further delay at the August commission meeting. Thank you for your considerations.

Sincerely



Peter A. Baird
501 Abrego Street
Monterey, Ca. 93940
(831)646-1919

Cc: Ms. Susan Craig, Coastal Planner
California Coastal Commission
Central Coast District Office
725 Front Street
Santa Cruz, Ca. 95060-4508

Th296

**WILLIAM J. MAXAM
LOIS F. MAXAM
24 Catpaw Cape
Coronado, CA 92118**

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JUL 31 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

July 30, 2008

Mr. Pat Kruger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Via FedEx

Dear Mr. Kruger:

We urge the California Coastal Commission to approve the long pending "**Ocean View Plaza**" project on Cannery Row in Monterey.

While we reside in the San Diego area, it has been our family's custom to frequently visit Cannery Row and the Aquarium.

Obviously, Cannery Row's East end will benefit greatly by the addition of the well designed project before you and which has been developed under the watchful eye over the past decade of concerned citizens like us as well as with the City of Monterey's approval some 5 years ago.

The planned architecture, shops, housing, parking, open space, public access and new history center will all combine to essentially tie all of Cannery Row together to benefit visitors and locals alike. The present eyesore will be gone.

We understand that like on Catalina island, the proven technology of water desalinization will be coupled with the brownfield clean up of the site with a good portion of the development being dedicated to much needed affordable housing to serve the Monterey area and work force.

Please approve this project.

Kindest regards,



William J. Maxam



Lois F. Maxam

cc: Ms. Susan Craig, Coastal Planner (By FedEx and Email)

July 28, 2009

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JUL 29 2008

Mr. Pat Kruger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Support for Ocean View Plaza project on Cannery Row in Monterey

Dear Mr. Kruger and other Coastal Commissioners,

We have lived on the Monterey peninsula for thirty years. We have followed the progress of the Ocean View Plaza from the beginning when it was known as the Cannery Row Marketplace. We simply cannot believe that it has taken this long to get approval for a sorely needed, well-designed infill project like this.

The project site is an eyesore and has been for the entire time we have lived here, even before the current property owners. The shoreline looks like the beachhead a Normandy during the D-day invasion with concrete pylons and decaying foundations in the surf. I do not think it is a safe idea to access the water from the shoreline there.

As we have seen, the project has endured several painstakingly reviews by a lot of people here who share the love of the town and bay. Some people are never happy and you will probably hear from some of them soon. In our opinion the detractors of the project have been eliminated by concessions made by the developer to extent that only the true, unreasonable extremists are left to complain. Please listen to reason and the science before you rather than their strained rhetoric. We believe the City would not have approved the project if there were outstanding issues remaining of significance.

We think the architecture is absolutely perfect for Cannery Row, not too big or too small. There were no views of the ocean from Ocean View Avenue during the so-called historic period of the 1940's. The bayside of the street was completely closed off with massive, smelly canneries. The proposed project offers an enormous park and history center unlike any other private property along Cannery Row. If the property owners are forced to chop up the site and sell it off in pieces, the community probably will not have the grand view from the recreational trail to the bay that the proposed project affords.

It is time to APPROVE THIS PROJECT without further delays. The project is presented to you after excessive scrutiny by local folks who will have to live with it for a long time. We like it and want it - now! Thank you.

Sincerely;

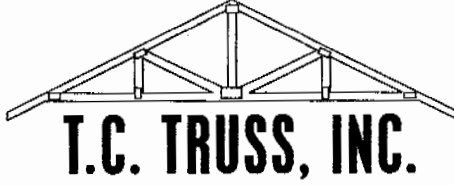


Carol and Jim Schock
P. O. Box 686
Pebble Beach, Ca 93953

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JUL 29 2008

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CENTRAL COAST AREA



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JUL 28 2008

CALIFORNIA
COASTAL COMMISSION

July 24, 2008

Mr. Pat Kruger, Chair
California Coastal Commission
45 Fremont Street
San Francisco, CA. 94105

Re: Ocean View Plaza – Monterey, CA.

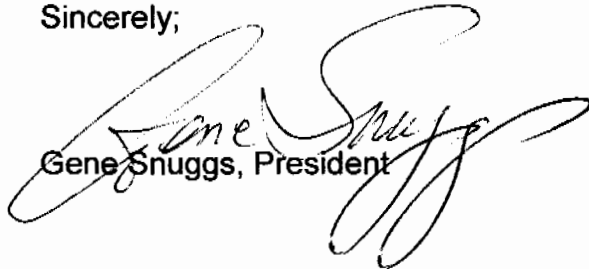
Dear Mr. Kruger;

I am writing to lend support for the Coastal Commission's approval of this project. This area has been a negative, unsafe blight on our waterfront for too many years. The opportunity that presents itself will greatly enhance our community and the shoreline.

Please approve the Ocean View Plaza project.

Our community will be greatly in your debt.

Sincerely;


Gene Snuggs, President

C:Ms Susan Craig, Coastal Planner

Steve C. & Vicki L. Wilson

Th 296

690 Pine Street
Monterey, CA 93940-1334
(831) 372-0670

SENT VIA FACSIMILE

July 28, 2008

Mr. Pat Kruger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

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JUL 29 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Ocean View Plaza, Cannery Row, City of Monterey

Dear Sir or Madam:

This is to urge APPROVAL of this project. We are long-time property owners and residents of Monterey, and we have been seeing Cannery Row slowly getting rebuilt. This project would greatly enhance the image of the city, and Cannery Row in particular. In addition, it will provide much needed housing and jobs. That is especially important to help in the recovery process for the deep recession that the state and local economy, and especially the construction industry are all now enduring.

Sincerely yours,



Steve C. Wilson

cc: Ms. Susan Craig, Coastal Planner (via facsimile)

Th 296

28 July 2008

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TO: Mr. Pat Kruger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

JUL 28 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: Robert M. Furney
369 Lighthouse Avenue
Pacific Grove, CA 93950-2853

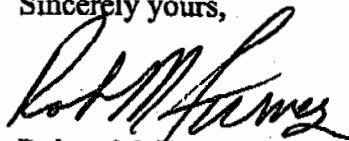
Subject: Recommend Approval of the Ocean View Plaza Project, Monterey California

Items for consideration:

1. This project has been discussed, cussed and downsized and meddled with since its inception. Those who protested the project several times at the Monterey City Council hearings will again show their faces with all of the same arguments they lost in the past. There is a beautiful hotel and restaurant at the East end of Cannery Row and then a visual disaster of concrete floors of burned out cannery warehouses, and an area that looks like it was bombed out in a war until you come to the Mexican restaurant. Hardly a desired view for Cannery Row.
2. Water is a problem on the peninsula. Water will be a problem state wide with the drive to eliminate dams, and radical changes in the diversion of water to protect salmon and other endangered species robbing growers of crop water. This project recognizing that water shortage planned a desalination plant within the project to provide the potable water.
3. Your Costal Commission planners told project personnel that they did think a private organization or company should have a desalination plant providing potable water to the public. The fact that the Monterey Aquarium a private non-profit venture provides all of its potable water from their own desalination plant does not seem to impress your planning staff. Make you wonder on their rationale. OK one place but not another site right down the street. Did David Packard have more money and influence over the Commission than this group?
3. The City of Monterey so desires this project to go forward to completion, they formed a special district so that it a public entity would be responsible for the desalination plant. They mistakenly thought this would over come your planner's objections who apparently have little or nor rationale for their negative position.
5. Your planners have told the developers they have no rationale or policies on desalination plants they just didn't like the idea of this project having its own desalination operation.

6. Some allege the desalination plant will harm the environment and the ocean. There is no organization more protective of the ocean and the environs therein than the Monterey Bay Aquarium. They find desalination the best solution to provide all of the potable water to the aquarium. Neither the desalination plant that supplies water to Santa Catalina Island hurt the environment nor the massive plant that supplies all of the drinking water for Riyadh, Saudi Arabia
7. The News paper listed one of the Costal Commission objections cited by your planners was the reliability of desalination plants. I gagged on that. The City of Riyadh, Saudi Arabia has received all of its potable water for over 20 years from desalination plants a city of over 3 million. The Monterey Aquarium right down the street from this project has been operating its privately owned desalination plant full time since it opened in 1996. Their plant has processed over 40 million gallons or an average 10, 071 gallons a day with no problems. Your planner seem to operate on the basis that "never let the facts influence your decisions"
8. There was mention of the "historic Stolen" building on the site of this project. One Monterey City Council member who grew up near the row stated at the City Hall Meeting on this project that the Stolen building was not historic, it was a place the canneries used to store their old junk equipment until occupied by a fire protection company that just glued the sprinkler heads to the ceilings of schools, and then as an art store. This building is not at all historic but a left over junk storage building.
9. It seems planning staffs often find it so easy to say no to a project. They then spend hours and months trying to justify their original position. The real problem is that all too often the principles like you follow their lead like a bunch of sheep lead to the slaughter by a Judas goat.
10. Your staff in all likelihood will again recommend a negative vote on this project. I question if the board of the Costal Commission has the nerve, fortitude and integrity to ask your staff to give you their specific and definitive reasons that this project should be rejected other than "We don't like it".

Sincerely yours,



Robert M. Furney

CC: Ms Susan Craig, Coastal Planner

Phone: (831) 375-5523
Fax: (831) 333-0690
E-mail: dekremer@pacbell.net

Donald E. Kremer
615 17th Street
Pacific Grove, CA 93950

Th296

July 24, 2008

Mr. Pat Kruger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Mr. Kruger:

This letter is in support of the much needed Ocean View Plaza to be located on "Cannery Row" in Monterey, California. The site has been an eyesore on Cannery Row for many years. Finally there is a project that meets the needs of the Monterey Peninsula community with many benefits. The shoreline will be accessible to the public. The project will provide jobs in this time of economic downturn. It will provide a park on the site and provide new housing. I'm particularly pleased that the project will use sustainable desalination for water. With the water challenges on the Monterey Peninsula, this project is showing the way for alternative water systems.

I urge the California Coastal Commission to approve this project. It makes good sense for our area.

I thank you and the members of the commission for the hard work and the service you provide.

Sincerely,



Don Kremer

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JUL 28 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th296

2 August

Dear Susan Craig,

I am writing you to encourage you to oppose the Ocean View Plaza project for Cannery Row. We have enough retail space on the street. How about a "window on the bay" space. This will draw more visitors and locals than any new stores.

Thank you for your consideration

Sincerely,
Erica Fox
Monterey, CA

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AUG 05 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th 296

SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

Please reply to: Rita Dalessio
16 Via Las Encinas, Carmel Valley, CA 93924

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JUL 30 2008



CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

July 24, 2008
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz CA 95060
Attention: Susan Craig, Planner

**Subject: August 7, 2008 meeting, Item Th13b-3-2008, Application No. 3-06-065
Cannery Row Marketplace, LLC**

Oppose the Project

Dear Members of the Coastal Commission :

The Ventana Chapter of the Sierra Club supports the staff recommendation to deny the proposed Ocean View Plaza project. The private desalination facility intended to provide water for the project has the potential to adversely impact the critical water supply crisis we face on the Monterey Peninsula. California-American Water Company, having failed to obey WR 95-10 for 13 years is now facing a Cease and Desist Order from the State Water Resources Control Board to stop over-pumping of the Carmel River. If this desalination facility is inadequate or fails (which is very possible) the developers will turn to California-American to provide water. Continuing to develop or encourage new water sources and uses that do not "pay back" what is being taken from the Carmel River is contrary to the intent of the SWRCB.

Allowing private, for-profit growth enabled solely by a custom made desalination facility (even where the facility is publicly owned) would set a dangerous state wide precedent for private development in water restricted areas. If the Coastal Commission approves the desalination plant here, you will be faced with hundreds of similar applications from developers throughout water short areas of California. The end result would be destructive of the efforts of the Coastal Act and much other legislation designed to protect and preserve the environment.

Additionally, the current design of the facility is not consistent with the Coastal Act due to impermissible fill and dredging of ocean waters, as well as potential entrainment impacts due to a backup open ocean intake line. The Monterey Bay National Marine Sanctuary requires the highest level of protection from the adverse impacts of desalination facilities. Please protect the marine environment as well as the coastal Carmel River by denying this project.

Thank you for your consideration of these important issues.

Sincerely,

A handwritten signature in cursive script that reads "Rita Dalessio". The signature is fluid and connected, with a prominent initial "R".

Rita Dalessio, Chair
Ventana Chapter, Sierra Club

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JUL 28 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Item No. Th29b
Permit No. 3-08-013
Opposition

July 23, 2008

- 1 - 01

Th29b

Members of the Commission :

I urge rejection of this project for the following reasons :

1. The recent completion of the new hotel with its attendant shops etc. makes this project redundant.
2. The question of potentially harmful consequences to the ocean environment has still not been resolved.
3. The propriety of a municipal city council assuming the responsibilities and liabilities of a water management system agency is still in question.
4. In light of the tanking economy and the dire predictions of a potential full-blown recession , this ill-advised project should be laid to rest.

Respectfully,

Janice M. O'Brien
Janice M. O'Brien

Box 1037

Pebble Beach, Ca. 93953

(831) 625-1386

FYI: Peter Douglas, Exec. Director, Coastal Commission
cc: of letter
sent to all
Commissioners

TH296

1342 Jewell Ave.
Pacific Grove, CA 93950
July 21, 2008

From: Nada Kovalik: In opposition to application:
Agenda Item 29
Permit Number 3-08-013
Applicant: Cannery Row Marketplace

Dear Commissioner:

I would like to register my opposition to granting the application of Cannery Row Marketplace mixed use project (Ocean View Plaza), based on the following reasons:

- 1) The project will require a large amount of water which the Monterey Peninsula does not possess.
- 2) The installation of an onsite desalinization plant would present a dangerous precedent, which easily could result in establishment of numerous small desalinization plants along our coastline.
- 3) A regional approach to the use of desalinization plants would present far less threat to the coastline and could be more safely and effectively monitored for the public benefit than many small plants.
- 4) The project as a whole seems overwhelming large, and commercially oriented-- to the extent that it negates the intrinsic environmental and human values of an open, beautiful and historic segment of our precious coastline.

Thank you for your consideration of my views. I appreciate very much the time and effort you devote to your service as a Coastal Commissioner!

Sincerely,

Nada Kovalik

Nada Kovalik

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JUL 24 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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7296 ✓

APR 15 2008

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

8240 El Camino Estrada
Carmel CA, 93923 USA
Tel. 831-625-5316

April 12, 2008

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

Ocean View Plaza

Dear Ms. Craig;

I am a 30-year resident of the Monterey Peninsula, and I have dealt extensively with water-supply issues.

The State Water Resources Control Board, having waited for 13 years for California American Water Co. to comply with their Order 95-10, is about to enforce a Cease and Desist order on Cal-Am, which will further diminish the Monterey Peninsula's already inadequate water supplies.

Objections to the desalination plant proposed by Ocean View Plaza developers come under two headings:

- 1. Discharge of waste brines near Cannery Row in Monterey is environmentally unacceptable, given the variety of marine life and the Marine Sanctuary at that location.*
- 2. The scale of this project will add materially to the Peninsula's population and thus to its demand for more water beyond the site of the project. Given SWRCB's Cease and Desist order, any such increase is totally unacceptable.*

We support your staff in opposition to Ocean View Plaza


Robert Greenwood

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RECEIVED

AUG 05 2008

Edward J. Davidson

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

200 Button Street #15
Santa Cruz, CA 95060
TEL/FAX 831 423-9294

MEMORANDUM OF INQUIRY

To: California Coastal Commission and Attorney General

Subject: Proposed sale of state tidelands at "Its Beach" by State Parks Dept. to the City of Santa Cruz

Date: August 4, 2008

Under court order, State Parks Department must reinstate State Park off-leash dog regulations at Lighthouse Field State Beach (LFSB). The City of Santa Cruz management of the park allowed dogs to be off-leash since 1994. Negotiations for the City to purchase the park have been stalled due to budget constraints. State Parks has now proposed selling State tidelands at LFSB, locally called Its Beach, to the City of Santa Cruz for \$106,000 to allow dogs to run off leash.

Its Beach is adjacent to and up coast from Pt. Santa Cruz, the northern point of Monterey Bay. It sits below the City's West Cliff Drive and bluff-top park opposite Lighthouse Field S. B. A bluff top park extends over two miles up coast to Natural Bridges S. B. The 4-500 foot long pocket beach is at the base of a fifty-foot bluff with a twenty-foot vertical wall and an Ice plant covered 45-degree slope to the coastal terrace. Bluff retreat may average one to two feet a year with a semi-permanent beach except after winter storms. The MHT (mean high tide) line was last surveyed in 1927-29.

West Cliff Drive and its bluff-top park is a unique and popular coastal recreational resource. It features a dozen (free) parking bays along its 2 ½ -mile length and a wide pedestrian/bicycle path. Activities include world-class surfing at Steamer's Lane, water-contact sports with access via a stairway at Its Beach, and walking, jogging, skating, and cycling along the path. Passive recreation includes views of Sea lions and shore birds, sailboats on Monterey Bay and waves crashing on the rocks. The Coastal Commission recently approved a park master plan that included widening the main path and West Cliff Drive to install bike lanes. A court challenge of the plan was denied and is now pending appeal.

A brief history of actions affecting Lighthouse Field may be helpful. (Dates approximate)

- 1976 – A proposed hotel/convention center/shopping center/condominium project at Lighthouse Field was denied by the (Prop 20) Coastal Commission. It received ¼ votes when ¾ votes were required for potential parkland.
- 1979 – State purchase of the 37-acre Lighthouse Field, inland of West Cliff Drive, for a State Park. Its Beach was already State tidelands.

- 1985 – City adopts a LFSB Management Plan; begins managing the park. State regulations observed, including dogs on leashes.
- 1994 – City resolution allows off-leash dog runs, during certain hours, for the entire field and Its Beach. No environmental review required.
- 2005 – State Parks Commission approves updated Management Plan including off-leash policy. No environmental review required for the established policy.
- 2006 – Opponents successfully challenge off-leash policy on environmental grounds. Court orders State regulations be enforced.
- 2007 – City enters negotiations for purchase of the park but budget constraints prevent reaching a settled price. City terminates management agreement; State Parks enforces leash regulations.
- 2008 – State Parks agrees to sell Its Beach for \$106,000; City authorizes \$60,000 for environmental study of impacts of off-leash use at Its Beach.

The proposed sale of State tidelands by State Parks to the City of Santa Cruz should be of interest to the Coastal Commission, State Lands Commission, and Attorney General. As a private citizen, the above facts raise certain questions about the proposed sale that I am ill equipped to answer. My suggestion is that the Coastal Commission and Attorney General review the following questions at this time in order to minimize future litigation.

- 1) – *Which State agency is authorized to sell State tidelands to the City of Santa Cruz: State Parks Dept, State Lands Commission, other?* State purchase of Lighthouse Field was for the 37-acres landward of West Cliff Drive. State tidelands at Its Beach pre-existed that purchase although State Parks manages that beach.
- 2) – *What is the extent of the State claim to land below the MHT line at Its Beach?* The Coastal Commission's zone of Original Jurisdiction was based on the 1929 Blue Line survey and generally reflects the contours of the bluffs. During the 80-years since the Blue Line survey there has been considerable bluff retreat (40-ft. @ six-inches/year) thus landward migration of the MHT line. Land between the MHT and toe of the bluff is in City ownership.
- 3) – *For the purposes of CEQA, who is the proper Lead Agency?* State Parks, State Fish and Game, and the Coastal Commission all have stakes in environmental review of activities at Its Beach.
- 4) – *Will City regulation of off-leash dog use and smoking and alcohol prohibitions prevail?* The City has had problems with conflicts between surfers and kayakers at Steamer's Lane; access to the water is via a stairway at Its Beach.

Respectfully submitted,

Ed Davidson
Edward J. Davidson, AICP