

**CALIFORNIA COASTAL COMMISSION**

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

**W7****CENTRAL COAST DISTRICT (SANTA CRUZ)  
DEPUTY DIRECTOR'S REPORT***For the**November 2011 Meeting of the California Coastal Commission*

MEMORANDUM

November 2, 2011

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

Following is a listing for waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the November 2, 2011 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 site. Additionally, these items have been posted at the District office and area available for public review and comment.

This report also contains additional correspondence and/or any additional staff memorandum concerning the items noted on today's agenda for the Central Coast Area.

***REGULAR WAIVERS***

1. 3-11-015-W N H C - C A 3 L.P. Dba Pacific Dunes R.V. Resort (Oceano, San Luis Obispo County)
2. 3-11-066-W Monterey Plaza Hotel L.P., Attn: John V. Narigi, V.P. & G.M. (Monterey, Monterey County)
3. 3-11-071-W David & Ellen De Simone (Pacific Grove, Monterey County)

***DE MINIMIS WAIVERS***

1. 3-11-069-W Cannery Row Company, Attn: Frank P. Donangelo (Monterey, Monterey County)
2. 3-11-072-W Glass Bottom Boats (Monterey, Monterey County)

***IMMATERIAL AMENDMENTS***

1. 3-84-139-A3 Cannery Row Hotel Development Venture, L.P., Attn: Clement Chen (Monterey, Monterey County)
2. 3-82-171-A3 Walton Street Capital, LLC, Attn: David Captain (Big Sur, Monterey County)

***EXTENSION - IMMATERIAL***

1. A-3-SLO-07-041-E2 Brent Richissin (Los Osos, San Luis Obispo County)

**TOTAL OF 8 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>
<b>3-11-015-W</b> N H C - C A 3 L.P. Dba Pacific Dunes R.V. Resort	Construct a new wastewater collection and discharge system (advance tertiary treatment) to replace a failed system.	1205 Silver Spur Place (Pacific Dunes RV Resort), Oceano (San Luis Obispo County)
<b>3-11-066-W</b> Monterey Plaza Hotel L.P., Attn: John V. Narigi, V.P. & G.M.	Modify an existing 12" storm drain pipe under the hotel decking.	400 Cannery Row (Cannery Row), Monterey (Monterey County)
<b>3-11-071-W</b> David & Ellen De Simone	Replace an existing 3-foot tall wooden fence with a 2-foot tall stone veneer wall in the same location along the front property line and side yard (east element).	707 Ocean View Blvd., 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>
<b>3-11-069-W</b> Cannery Row Company, Attn: Frank P. Donangelo	Installation of an interpretive sculpture within an existing landscaping planter at Steinbeck Plaza.	660 Cannery Row, Monterey (Monterey County)
<b>3-11-072-W</b> Glass Bottom Boats	Construct 42 square-foot ticket kiosk to support existing recreational boat tours within Monterey Bay at concession number 17.	90 Fishermans' Wharf No. 1 (Concession #17), Monterey (Monterey County)

### **REPORT OF IMMATERIAL AMENDMENTS**

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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**CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED**

<p><b>3-84-139-A3</b> Cannery Row Hotel Development Venture, L.P., Attn: Clement Chen</p>	<p>Installation of an L-shaped tempered-glass windscreen, including a glass door, around a portion of the hotel's outdoor dining patio (about 15 linear feet by 20 linear feet along the corner of the portion of the patio that is nearest the ocean). The windscreen would be 6 feet tall as measured from the deck to the top of the windscreen, with a 7.5 foot door section (because the required hardware is only available for full height doors). Anti-bird strike decals that are invisible to human eye but visible to birds would be affixed to the glass.</p>	<p>750 Cannery Row (InterContinental - The Clement Monterey), Monterey (Monterey County)</p>
<p><b>3-82-171-A3</b> Walton Street Capital, L.L.C., Attn: David Captain</p>	<p>Installation and construction of a new wastewater collection and treatment system upgrades (excluding the dispersal system, which is under design and would be subject to future CDP processes) to serve existing facilities at the Ventana Inn and Spa, including the campground and employee housing units, as necessary to comply with RWQCB Cleanup and Abatement Order No. R3-2007-0091.</p>	<p>48123 Highway One (Ventana Inn, approximately 3.5 miles south of Big Sur Village), Big Sur (Monterey County)</p>

***REPORT OF EXTENSION - IMMATERIAL***

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<p><b>A-3-SLO-07-041-E2</b> Brent Richissin</p>	<p>Construction single family residence</p>	<p>2737 Austin Court, Los Osos (San Luis Obispo County)</p>

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 19, 2011  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Jonathan Bishop, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-11-015-W**  
Applicants: Pacific Dunes RV Resort

### Proposed Development

Construct a new wastewater collection and discharge system (advanced tertiary treatment) to replace a failed system at Pacific Dunes RV Resort in Oceano, San Luis Obispo County.

### 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 is necessary to replace wastewater functions associated with an existing previously approved but now failed septic system (closed due to RWQCB order), with a new wastewater system that includes advanced tertiary treatment. The project has been designed to avoid adverse impacts to coastal resources by locating the project in an already disturbed ruderal area of the site near the park's water tank, access road, and office building. The area is devoid of vegetation and contains no wildlife habitat. Construction measures are included in the project description to avoid disturbance to surrounding areas. In sum, the project will allow for a significant upgrade to the existing collection and discharge system, will improve water quality conditions in the longer term, and has no potential for adverse effects on coastal resources, including public access. Thus, the proposed project can be found consistent with 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 Wednesday, November 2, 2011, in San Diego. 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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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 19, 2011  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-11-066-W**  
Applicant: Monterey Plaza Hotel

### Proposed Development

Modify an existing 12" storm drain pipe under the hotel decking at the Monterey Plaza Hotel & Spa along Cannery Row (APNs 001-033-010 and 001-031-011) in the City of Monterey.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 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 designed to modify an existing Commission-approved storm drain outfall and re-secure the pipe to the surrounding bedrock because the end of the pipe has become dislodged by wave activity during periods of high tide and seas. Metal dowels will secure the flexible pipe in place on the existing bedrock, and a T-coupling will be added at the end of the outfall to help diffuse storm water flows and minimize erosion beneath the Monterey Plaza Hotel where the plaza decking intersects the coastal bluff. The project includes appropriate construction and material containment BMPs to prevent foreign materials from entering bay waters. The repair is fairly minor in scope, and will ensure the utility of the approved storm drain facility is maintained beneath the hotel, consistent with 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 Wednesday, November 2, 2011, 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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**Date:** October 19, 2011  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-11-071-W**  
Applicants: David and Ellen DeSimone

### Proposed Development

Replace an existing 3-foot tall wooden fence with a 2-foot tall stone veneer wall in same location along the front property line and side yard (east element) at 707 Ocean View Boulevard in City of Pacific Grove, Monterey County.

### 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 proposed new wall is compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located. It will be constructed in the same location as the existing wood fencing approved by the Commission, and will not have an adverse impact on public views to or from the shoreline. The proposed change was reviewed by the City's Planning Department to ensure conformance with the requirements of the City's Municipal Code and the certified Land Use Plan. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, 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 Wednesday, November 2, 2011, in Oceanside. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 19, 2011  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-11-069-W**  
Applicant: Cannery Row Company

### Proposed Development

Installation of an interpretive sculpture within an existing landscaping planter at Steinbeck Plaza, 660 Cannery Row (APNs 001-011-009) in the City of Monterey.

### 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 sculpture will be located within an existing circular landscaping planter approximately 12 feet in diameter near the center of Steinbeck Plaza, which is open and available to the general public for access. The added amenity will enhance public access and recreational facilities, including interpretation at this popular visitor-serving destination, and will not otherwise have any adverse impacts on coastal resources or public access to the shoreline.

### 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 Wednesday, November 2, 2011, 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 Mike Watson in the Central Coast District office.**





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**Date:** October 19, 2011  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-11-072-W**  
Applicant: Glass Bottom Boats

### Proposed Development

Construct 42 square-foot ticket kiosk to support existing recreational boat tours within Monterey Bay at concession number 17, 90 Fisherman's Wharf 1, in the City of Monterey, Monterey County.

### 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 project is a minor structure that will not significantly impact public views and the wharf viewshed and that will add to the range public recreational access and visitor-serving amenities at this popular visitor location. The proposed project includes appropriate best management practices to protect water quality during construction, and also includes appropriate measures to minimize construction impacts to public access along Fisherman's Wharf during construction. In sum, the proposed project will enhance public recreational and visitor serving access opportunities consistent with 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 Wednesday, November 2, 2011 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 Mike Watson in the Central Coast District office.**



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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** October 19, 2011  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Susan Craig, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-84-139**  
Applicant: Cannery Row Development Venture, L.P.

### Original CDP Approval

CDP 3-84-139 was approved by the Coastal Commission on August 8, 1984, and subsequently amended on January 10, 2001 (CDP amendment number 3-84-139-A1) and on September 14, 2005 (CDP amendment number 3-84-139-A2). CDP 3-84-139, as amended, provided for construction of a hotel (InterContinental – The Clement Monterey) and associated development including retail shops, restaurant space, meeting space, a parking garage, and public access amenities at 750 Cannery Row in the City of Monterey.

### Proposed CDP Amendment

CDP 3-84-139 would be amended to allow installation of an L-shaped tempered-glass windscreen, including a glass door, around a small portion of the hotel's outdoor dining patio (about 15 linear feet by 20 linear feet along the corner of the portion of the patio that is nearest the ocean). The windscreen would be 6 feet tall as measured from the deck to the top of the windscreen, with a 7.5 foot door section (because the required hardware is only available for full height doors). Anti-bird-strike decals that are invisible to human eye but visible to birds would be affixed to the glass. The Commission's reference number for this proposed amendment is **3-84-139-A3**.

### Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed glass windscreen would be located about 15 feet inland from the seaward edge of the lateral public accessway that runs seaward of the hotel, and adjacent to the public vertical connection to this area near the hotel's vehicular turn-around. The windscreen would not interfere with these existing public access walkways, and would be located inland of them nearer to the hotel building proper in such a way that the windscreen should effectively blend into the established aesthetic of the area. The framing and supports for the windscreen would be minimal and understated, and would make it so that the windscreen appears as floor-to-head-height clear glass as opposed to any kind of substantial wall-like structure, and the windscreen would have minimal visual impacts overall in this area. The windscreen would help provide protection from the wind for those seated at the outdoor dining patio tables, including those seated at the tables that are reserved for general public use without the need to



## NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-84-139 (Intercontinental Hotel)

Proposed Amendment 3-84-139-A3

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purchase food or beverages from the hotel (20% of the total number of tables). In addition, bird window-alert decals would be placed on the glass to decrease the potential for bird strikes into the clear glass (these decals contain a component that brilliantly reflects ultraviolet sunlight; ultraviolet light is invisible to humans but glows like a stoplight for birds). The decals would be used on all of the glass panels in a sufficient quantity to prevent bird strikes, and would be maintained for the life of the project (i.e. as decals become worn and less effective, these worn-out decals would be replaced with new decals). In sum, the proposed amendment will enhance public enjoyment of the outdoor dining patio while minimizing visual impacts and adequately preventing bird strikes, and thus is consistent with the Commission's original coastal development permit approval, as amended, as well as consistent with the Coastal Act.

### Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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



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**Date:** October 19, 2011  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Katie Butler, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-82-171**  
Applicant: Walton Street Capital LLC

### Original CDP Approval

CDP 3-82-171 was approved by the Coastal Commission on October 13, 1982, and provided for the construction of 19 inn units, 15 employee housing units, swimming pool, bath house, restaurant, kitchen addition, picnic area, recreation building, conversion of 15 campsites to tent cabins, paving of a portion of Coast Ridge Road, trail, septic system, and parking, all at the Ventana Inn and Spa complex in the Big Sur area of unincorporated Monterey County.

### Proposed CDP Amendment

CDP 3-82-171 would be amended to allow for installation and construction of a new wastewater collection and treatment system (excluding the dispersal system, which is under design and would be subject to future CDP processes) to serve the existing facilities at the Ventana Inn and Spa, including the campground and employee housing units, as necessary to comply with RWQCB Cleanup and Abatement Order No. R3-2007-0091. The Commission's reference number for this proposed amendment is 3-82-171-A3.

### Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed project involves replacing the existing Ventana septic collection lines with a more centralized collection system and new pump stations, and replacing the existing activated sludge package treatment plant with a new more efficient and effective package wastewater treatment facility that will produce highly treated effluent (i.e., low biochemical oxygen demand and suspended solids) that is of high enough quality to be suitable for subsurface reclamation. The project is the result of a RWQCB enforcement action, and is necessary both to resolve the RWQCB order as well as more broadly to reduce water quality impacts and improve coastal resource values at and around the Ventana site. The resultant effluent may ultimately be clean enough to be put to use for irrigation purposes (which would require Title 22 certification), and if so could possibly help to offset water demand in summer months at Ventana as well. The project includes construction best management practices to ensure protection of riparian resources and water quality, includes restoration for areas that would be disturbed by construction, and has been designed to have no effect on the Big Sur critical viewshed. The



## NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-82-171 (Ventana Inn)

Proposed Amendment 3-82-171-A3

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project will allow for continued operation of an important visitor-serving facility in the Big Sur area at the same time as improving coastal resource health and vitality. In sum, the proposed amendment is consistent with the Commission's original CDP approval, as well as consistent with the Coastal Act and the certified Monterey County Local Coastal Program.

### Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Wednesday, November 2, 2011, in Oceanside. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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



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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** October 19, 2011  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Jonathan Bishop, Coastal Planner  
**Subject:** **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-07-041**  
Applicant: Brent Richissin

### Original CDP Approval

CDP A-3-SLO-07-041 was approved by the Coastal Commission on October 15, 2008, and provided for the construction of a single-family residence located at 2737 Austin Ct., in the unincorporated coastal community of Los Osos, San Luis Obispo County.

### Proposed CDP Extension

The expiration date of CDP A-3-GRB-07-051 has been extended one time, and is currently October 15, 2011. The expiration date of CDP A-3-SLO-07-041-E1 would be extended by one year to October 15, 2012. The Commission's reference number for this proposed extension is A-3-SLO-07-041-E2.

### 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 the certified San Luis Obispo County Local Coastal Program and/or 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 Wednesday, November 2, 2011, in San Diego. 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 Jonathan Bishop in the Central Coast District office.**

