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To: Coastal Commissioners and Interested Persons

From: Peter Douglas, Executive Director
Dan Carl, District Manager
Mike Watson, Coastal Planner

Subject: 3-04-027-A2-EDD (Dewey Parking Program). Appeal of the Executive Director's determination that the City of Pacific Grove's proposed amendment (to authorize an existing unpermitted preferential residential permit parking program along the Pacific Grove shoreline) lessens and avoids the intended effect of the Commission's coastal permit.

A. Staff Recommendation

1. Summary of Staff Recommendation

Coastal development permit (CDP) 3-04-027, as amended, authorized implementation of a metered parking program in a portion of Pacific Grove immediately adjacent to the City of Monterey city limits along the shoreline and near the Monterey Bay Aquarium. As mitigation for the public recreational access impacts of the metered parking program, CDP 3-04-027 required all public parking impediments along the Pacific Grove shoreline to be removed between the approved metered parking program west to Lover's Point, and specifically required that all preferential residential permit parking programs along and adjacent to Ocean View Boulevard be removed by March 31, 2010 (unless the impediment was determined to be lawfully permitted or installed and operational prior to February 1973). The City concurred with the terms and conditions of the amended CDP, and it was approved on the Commission's consent calendar on September 9, 2009. The City's metered parking program is currently in place. On March 29, 2010, the City of Pacific Grove applied to retain the unpermitted preferential residential permit parking program that the Commission had required to be removed in 2009. This permit parking program applies within a roughly two square block area immediately west and adjacent to the approved metered parking program near the Monterey-Pacific Grove city limit between the hours of 9:00 a.m. and 6:00 p.m.. The City indicates that the unpermitted permit parking program is necessary to protect on-street parking opportunities for residents and their guests on the subject streets.

Pursuant to the Commission's regulations, applications that amend Coastal Commission CDPs must meet a critical first test before they can be accepted for processing. Specifically, the Executive Director is required to reject such applications if they would lessen or avoid the intended effect of the Commission's CDP action (sometimes referred to as a "weakening amendment"). California Code of Regulations (CCR) Section 13166(a) states as follows:

The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an



approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

On April 28, 2010, the Executive Director rejected the City's application as a weakening amendment per CCR Section 13166(a) because the City's proposal would undo the Commission's required public recreational access mitigation, thus lessening and avoiding the intended effect of the Commission's CDP action, and because the City did not present any newly discovered material information per Section 13166(a) that would allow the application to be accepted for processing.

On May 12, 2010, the City appealed the Executive Director's determination to the Commission, as is provided for by CCR Section 13166. The City indicates that the application should not be considered an amendment to CDP 3-04-027, and that the permit parking program is needed in the area in question to protect residents from visitor and employee parking associated with nearby attractions. In terms of the amendment question, there is little doubt that the City's application is an amendment to CDP 3-04-027 as it proposes to retain the residential permit parking program that is required to be removed pursuant to that CDP.

In terms of the City's other contentions, the City's appeal does not meet the tests of CCR Section 13166, and the Executive Director continues to recommend that the application be rejected and that the City honor the terms and conditions of the CDP. The City has exercised the CDP and received the benefit of the approved CDP via its metered parking program, and the City must also accept the burdens of the CDP as well. These public streets provide a valuable public recreational access function by providing parking for visitors to the shoreline, including to and along the Pacific Grove shoreline, which is a very popular visitor destination, and the Commission's CDP action was explicit with respect to requiring the removal of the subject residential permit parking program as mitigation for the metered parking program. The City's current proposal would only reduce the coastal resource protection utility of the Commission's CDP action, and cannot be accepted for processing for this reason. In addition, there is no compelling evidence to suggest that these public streets shouldn't be available to the general public and that they should instead be maintained for the residents alone. On the contrary, these are public streets that should be available for public use, particularly given that they are located in a prime visitor destination area. Staff is cognizant of the resident-visitor conflict issue that is inherent in shoreline locations like this, but there is no compelling Coastal Act reason to consider allowing preferential residential permit parking at this location, including when the Commission has already required it to be removed to offset identified public recreational access impacts.

Thus, staff recommends that the Commission concur with the Executive Director determination under CCR Section 13166. The motion to implement this recommendation is found directly below on page 3.

2. Staff Recommendation



Staff recommends that the Commission concur with the Executive Director’s determination that the application be rejected. If the Commission concurs with the Executive Director’s determination, then notice of the Commission’s determination will be forwarded to the City of Pacific Grove and the terms and conditions of CDP 3-04-027 will remain unchanged. If the Commission overturns the Executive Director’s determination, then the application will be accepted for processing as an amendment to CDP 3-04-027.

Motion. I move that the Commission overturn the Executive Director’s decision to reject coastal development permit amendment application number 3-04-027-A2. I recommend a No vote

Staff Recommendation. Staff recommends a **NO** vote on the motion, thus rejecting it. Following the staff recommendation to reject this motion will result in the Commission upholding the Executive Director’s determination and rejecting the amendment application and in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution to Concur with the Executive Director’s Determination. The Commission hereby concurs with the Executive Director’s determination to reject coastal development permit amendment application number 3-04-027-A2 on the grounds that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit and that there is no newly discovered material information which, in the exercise of reasonable diligence, could not have been discovered and produced before the permit was granted.

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B. Findings and Declarations

The Commission finds and declares as follows:

1. CDP Amendment Criteria

Pursuant to CCR Section 13166(a), applications that would lessen or avoid the intended effect of the Commission's CDP action must be rejected, unless the applicant presents newly discovered material information that could not, with reasonable diligence, have been discovered and produced before the permit was approved. Specifically, CCR Section 13166(a) states:

Section 13166 Amendments to Permits Other Than Administrative Permits.

(a) The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

(1) An applicant may appeal the executive director's determination to the commission. The appeal must be submitted in writing and must set forth the basis for appeal. The appeal must be submitted within 10 working days after the executive director's rejection of the amendment application. If timely submitted, the executive director shall schedule the appeal for the next commission hearing or as soon thereafter as practicable and shall provide notice of the hearing to all persons the executive director has reason to know may be interested in the application.

(2) If the commission overturns the executive director's determination, the application shall be accepted for processing in accordance with subsection (c) below.

Thus, applications that amend Commission CDPs must meet a critical first test before they can be accepted for processing. Specifically, the Executive Director is required to reject such applications if they would lessen or avoid the intended effect of the Commission's CDP action (sometimes referred to as a "weakening amendment"). Section 13166(a) also allows applicants to appeal an Executive Director's determination that such an amendment is a weakening amendment to the Commission.

In this case, on April 28, 2010 the Executive Director notified the City that CDP amendment application 3-04-027-A2, proposing to authorize after-the-fact an existing unpermitted preferential residential permit parking program along the Pacific Grove shoreline, was rejected pursuant to CCR Section 13166 (see Exhibit C). The City was informed that the application constituted a weakening amendment per CCR 13166(a) because the City's proposal would undo the Commission's required public recreational access mitigation, thus lessening and avoiding the intended effect of the Commission's CDP action. In addition, the City did not present any newly discovered material information that would allow the



application to be accepted for processing, as required for such weakening amendments.

On May 12, 2010, the City appealed the Executive Director's determination to the Commission, as allowed by CCR Section 13166(a)(1) (see Exhibit B).¹ In its appeal, the City indicated that the application should not be considered an amendment to CDP 3-04-027, and that the permit parking program is needed in the area in question to protect residents from visitor and employee parking associated with nearby attractions.

Thus, the issue before the Commission is whether to concur with the Executive Director's determination (and thus reject the application) or whether to overturn the Executive Director's determination (and thus accept the application for processing).

2. CDP 3-04-027 Background

The preferential residential permit parking program that is the subject of the City's application is located between Dewey Avenue and 2nd Street, and Ocean View Boulevard and Central Avenue (i.e., the first two blocks inland from the shoreline and immediately west of the American Tin Cannery) in the City of Pacific Grove's Point Cabrillo planning area (see Exhibit A). The Point Cabrillo planning area encompasses one of the most popular visitor-serving destinations on the Monterey Peninsula. Located just west of Cannery Row and contiguous with the Monterey-Pacific Grove city limit, this area draws visitors from far and wide, including to frequent the shops of the American Tin Cannery, the exhibits of the Monterey Bay Aquarium (with over 1.8 million visitors annually), and historic Cannery Row itself (with shopping, distinctive restaurants, and ocean-side overnight accommodations). This area is also a key jumping off point for significant public recreational access facilities, including the eclectic system of public accessways winding along the shoreline and in and around the built environment of Cannery Row, as well as the 18-mile Monterey Bay Coastal Trail, a biking and hiking path that meanders along the Pacific Grove shoreline just seaward of Ocean View Boulevard downcoast of Cannery Row, offering sweeping views of Monterey Bay, offshore granite rock formations, and pocket cove beaches, as well as glimpses of near-shore marine life. Heading upcoast, the trail leads past the Aquarium and connects upcoast to the historical Custom House Plaza, Fisherman's Wharf, Monterey Bay Park, and extends further out to the communities of Seaside and Sand City.

In 2004, the Coastal Commission approved an after-the-fact² CDP³ to recognize the operation of a metered parking program (including 100 parking meters and signs) on several Pacific Grove streets adjacent to the shared border with the City of Monterey (including Eardley Avenue, Dewey Avenue, Sloat Avenue, Ocean View Boulevard, and Wave Street).⁴ Per this approval, the metered parking fee

¹ The City's appeal letter is dated May 11, 2010, but was received in the Commission's Central Coast District Office on May 12, 2010.

² The City installed the meters in 2003 without benefit of a CDP.

³ CDP 3-04-027.

⁴ Prior to the metered parking program and the Commission's action on the CDP, parking on the affected streets was time restricted (i.e., 2-hour parking), but parking was free.



schedule increases with the amount of time a parking space is occupied. The graduated rate is \$1 per hour for the first 2 hours, \$2 per hour for the third and fourth hours, and \$4 per hour for each hour or portion thereafter. The program operates from 9:00 a.m. and 8:00 p.m. seven days a week, so one would be charged a maximum of \$34 for a maximum stay of 11 hours (i.e., if one parked in a metered parking space for the duration of its daily operation).⁵ In its 2004 approval, the Commission was concerned that the metered parking program adversely impacted public recreational access in terms of parking, and was likewise concerned that there appeared to be a number of parking restrictions (e.g., time limits, red curbs, residential permit parking, etc.) within project area whose origins (and CDP status) were unclear. These other parking restrictions likewise adversely affected public access parking. The Commission thus limited its approval to a 5-year term, required parking along Ocean View Boulevard between the metered program and Lover's Point to remain free and unrestricted, and indicated that the origins of the suspect parking restrictions needed to be reviewed as part of any subsequent submittal to approve the metered program for more than the initial 5 years.

In 2009, the Commission approved CDP amendment 3-04-027-A1 to allow the metered parking program to continue indefinitely. At that time, the City indicated that it was unable to locate (and did not submit) information on the origins of the existing parking restrictions in and near the project area identified in the Commission's original approval. The Commission again was concerned that the metered parking program, in tandem with other parking impediments, would adversely affect public recreational access. The Commission found as follows:

The cited Coastal Act policies make clear that maximum recreational access must be provided for all segments of society. Those policies also require that lower cost visitor and recreational facilities be protected and, where feasible, provided, and require that adjacent park and recreation areas, like the City's recreational trail, be protected from the affects of adjacent development. This location is a popular parking area for visitors to the Monterey Bay Aquarium and Cannery Row, as it provides easy access to the western end of Cannery Row. There are a multitude of pay-for-parking alternatives within the first few blocks of the area. However, prior to the installation of parking meters at this location in 2003,⁶ this two square-block section of town provided the only "free" parking within a short (less than 5 minutes) walking distance of these well-attended visitor attractions. The proposed amendment would indefinitely extend the metered parking program across this two square-block parking area, and would thus require visitors to the area who are not willing or not able to pay for parking to seek unrestricted parking further away from the prime visitor destinations. Additionally, the presence of a residential permit parking program immediately adjacent to the west of the proposed metered program threatens to push the only free and unrestricted parking more than 3 blocks from Cannery Row and the Aquarium.

⁵ If one vehicle used one space for the maximum daily program duration, 1 hour costs \$1, 2 hours cost \$2, 3 hours cost \$4, 4 hours cost \$6, 5 hours cost \$10, 6 hours cost \$14, 7 hours cost \$18, 8 hours cost \$22, 9 hours cost \$26, 10 hours cost \$30, and 11 hours cost \$34.

⁶ Id.



Parking fees in the vicinity range from \$1 per hour at meters (time-limited) to \$10 per day or more at public and privately managed parking lots. Fees for the subject metered parking program in the City of Pacific Grove are \$1 per hour for the first two hours, \$2 per hour for the next two hours, and \$4 per hour for each hour thereafter. A trip to the Monterey Bay Aquarium generally lasts a minimum of two hours, however, more often than not, a complete tour of the attraction and lunch at Cannery Row can easily last 4 to 5 hours. Some members of the public may find the parking fee unaffordable, and there aren't any other nearby and convenient locations to park and access the attractions in this area without paying a fee. Yes, the public could use the metered spaces in question, but the fee proposed, ranging from a dollar for the first hour up to \$10 for 5 hours (and \$22 for an 8-hour stretch), would displace public access users, including disproportionately displacing users with lower incomes, for whom the fee would be excessive. Visitors unwilling and/or unable to afford to pay such parking fees would also be pushed further away from the shoreline and access destinations to look for lower cost parking options thus leading to less low/no-cost parking availability overall in the area.

Furthermore, recent trends in parking regulations raise concerns about the cumulative impacts of individual projects on the ability of the public to readily park and access the shoreline. Over time, the establishment of various parking regulations in both Pacific Grove and Monterey has led to a diminishing number of free and low cost, unrestricted parking spaces for this prime visitor destination, including along the historic Cannery Row. There are a multitude of parking regulations including time limits, metered parking, residential permit parking, red curbs, and overnight parking bans that limit the public's ability to freely access the coast.⁷ The cumulative impact of the proposed program along with this series of existing parking regulations significantly limits the public's ability to access the coast in this popular visitor serving destination, especially for those in need of lower cost facilities in order to access the coast at all. Where the Commission has acted to approve parking programs that restrict the general public from free parking, the local government was required to relocate the free parking elsewhere.⁸ Even in cases where the proposed parking restrictions were limited to timing restrictions (and not fees), the Commission has required offsetting mitigation in the form of ensuring continuing free unrestricted parking nearby.⁹ The proposed project in this case would displace visitors from free on-street parking in this area, leaving only paid parking as an alternative in this area. Although the City is proposing to impose metered parking at 100 sites that were previously free of charge, the City is not proposing to create offsetting free parking to replace it elsewhere.

For these reasons, the proposed metered parking program is not consistent with maximizing and

⁷ There are various parking restrictions along the stretch of Ocean View Boulevard in Pacific Grove including prohibitions on the north side of Ocean View from Carmel Street to 13th Street, on the seaward side of Ocean View from Dewey Avenue to 2nd Street, a residential parking district on the landward side of Ocean View from Dewey to 2nd Street, and red, yellow, and blue curb areas on Ocean View from Dewey to Fountain Avenue. As previously described, these parking restrictions are all considered unpermitted.

⁸ See, for example, previous Commission actions on the following applications: 5-84-236 (City of Hermosa Beach), 5-98-42 (City of Long Beach), 5-02-380 (City of Santa Monica), and 5-02-422 (City of Seal Beach).

⁹ See, for example, A-3-STC-07-057 (City of Santa Cruz).



protecting public recreational access or protecting and providing lower cost facilities as required by the Coastal Act.

Thus, the Commission found the metered parking program as proposed inconsistent with the Coastal Act.¹⁰ To offset the identified impacts and allow for a finding of Coastal Act consistency, the Commission required that the parking along Ocean View Boulevard remain free and unrestricted, and specifically required that existing unpermitted parking restrictions, including explicitly the subject preferential residential permit parking program, be removed. The Commission found as follows:

Fortunately, the original CDP provides a framework for considering this application that can be used to allow the City's proposal while providing options that can still address the Coastal Act requirements to maximize public recreational access, including parking facilities, and including those necessary to ensure adequate low cost options. Specifically, the amended CDP can be conditioned similar to the temporary program CDP to ensure that on-street parking along the immediate shoreline on Ocean View Boulevard from the metered parking area to Fountain Avenue (a distance of almost a mile) is left as free unrestricted public parking for the life of the metered parking program. Except for any existing legally established and coastal permitted (or pre-coastal permit requirement) restrictions, and except for restrictions required to allow safe and normal traffic flow (i.e., a red curb area that restricts parking because there is inadequate space for both parking and through traffic, etc.), all other parking restrictions (including a preferential parking program, red curbing, no parking signs, etc.) would need to be removed to ensure such free unrestricted parking access.¹¹

The City estimates that there are over 200 parking spaces along Ocean View from 1st Street to Fountain Avenue, some of them restricted as described, though most are free and unrestricted. These parking spaces are mainly used by beach goers and users of the City's multi-purpose recreational pedestrian and bike path that winds along the City seaward of Ocean View Boulevard. Some visitors also park here and access the Monterey Bay Aquarium and Cannery Row, although these destinations do require a several block walk. In any case, though, this area provides an appropriate offsetting mitigation, including with respect to undoing parking restrictions that have not been permitted.

Therefore, in order to find the proposed amendment consistent with the Coastal Act, the Commission imposes Special Condition Number 1 which requires the City to maintain the public parking along Ocean View Boulevard between Dewey Avenue and Fountain Avenue as free, unrestricted public parking for the life of the project. Only those parking restrictions which have been legally permitted (i.e., have received coastal development permits) or preceded coastal permitting requirements (i.e., were legally permitted and implemented prior to February 1973),

¹⁰ The City does not have a certified LCP and thus the standard of review for development in the City's coastal zone is the Coastal Act.

¹¹ The preferential residential parking program is enforced daily between the hours of 9:00am and 6:00pm, while red curbs and No Parking restrictions are in effect all day, each day. In both cases, the restrictions preclude use of public roadway for public parking to access the shoreline, shoreline recreation trail, and Cannery Row.



and those restrictions required to allow safe and normal traffic flow (i.e., a red curb area that restricts parking because there is inadequate space for both parking and through traffic, etc.), shall be allowed to be retained. All other parking restrictions must be removed within the next six months (i.e., by March 31, 2010).

The Commission's adopted Special Condition 1 states:

Ocean View Boulevard Parking. *All parking along Ocean View Boulevard between Dewey Avenue and Fountain Avenue shall be unrestricted free public parking for the life of the approved project, except for any existing coastal permitted (or pre-coastal permit requirement) restrictions, and except for restrictions required to allow safe and normal traffic flow (i.e., a red curb area that restricts parking because there is inadequate space for both parking and through traffic, etc.). All impediments to free public parking along Ocean View Boulevard in this area and immediately adjacent to it with respect to preferential parking programs (including but not limited to the residential permit parking program and all residential permit parking signs located between Dewey Avenue and 2nd Street, Ocean View Boulevard, and Central Avenue; all red curb areas; and all other restrictions (i.e., time limits, no parking, etc.) and related signs) shall be removed by March 31, 2010 except for: (1) those impediments for which evidence is provided by that date for Executive Director review and approval that conclusively shows that the impediment is required to allow safe and normal traffic flow; and (2) those impediments for which evidence is provided by that date that: (a) a coastal development permit has been issued for such impediment; or (b) the impediment was lawfully permitted, installed, and operational prior to February 1973.*

Thus, in terms of then existing impediments to free public parking, the Commission recognized that some impediments might be necessary "to allow safe and normal traffic flow" (e.g., certain red curb areas, etc.), and also allowed the City a last opportunity to provide evidence of a CDP or evidence that certain impediments pre-dated coastal permitting requirements of Proposition 20 (the Coastal Initiative) and the Coastal Act.¹² Absent such showing and evidence, the Commission required such impediments to be removed by March 31, 2010. The City indicated that it concurred with the terms and conditions of the amended CDP, and it was approved on the Commission's consent calendar on September 9, 2009. The City further acknowledged and agreed to abide by the terms and conditions of the CDP when it signed the permit.¹³ The City's metered parking program is currently in place.

3. Proposed Amendment

The City proposes to recognize, after-the-fact, the currently unpermitted preferential residential permit parking program that the Commission required be removed by March 31, 2010. This proposal would allow the continued operation of the permit parking program (between Dewey Avenue and 2nd Street,

¹² Coastal permits have been required in this area going back to February 1973 pursuant to Proposition 20.

¹³ As signed by the then acting City Manager and dated September 16, 2009.



and Ocean View Boulevard and Central Avenue) indefinitely, including retention of signs and continued operation and enforcement of the program. The permit parking program affects public street areas fronting 31 residential lots and would allow reservation of approximately 34 on-street public parking spaces during the day (9:00 a.m. to 6:00 p.m.) for sole use by residential permit parking holders and their guests.

The City indicates that the subject program was initiated in the mid-1980's in response to complaints from residents in the program area about the public parking in the streets fronting their homes when the Monterey Bay Aquarium opened its doors. The program has thus been in effect since the 1980s, but it has never been permitted by the Commission and thus constitutes unpermitted development.

4. Executive Director's Determination

Pursuant to the requirements of CCR Section 13166(a), the Executive Director determined that the City's proposed application constituted a weakening amendment per CCR 13166(a) because the City's proposal would undo the Commission's required public recreational access mitigation, thus lessening and avoiding the intended effect of the Commission's CDP action. In addition, the City did not present any newly discovered material information that would allow the application to be accepted for processing, as required for such weakening amendments. The City was informed of the Executive Director's determination by letter dated April 28, 2010 (see Exhibit C). In that letter, the applicable requirements of CCR Section were explained, as were the relevant facts surrounding the terms and conditions of the Commission's CDP with respect to the preferential residential permit parking program.

In short, the proposed project directly contravenes and attempts to vacate the Commission's required public recreational access mitigation associated with the Commission's CDP approval. The City's application did not present any newly discovered material information and appears to be a fairly straightforward case of an applicant interested in reducing the level of mitigation associated with a prior Commission CDP action. The Commission and the City were both well aware of the preferential residential permit parking program at the time of the Commission's action, including well aware of the lack of any CDP recognizing it. The Commission explicitly recognized same, and explicitly required that the program be eliminated so that there could be free unrestricted parking along these streets as mitigation for the identified impacts associated with the metered parking program that was approved per the CDP. The City concurred at the time with these requirements, even requesting that the matter be moved to the Commission's consent calendar (which it was, and it was approved on the consent calendar). It is because of the mitigation identified, including the elimination of the residential parking program, that the Commission was able to find the metered parking program consistent with the Coastal Act.

CCR Section 13166 sets up a critical first test for considering applications that amend Commission CDPs, and this test is not to be taken lightly, particularly in relation to explicit terms and conditions such as those that are at issue here. In addition, Section 13166 does not afford discretion to the Executive Director regarding whether to accept a weakening amending application. It is mandatory that



such amendments be rejected (i.e., the Commission's regulations state that the Executive Director "shall reject" such amendments). Finally, a proposal, such as the City's, to undo the mitigation required as part of an earlier approval is not only inappropriate in this case, but it would set an adverse precedent for untold numbers of CDP decisions with similar mitigation requirements throughout the coastal zone.

Pursuant to CCR Section 13166, the Executive Director thus rejected the City's proposed application.

5. City's Appeal of Executive Director's Determination

On May 12, 2004, the City appealed the Executive Director's determination in a letter from the City Manager (dated May 11, 2010, see Exhibit B). In that letter, the City disputes the determination that the application is an amendment to the base permit and contends that the Dewey Avenue neighborhood preferential residential permit parking program is a stand-alone project that is not an amendment to CDP 3-04-027. The City further notes that the Dewey Avenue neighborhood is a small enclave located immediately adjacent to extremely popular visitor-serving amenities, which together draw hundreds of employees and millions of visitors annually. The purpose of the program, as explained by the City, is to "protect the neighborhood from Aquarium and Cannery Row employee and visitor parking." The City attributes many of the parking problems in the Dewey Avenue area as being caused in part by the inconsistency of the coastal zone boundary in this location, which they indicate has had the unintended consequence of encouraging Aquarium and Cannery Row employees and visitors to park within the City of Pacific Grove residential neighborhoods, imposing a significant hardship on the City of Pacific Grove and more specifically on the permit parking program area. See Exhibit B for a copy of the City's appeal letter.

In terms of the City's contention that the application to recognize the preferential residential permit parking program is a stand-alone project and not a request to amend CDP 3-04-027, the Commission disagrees. The City may have intended the application as a stand-alone project, but it is clearly an amendment to CDP 3-04-027. As previously described, the permit parking program was a recognized issue in the Commission's deliberations for CDP 3-04-027, going back to the early 2000s, and the Commission's 2009 decision explicitly required its elimination in order to return these public street areas to the public for unrestricted public parking use. In fact, the Commission's findings indisputably identify the Dewey Avenue neighborhood and removal of the residential parking program as mitigation for the individual and cumulative impacts to public recreational access associated with the establishment and operation of the approved metered parking program. The application, as submitted, would eliminate this CDP requirement and thus constitutes an amendment to the base CDP.

In terms of the City's contention that the irregular coastal zone boundary has imposed a significant burden on the City and nearby residents, the location of the coastal zone boundary is not newly discovered material information. The coastal zone boundary in this area has been unchanged for many, many years. It is true that the coastal zone is somewhat larger in the City of Pacific Grove than it is in Monterey (approximately 3 blocks inland from the shoreline as opposed to only a single block in Monterey). It is also true that the Commission does not retain jurisdiction over non-coastal zone areas,



and thus it is possible that differing standards may be the result in certain circumstances. However, this information is not new and is not adequate to allow the Commission to accept the application for processing under CCR Section 13166. The Commission is tasked with evaluating coastal zone development under the Coastal Act, as it did in its deliberations regarding CDP 3-04-027, and the City's coastal zone boundary contentions are not new material information in that regard, and they also do not alter the basis for the Commission's CDP action.

Likewise, the City's contention that visitors and employees associated with Cannery Row amenities, including the Monterey Bay Aquarium, park along nearby streets (including ostensibly in the permit parking area absent the unpermitted program) does not represent newly discovered material information. It is a broadly understood fact that visitors and employees who drive to prime visitor destinations will attempt to park where it is least costly and most convenient. This in turn sets up the potential for resident-visitor (and resident-employee) conflicts with respect to competing demand for on-street public parking. This issue is hardly a new issue in the California coastal zone, and hardly a new issue, let alone newly discovered material information, in Pacific Grove, a prime visitor destination. In fact, the City capitalized on this phenomenon when it installed the metered parking program under CDP 3-04-027 and realized what the City's data indicates is revenue generated by the meters in the hundreds of thousands of dollars annually.

Finally, the City's anecdotal evidence (primarily observations in letters from affected residents located within the permit parking boundaries) indicating the public streets were in high demand for parking in the 1980s before the unpermitted permit program was established is not newly discovered material information. Although the letters themselves are "new", the information is not, inasmuch as the City has represented for many years that the permit parking program came about as a result of competing visitor-resident demand for parking.¹⁴ Perhaps more importantly, its relevance to a CDP decision is limited. Again, it is clear that the City's coastal zone is a prime visitor destination and that it includes residential neighborhoods on public streets where visitors park. In fact, the Commission's CDP action was premised on this fact, including on making sure that the impacts from the metered parking program were appropriately offset by ensuring that such visitors could use public streets for free unrestricted public parking.

In short, it is clear that the City's application is an amendment to CDP 3-04-027, that it lessens and avoids the intended effect of CDP 3-04-027, and that the City has not presented newly discovered material information that could not, with reasonable diligence, have been discovered and produced before the permit was granted. As such, the Commission concurs with the Executive Director and rejects the City's application as required by the provisions of CCR Section 13166.

6. Conclusion

¹⁴ And even if it were to somehow be argued that the new letters make it "new" information, such information certainly could have been discovered and produced prior to the Commission's action on the CDP, with reasonable City diligence.



Although the Commission is sympathetic to the issues raised by the City, it is clear that CDP 3-04-027 explicitly intended the area that is the subject of this amendment be returned to unrestricted public parking use as mitigation for coastal resource impacts caused by the permit, and it is clear that the City has not presented new information relevant to that CDP determination. The on-street parking areas in question are public streets that should be available for public parking, and the affected residents have adequate off-street parking facilities (garages, driveways, etc.) to handle their private needs.¹⁵ It appears to boil down to the age-old coastal zone issue of perceived resident-visitor conflict in areas that are prime visitor destinations. On the one hand, the City clearly finds itself in an enviable position where it attracts significant numbers of coastal visitors (who in turn contribute mightily to the local economy). On the other hand, the City finds itself in the unenviable position of having residents complain about such visitors. Residential permit parking programs tend to be the immediate civic reaction, but such programs only serve to exclude the general public from certain areas, pushing them further from the coast and/or into more expensive parking options, further limiting public access to the very segment of visitors who most need such low-cost alternatives. When such programs are considered in relation to other impediments to parking access (e.g., the approved metered parking program, street areas that are red-curbed when they could physically accommodate safe parking, etc.), the cumulative impact is only exacerbated.

The City has exercised the CDP and received the benefit of the approved CDP via its metered parking program, and the City must also accept the burdens of the CDP as well. The Commission expects the City to abide by the terms and conditions of CDP 3-04-027, and thus expects that the residential parking program (and other impediments to public parking and access) be removed as directed by CDP 3-04-027 immediately. As it is, the City is out of compliance with its CDP, and has been in violation of it since the March 31, 2010 removal deadline passed. Should the City continue to wish to explore a preferential residential parking program at this location, then the City can do that after they have met the removal terms and conditions of CDP 3-04-027, and after they have developed newly discovered material information per the criteria of CCR Section 13166 to allow the Commission to accept such an application for processing and consideration. With respect to the latter, the removal of the subject preferential residential parking program as required by CDP 3-04-027 would allow the City to monitor on-street parking on these streets and to develop new information in that regard as to public versus private use, conflict, etc.. To the extent that that information was material per the criteria of Section 13166 (including that it clearly showed a problem in need of a solution), the City could propose an appropriate project at that time. To be clear, however, the Commission does not encourage the City to take that route, including because any such problem identified seems unlikely to support a permit parking solution, and because the (restored) public parking in this area is mitigation for impacts from CDP 3-04-027.

¹⁵ Including as required by the City's municipal code.



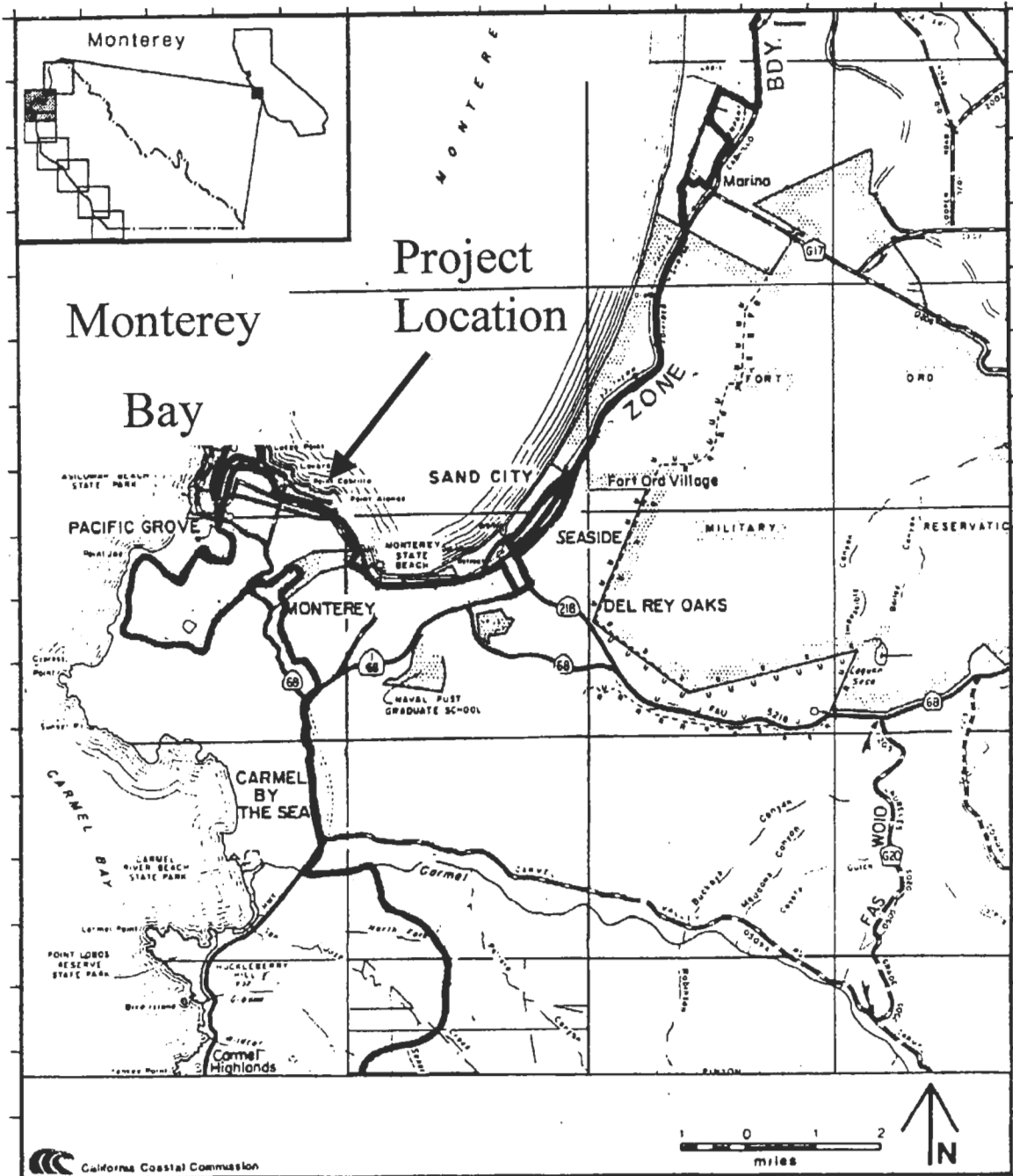
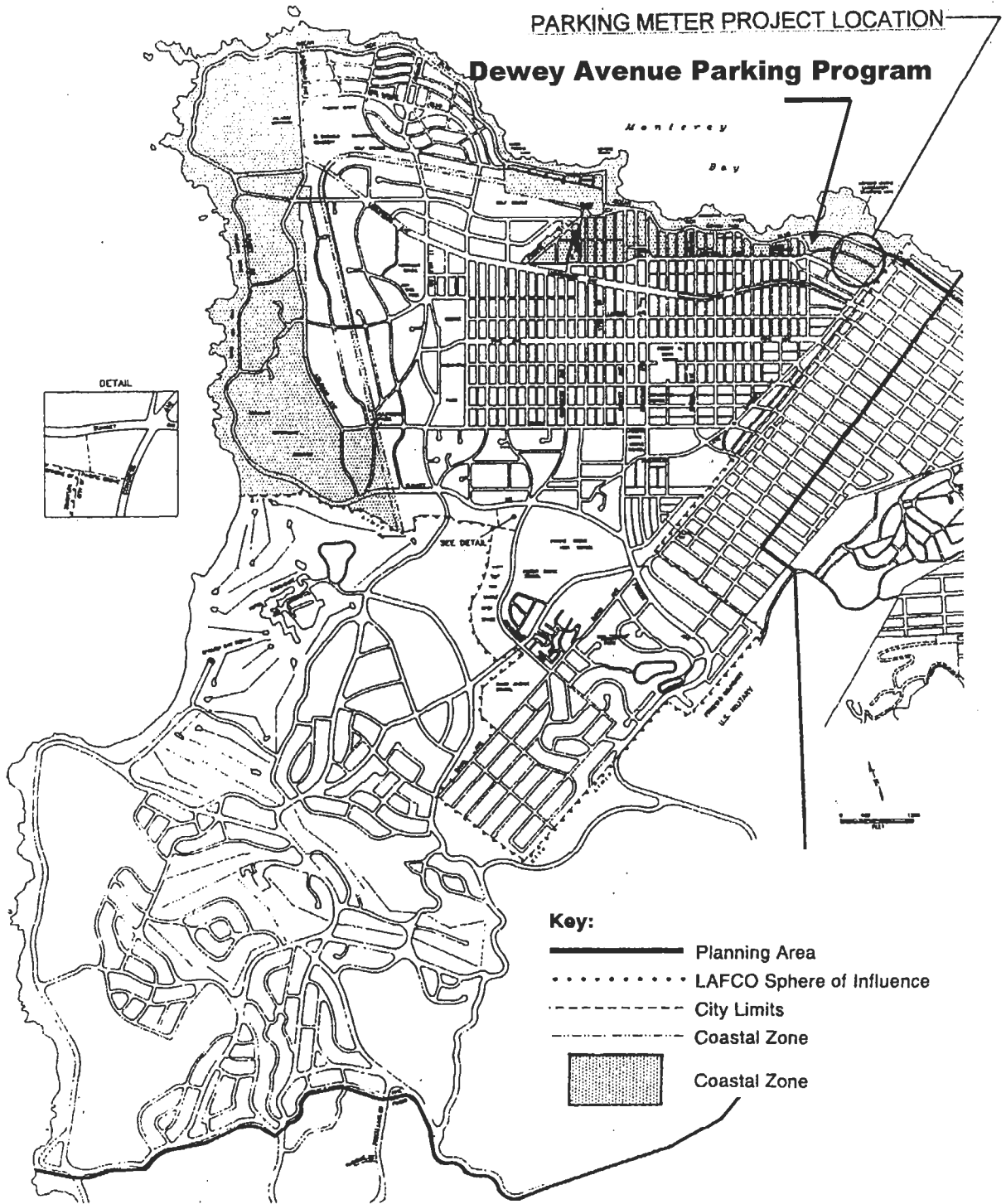


Exhibit A: Regional Location Maps
 3-04-027-A2; Dewey Parking Program
 Page 1 of 3

Figure 1-2
Pacific Grove City Limits, Planning Area, Sphere of Influence, and Coastal Zone Boundaries



Dewey Avenue Parking Program



American Tin
Cannery
(metered parking)

Pacific Grove
Recreation Trail

To Monterey Bay Aquarium
and Cannery Row

RECEIVED

MAY 12 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



**CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT**

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3190
FAX (831) 648-3184

BUILDING INSPECTION
(831) 648-3163
HOUSING PROGRAMS
(831) 648-3190
PLANNING/ZONING
(831) 648-3190

May 11, 2010

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Appeal of Denial for Coastal Development Permit Application for a Residential Permit Parking Program, Dewey Avenue Neighborhood, Pacific Grove, California

Dear Mr. Watson:

On March 24, 2010, the City of Pacific Grove submitted a Coastal Development Permit Application for a residential permit parking program, located in the Dewey Avenue neighborhood of Pacific Grove.

On April 30, 2010, the City received a letter of denial (dated April 28, 2010) from the Coastal Commission Executive Director. The letter stated that any appeal of the denial must be submitted within ten (10) working days of the letter; no later than May 12, 2010. With the submission of this letter, the City of Pacific Grove is formally appealing the denial of the CDP application and requests reconsideration of the application on its merits.

Firstly, as a point of clarification, the CDP application submitted by the City on March 24, 2010 was not a request to amend the previously approved Permit No. 3-04-027. The City applied for a new Permit for the Dewey Avenue neighborhood residential permit parking program as a stand-alone project.

As noted in the original application, the Dewey Avenue neighborhood is a small residential enclave located in the shadows of large-scale City of Monterey visitor amenities, namely the Monterey Bay Aquarium and Cannery Row. These attractions together employ a significant number of staff (420 employees and 900 volunteers alone for the Aquarium) and receive approximately 5.8 million visitors annually. The City of

Monterey provides only 45 employee parking spaces free of charge; not nearly enough to satisfy the parking demands generated by such intense visitor/commercial uses.

The Monterey Bay Aquarium officially opened on October 20, 1984. On October 30, 1984 (10 days later), the residents of the Dewey Avenue neighborhood circulated a petition to restrict parking to residents only, due to the significant influx of traffic and parked cars in their neighborhood. The residents took their concerns to the Pacific Grove Traffic Commission on November 13, 1984 and to the Pacific Grove City Council on December 19, 1984. The Council adopted Resolution No. 5596, on a 6-0 vote, to establish a residential permit parking program for the neighborhood.

In reviewing the reasons that the Dewey Avenue neighborhood residential permit parking program was originally implemented, and in speaking with current neighborhood residents, the City feels that the program has been successful in meeting its primary objective of protecting the neighborhood from Aquarium and Cannery Row employee and visitor parking. The City and the residents of the Dewey Avenue neighborhood believe that the program is still necessary for the protection of the owners and residents directly adjacent to and negatively impacted by the Monterey Bay Aquarium and Cannery Row.

Furthermore, the coastal zone boundary differs significantly between the City of Monterey and the City of Pacific Grove. Within the City of Monterey, the coastal boundary line runs along the southern edge of the recreation trail; midway between Wave Street and Cannery Row. Upon crossing into Pacific Grove, the coastal boundary line jogs several blocks inland to Central Avenue. The location of the coastal boundary line within the City of Monterey precludes the Coastal Commission from restricting parking meters or time-restricted parking near the Aquarium and Cannery Row. This discrepancy in the location of the coastal boundary line has had the unintended consequence of encouraging Aquarium and Cannery Row staff and visitors to park within City of Pacific Grove residential neighborhoods and then walk back to the City of Monterey. Because of this, the inconsistency in the location of the coastal boundary line imposes significant hardship on the City of Pacific Grove and, more specifically, on the Dewey Avenue neighborhood.

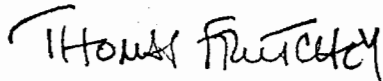
The purpose of the residential permit parking program is not to restrict access to the coastline, but to protect this small residential neighborhood from significant negative impacts arising due to its proximity to large-scale visitor/commercial properties located in the neighboring municipality. The residents of the Dewey Avenue neighborhood unjustly bear the brunt of decisions that were wholly out of their control, and the control of Pacific Grove. They and the City seek relief by way of a residential permit parking program during daytime hours.

This neighborhood is in a unique situation due to its location as well as the inconsistency of the coastal boundary line as it crosses from Monterey and into Pacific

Grove. Alternative parking programs, such as the nighttime parking bans approved in Santa Cruz and Carmel, simply won't provide relief to the residents during daytime hours when employees and tourists arrive. The existing residential permit parking program has been successful in providing needed relief to the Dewey Avenue neighborhood residents with minimal impact to coastal access. Additionally, the City has not received any requests for new residential permit parking programs in other neighborhoods and does not anticipate new requests if the Dewey Avenue neighborhood parking program is approved.

The City of Pacific Grove respectfully submits this appeal based on the reasons stated above and request that the Commission overturn the Executive Director's denial of the permit. We look forward to working with the Coastal Commission on this matter.

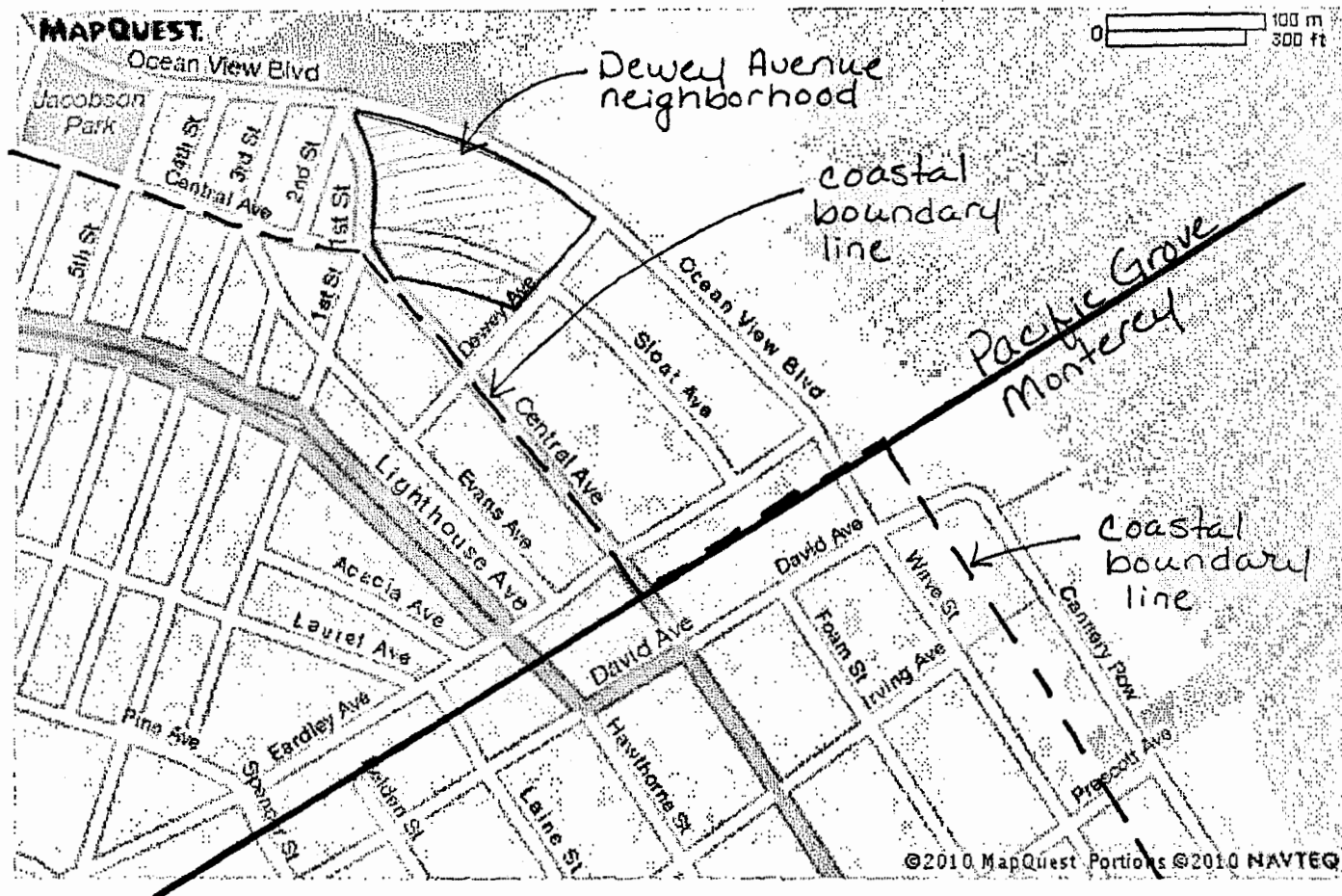
Sincerely,



Thomas Frutchey
City Manager
City of Pacific Grove

CC: Lynn Burgess, AICP, Chief Planner
Karen Vaughn, AICP, Senior Planner
File

Attachments: Map of coastal boundary line in the affected region
Original CDP application, dated March 24, 2010



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



April 28, 2010

Karen Vaughn
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

Subject: **Application to amend Coastal Development Permit Number 3-04-027 to implement a residential parking program in the Dewey Avenue Neighborhood of the City of Pacific Grove**

Dear Ms. ^{Karen}~~Vaughn~~:

The purpose of this letter is to inform the City that pursuant to California Code of Regulation (CCR) Section 13166, the Executive Director has determined that the proposed amendment to CDP number 3-04-027 lessens and avoids the intended effect of the Commission's approval and therefore the proposed amendment must be rejected. Special Condition 1 prohibits any impediment to free and unrestricted public parking along, and in the vicinity to, Ocean View Boulevard except as legally permitted (i.e., coastal permitted or pre-coastal permit requirement) and except for restrictions required to allow safe and normal traffic flow. The permit condition further specifically identifies the residential parking program located between Dewey Avenue and 2nd Street, Ocean View Boulevard, and Central Avenue and requires that it be removed unless evidence is provided that the City first obtained a coastal development permit for the program, or that the program pre-dated coastal permitting requirements.

The information provided by the City in its application package indicates that the residential parking program was implemented in December 1984 via City Council Resolution No. 5596, after implementation of coastal permitting requirements in 1973. As noted in the City's March 24, 2010 letter accompanying the application, no evidence has been located that a subsequent coastal development permit was issued for the residential parking program in accordance with Special Condition 1 of the CDP 3-04-027. Accordingly, the proposed residential parking program including all signage must be removed and enforcement ceased immediately in order to comply with the terms and conditions of CDP 3-04-027, which required all non-permitted and non-safety related parking impediments be removed by March 31, 2010.

Please note that pursuant to CCR Section 13166, the Executive Director's determination may be appealed to the Commission. If the City intends to appeal to the Commission, the appeal must be submitted in writing, it must set forth the basis for appeal, and it must be submitted within ten working days of the date of this letter (i.e., no later than May 12, 2010). If the City submits an appeal that does not meet those criteria, then the appeal will be rejected and the Executive Director's determination shall be conclusive.

We do not recommend that the City seek such an appeal as the facts are clear with respect to the Commission's earlier action and the absence of a coastal permit for the residential parking program. That said, we recognize that in the future the City may wish to revisit the need for parking measures in the coastal zone. If that is the case, then the City would need to submit an application along with all necessary supporting documentation including a clear description of the proposal along with evidence of a conflict or need for the program and an analysis of all

Exhibit C: Executive Director's Determination
3-04-027-A2-EDD; Dewey Parking Program

April 28, 2010

Page 2

alternatives to address the documented problem, and mitigation to address all unavoidable impacts on coastal resources, including public parking.

If you have any questions or would like to discuss this matter further, please don't hesitate to contact me at 831-427-4898, or at the address given above.

Sincerely,



Michael Watson
Coastal Program Analyst

cc: Lynn Burgess, Chief Planner, City of Pacific Grove
Thomas Frutchery, City Manager, City of Pacific Grove

RECEIVED

11 February 2010

FEB 12 2010

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: Residential Permit Only Parking, Sloat Ave., Pacific Grove, CA 93950

I am a homeowner living at 188 Sloat Ave., Pacific Grove. My wife and I discovered this little one block neighborhood a few years ago. We liked it so much we purchased a lot and built a new home, moving in during 2002. After living here a few years, we heard from neighbors, that when the Monterey Bay Aquarium opened twenty some years earlier, the street became a bumper-to-bumper parking lot. Shortly after the opening of the Aquarium, the city of Pacific Grove put up the "Residential Permit Only Parking" signs, and Sloat became a residential street again.

We have been informed that the California Coastal Commission is considering some form of action in regards to the parking signs. Naturally we are frighten with the idea of Sloat Ave becoming a bumper-to-bumper parking lot again. The street is only 25ft. wide, and even now when a repair truck comes to a home to do repair work, it is extremely difficult getting in and out of our driveway. A couple of weeks ago, the apartment house at 192 Sloat Ave apparently had a plumbing problem, and two plumbing vehicles parked on Sloat Ave directly across from each other. I went out and measured the distance between the two vehicles. From tire to tire across the street, it measured 11ft, this was not allowing for any clearance on either side. My first thought was how could a fire engine respond to an emergency if the need should ever occur.

Sloat Ave is only one short block long, and I think safety should prevail in making any changes to the permit only parking signs.

Thank you for allowing residents to address you on this matter. I hope safety will prevail.

Sincerely,



E. L. "Bud" Tucker
188 Sloat Ave.
Pacific Grove, CA 93950

February 5, 2010

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

RECEIVED

FEB 10 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Attn: Mike Watson

RE: Resident Permit Only Parking Sloat Ave. Pacific Grove, CA 93950

This letter is addressing the considered removal of Resident Only Parking In Pacific Grove.

My wife and I own our home at 183 Sloat Ave., a family home for twenty-five years. I heard the horror stories from my mother on what the street was like before the restricted parking and when the Aquarium opened. The most obvious problem manifested itself immediately; driveways were being blocked from getting in or out. Sloat Ave between First and Dewey, a one-way street, is only twenty-five feet wide compared to First Street (35 feet) and Ocean View (45+ feet). A car can be parked across the street from our driveway and on both sides of driveway and it is impossible to make the turn out to the street or into the driveway. Even if the curbs are painted red at the driveway corners, it will be ignored by people desperate to squeeze into a free parking space and they will often partially block our driveways, let alone a small piece of red curb. A ticket may keep them from coming back but more will come and the transgression will be repeated.

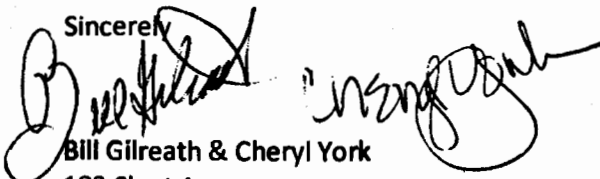
The most important reason for not removing Residential Only Parking signs on Sloat Ave is public safety. As a community, we monitor ourselves so no one abuses parking on this narrow street. However, when cars are crammed into parking spaces on both sides between 9am & 6pm, it will create the absolute reality of blocking emergency vehicles from entering our street and servicing the block by both firefighters and emergency ambulance services alike.

Another safety issue is; most of the traffic on our block is pedestrian and bicycles. If both sides of the street were blocked with perpetual parked cars/trucks and with more traffic driving through, looking for free parking, the pedestrians would be at great risk as this is an avenue where half the homes have no formal sidewalks.

There is also the simple consideration this would be a disruptive & injurious action taken on this block in Pacific Grove, that has rallied and self monitored itself successfully for 25 years. It will not provide more costal access rather more parking for Aquarium employees. We ask you to let common sense prevail and leave the Residential Only Parking exactly as it has been for all this time on Sloat Ave between First and Dewey.

We greatly appreciate your allowing our input to this matter and say, Think Safety First, please.

Sincerely



Bill Gilreath & Cheryl York
183 Sloat Ave.
Pacific Grove, CA 93950

15 February 2010

Mike Watson, Coastal Program Analyst
California Coastal Commission, Central Coast Office
725 Front Street, Suite 300, Santa Cruz, CA 95060

Re: Residential Permit Parking, Ocean View Blvd., Pacific Grove, CA 93950

My husband and I are homeowners living at 183 Ocean View Blvd., Pacific Grove. This home has been in my family for almost 40 years, so we experienced the surge of parking and traffic after the Monterey Bay Aquarium opened. The curbside was solidly parked all day every day, and congestion became severe. Shortly afterwards, the City of Pacific Grove put in place a Residential Permit parking program, which provided welcome relief.

We have been informed that the California Coastal Commission is now examining the residential parking program in our neighborhood: the 4 sides of one residential block closest to the Aquarium. We are naturally much alarmed at the possibility that the long-standing residential parking program might be discontinued.

My primary concern is safety. Ocean View is now a very heavily traveled street in both directions, much more so than was the case a couple of decades ago when the Aquarium first opened. Throughout the day, tourists and huge westbound tour buses regularly stop on the ocean side, blocking traffic, and the cars that are blocked pull out to pass, while the oncoming eastbound traffic dodges around the disorderly westbound traffic.

Residents and their visitors (family, guests, repairmen, etc.), pulling out from curbside parking or backing out from driveways, can still enter and leave this stream of traffic relatively safely -- though only with care and patience.

If open public parking were allowed, however, the street would again be solidly parked, and the resulting increase in conflict and congestion would create an extremely dangerous traffic situation, both for drivers and for the many bicyclists who also use Ocean View. Safety would be badly compromised; accidents would be inevitable.

Parking in this easternmost residential block within Pacific Grove was never for coastal access, as the property opposite is private and fully fenced. Almost all parking, when public parking was allowed, related to the Aquarium (visitors and employees) and to nearby businesses on Cannery Row, a pattern likely to continue.

Parking farther west, where Ocean View widens, is less intense and less problematic, mostly residential and by users of the recreational trail. People headed towards Cannery Row don't choose to walk that far, as closer parking lots are available. Thus, only our small residential block in an unworkably narrow portion of Ocean View close to Cannery Row would be strongly affected by opening it to public parking. We respectfully plead that the Coastal Commission allow the residents to retain a measure of protection and promote safety for all users. Thank you for your consideration.

Sincerely,

(signed) Vicki Pearse, 183 Ocean View Blvd, Pacific Grove

February 13, 2010

Mike Watson, Coastal Program Analyst
California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Subject: 190 Sloat Avenue, Pacific Grove, CA – Parking Issues.

The neighborhood has achieved good access to our homes and the street is safe. Minor changes might be to add crosswalks for visitors at the intersections of First Street and Central and Ocean View Avenues. We are concerned about adverse changes to our neighborhood and wish you to consider the following:

Pacific Grove and Monterey have best of class public access to the coast and beaches

The Pacific Grove City has communicated that your organization is considering changing parking on Sloat Street to provide more coastal access for the public. Monterey and Pacific Grove are already best of class in public access compared to Santa Barbara, San Diego and other coastal cities in California. Your organization has done a great job with Monterey and Pacific Grove already. Our cities have many public parking areas, parks, biking trails and paths for hikers – all along the bay and ocean for visitors. Even on weekends with special events I have not seen all parking spaces and lots filled up in Pacific Grove. Monterey also provides superior access to beaches and parking to support the public's interest to visit Cannery Row and beaches. However most of the Monterey parking at Cannery Row and the Coast Guard wharf must be paid for. Even during Special Events which closes local streets I still do not see all Cannery Row parking lots filled. The public has plenty of access but Monterey asks them to pay for it. I think that charges for public access are reasonable. So I believe the coastal commission has done a great job of providing public access to beaches and ocean fronts in Monterey and Pacific Grove.

Would changing Sloat Street Parking Rules improve public access? No.

What is the issue? I think it is not about coastal access for the public. The issue is that employers in New Monterey and Cannery Row do not provide parking for their employees. So their employees look for free parking within reasonable walking distance to their jobs while parking from 8:00am to 5:00pm. That is the real issue. And of course, some of the public would like to have free parking and there are no signs to "Free Parking" for visitors. When Sloat Avenue had no restricted parking rules it adversely affected the neighborhood and did not provide meaningful parking for the public.

Why ruin a neighborhood on Sloat Avenue to provide public access when it will be preempted by employees of the Cannery Row Companies? Please take the time to get this right to assure adequate access for friends and family in our neighborhoods.

Sincerely,

Gerald Jay Denny and Naomi Shibata, Owners
190 Sloat Avenue, Pacific Grove, CA 93950
408 209-0349 or 831 658-0180

Mike Watson
Coastal Program Analyst
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Mr. Mike Watson:

Thank you for the opportunity to provide information to you for Residential Parking for 186 Sloat Avenue, Pacific Grove, CA and for all residences on Sloat Avenue, Pacific Grove.

I am a resident of 186 Sloat Avenue, Pacific Grove, California 93950.

The following information is provided to you for your consideration and perusal.

RESIDENTIAL PARKING FOR RESIDENTS ONLY ON SLOAT AVENUE, PACIFIC GROVE, CA.

REQUEST: PLEASE CONTINUE THE RESIDENTIAL PARKING FOR THE RESIDENTS/RESIDENCES ONLY ON SLOAT AVENUE, BETWEEN FIRST STREET AND DEWEY, PACIFIC GROVE, CA.

SPACE LIMITATIONS:

1. **PAST YEARS:** Some years ago, almost no spaces for parking for residential home owners or occupants who lived in the residences, were available. Visitors for the Monterey Bay Aquarium, and later, the Shopping Outlets, and other parking usurped the parking spaces in front of our homes. Neither family nor friends had spaces to park. Even the residents had no street parking spaces. It was almost impossible to back out of our garages and driveways to get into narrowed space between two rows of parked cars/trucks/vehicles, parked on both sides of the street. The street, Sloat Avenue, is a very narrow road without any parked vehicles, but to add additional parking on both or either side, reduces the viability of safely or easily backing out of our driveways and garages. At times, visitors overlapped their vehicles into our driveways.

2. **CURRENT PARKING:** Without the "Parking for Residents Only Permit," we, the residents could hardly back out into the Street (Sloat Avenue). The narrowed street would be very limited in space and distance to allow us to back out safely, into the street. To back out of our garages, now, we must carefully back out straight, then curve to access the street. When vehicles are parked in the street on both or either side of the street, Sloat, we can almost not negotiate the proper curvature to back out or to back out safely. Currently, we can back out carefully without worrying about hitting another vehicle.

REPAIR PERSONNEL: When repair vehicles are needed to repair residences, there would be no parking for their vehicles if numerous vehicles are permitted to park in the Street on Sloat.

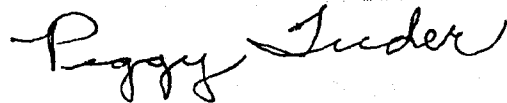
PARKING LOT: There is a local parking lot available to access the Monterey Bay Aquarium or the Shopping Outlets or other shopping. There are also public parking spaces within the commercial areas and are within walking distances to the Aquarium and the Shopping Areas.

3. **HOMES---OUR RESIDENCES.** These residences on Sloat Avenue are our HOMES. With multiple visitors using the parking spaces in front of our homes, we have no spaces left for our family and friends. Neither do we have privacy for our homes. With a plethora of visitor parked vehicles, the residents often felt as if they "lived in a public parking lot." We need to maintain the privacy and sanctity of our homes. We need to feel comfortable and secure in our own homes.

4. **COASTAL PRESERVATION:** Our residents are very cognizant of the need to maintain coastal integrity and beauty of our coast. Each one of us practices good procedures to assure that we are doing our part to keep our coastal land and waterways protected and beautiful. We would like to assure that our street also maintains its protection and beauty by limiting parking to the residents only on Sloat Avenue.

THANK YOU. We do request your support and approval for **MAINTAINING RESIDENTIAL PARKING ONLY** for the Residents/Residences on Sloat Avenue, Pacific Grove, California. Thank you.

Sincerely,



Peggy Tudor
186 Sloat Avenue
Pacific Grove, CA 93950
(831)645-9984 and
(510)581-4232

Kevin and Stephanie Gersten
176 Sloat Avenue
Pacific Grove, CA 93950

January 30, 2010

To Whom It May Concern:

It is important to maintain the current resident only permit parking designation on Sloat Avenue for the following safety and property access issues.

1. At present, our street has a low volume of traffic on it. This is due in major part to the parking permit system. This allows our 9-year-old son to play outside safely, due to minimal risk from tourist and employee traffic accessing the aquarium and cannery.
2. Prior to the permit system, Cannery and Aquarium employees/volunteers would clog our street impacting residential use. These individuals were not parking for public access to the coast. Additionally, these employees occupy these spaces all day, making it difficult to have friends and family visit.
3. Entering Sloat Avenue from 1st street is dangerous for both pedestrians as well as cars (coming up from Ocean) due to the obstructed views of cars turning from Lighthouse/Central (onto First). Allowing public parking on our street will increase the potential for accidents on this corner as well as have the potential to completely block the only access to our homes (Sloat Avenue is one way).
4. Visibility from our narrow driveway is greatly diminished due to vegetation protected by the tree ordinance. Increased traffic on our street would make exiting our driveway even more dangerous (to both pedestrians and vehicles).
5. People without a permit will occasionally park on our street. It is not uncommon for them to park in a manner

- that makes entering and leaving our driveways challenging. This will only worsen if permit parking is no longer required.
6. Increased vehicle traffic will dramatically increase the noise level on our street. Sloat Avenue is not a major thoroughfare and should not be subject to this in the same way that Lighthouse and Ocean Avenue are.

Our neighborhood is residential and increased traffic would significantly impact the quality of life of its residents. Prior to purchasing our home we would regularly visit the area and park on Lighthouse/Central, Ocean, or in one of the readily available metered street parking spots near the coast. There is also a multitude of parking garages in the area. Parking is readily available (including being free on Lighthouse) in the area, and adding the limited number of spaces on Sloat Avenue will not significantly improve an already readily available resource.

Finally, we would not have purchased our home on Sloat Avenue had public parking during daytime hours been allowed. We desire to live in a residential area not impacted by a significant amount of traffic and noise. It is also important to be able to have parking adjacent to our home available for our visitors/family. This would be impacted without a permit system.

Thank you for considering this information.

Respectfully,

Kevin Gersten Stephanie Gersten Benjamin Gersten

Kevin, Stephanie and Benjamin Gersten

117-57

RECEIVED

February 18, 2010

California Coastal Commission
725 Front Street
Ste #300
Santa Cruz, CA 95060

FEB 22 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Attn: MIKE WATSON

Dear Mike:

My name is Neal Dobrofsky and I own a home in Pacific Grove at 400 Asilomar Ave. I called your office and left a voicemail but I know how busy you must be so I thought I would drop you a note. My property is adjacent (south) to 1301 Pico Blvd, a home owned by Nicolas Da Costa. During the last part of 2009, Da Costa constructed a plank wood fence around his property and in so doing, destroyed natural habitat and animal passages protected under the Coastal Commission laws. Not to mention exceeding his allotted coverage substantially with concrete driveways and walkways. As property owners in Asilomar, we are shocked and saddened that he did this without regard for the existing laws in place.

We reported this violation to the Community Development Department of the City of PG and they in turn contacted you and a Coastal Biologist, Tom Moss, to do a Landscape Restoration report – which he has completed and given to the Coastal Commission.

I am writing to see where things currently stand and when you will enforce this egregious violation in hopes that the horrible fence will be taken down and/or scaled back to the way it was before he began and the precious natural landscape and animal passages restored.

We love Asilomar and moved there for the very the simple beauty and bountiful natural habitat that surround all of our properties in area.

Anything you and the Coastal Commission can do to help protect the natural landscape I am referring to will be gratefully appreciated

Sincerely,



Neal Dobrofsky
400 Asilomar Ave
Pacific Grove, CA 93950

310 359-3335 (mobile)
310 829-0987 (home)

cc: Sarah Hartgrave, City of PG, Community Development

Michael Watson

From: inge lorentzen daumer [ilwd@sbcglobal.net]
Sent: Tuesday, February 16, 2010 5:51 PM
To: Michael Watson
Cc: Diana Chapman
Subject: Permit Parking CCC
February 2010

Inge Lorentzen Daumer
180 Sloat Ave.
Pacific Grove, CA 93950
(831) 649-1363

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060 – 4508

ATTN: Mike Watson
RE: Residential Permit Only Parking, Sloat Ave., Pacific Grove, CA 93950

Dear Sir:

Twenty-five years ago, on Oct. 20th, 1984, the Monterey Bay Aquarium had its grand opening. I am a Charter Member, and continue to enjoy and support their endeavors.

Unfortunately, at that time, I could not even back my 1970 Karmann Ghia out of my driveway, to go to work, let alone have any visitors, or life. The Tourists' vehicles completely blocked both sides of my narrow street, as it was "free" parking. Ten days later, on October 30, 1984, I circulated a Petition of Residents, on Sloat Ave., which every resident signed, to start implementing a "Residents Only Parking Permit Program", for only the open hours of the Monterey Bay Aquarium, as well as the American Tin Cannery commercial hours...currently, as then, and posted, 9AM – 6PM, Every Day, No Exceptions.

There is Absolutely no restriction to public access to the Coast and Recreation Trail.

This is only about Free Aquarium Parking that would happen on our quiet residential block, if this permit only parking were not allowed by the CCC. We would no longer have even a semblance of our quiet Pacific Grove Neighborhood, (of *One Unique Block*). It would be decimated, as the numbers of Aquarium visitors has only soared higher every year. For 25 years, our permitted program has worked. Whether it was free in the beginning, or charged for permits later, *we Absolutely Need this to maintain any integrity of our neighborhood*. It was put through in direct response to the Monterey Bay Aquarium, and the ATC in the next block. There truly is no other block in CA to compare with us. We are not Malibu; We are not denying Beach/Coastal access; we just need to maintain some *Safety, and Peace in one small block of CA*. I am very sorry that the, then, Pacific Grove City Attorney, George Thacher, (1984) and City Council, and the City Manager, Gary Bales did not procure the California Coastal Commission Approval before implementing this program to save our neighborhood. I left that up to my

“government”. I knew there were many precedents, in many cities to have limited parking, as I came *back* down to Pacific Grove (1983) from Chico, which had Residential Permit Parking Only around the campus, for all the time I attended, graduated, and was a faculty wife, and graduate student. Just because the City of Pacific Grove put in Parking Meters behind the ATC in a commercial area, and needs a two year review from the CCC, does *not* mean that a one-block residential area should suffer the consequences of a process we thought was, literally; *In place, and working just fine* (for 25 years). Whereas most original signators of the petition are now deceased, *I am not*, nor are my neighbors, who need this respite as much as I do. I personally see no other alternative. This matter has to do with giving away a viable neighborhood, one block radius, for: “Free Aquarium and ATC Parking”. Safety issues can definitely be an addendum.

Thank you for your consideration,
Sincerely,

Inge Lorentzen Daumer