

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT, Mike Novo, Director
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

May 1, 2012

California Coastal Commission - Central Coast District Office
Attn: Dan Carl, Deputy Director
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

SUBJECT: County Response to Mark Blum Letter, dated March 28, 2012, submitted to the California Coastal Commission regarding Monterey County LCP Amendment No. MCO-1-12 (Del Monte Forest LCP Update and Pebble Beach Company Concept Plan)

Dear Mr. Carl,

The County of Monterey RMA – Planning Department submits the following comments in response to the subject letter. Mr. Blum, representing Mr. and Mrs. Donald R. Scifres, commented concerning a private agreement between the Pebble Beach Company (PBC) and the Neighborhood Preservation Association (referred to as the “NPA Agreement”), the adequacy of the EIR, and project review.

Mr. Blum states that the NPA Agreement prohibits PBC from using the Beirne parcel for uses other than residential, open space, landscaping or access without the written consent of the owners of the Scifres’ parcel, that the Scifres have not provided their consent, that the Scifres have a number of concerns that must be resolved prior to their consent being provided, that the Local Coastal Program Amendment (LCPA) (including the Concept Plan) would commit future use of the parcel to commercial use, and that this action would violate the NPA Agreement.

The NPA Agreement is a private agreement between the subject parties. The County renders no opinion as to compliance with the NPA Agreement, as the County is not a party to that agreement. Whether or not PBC’s proposed use of the property complies with this private agreement is not the purview of Monterey County or the California Coastal Commission (CCC). The potential approval of the LCPA by the CCC does not compel commercial use of the Beirne parcel; it merely allows the approval of proposed commercial use as consistent with the Local Coastal Program and Coastal Act.

The potential approval of the proposed project by Monterey County also does not compel commercial use of the parcel. The LCPA would not preclude the continued use of the property for residential purposes. The LCPA does not require eventual termination of the residential use as a non-conforming use; the proposed zoning, Visitor-Serving Commercial (VSC), allows residential structures with the granting of a Coastal Development Permit. If the LCPA and the project were

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approved, the decision whether to proceed with commercial use of the parcel would remain a decision to be made by PBC, and the determination as to what uses are consistent with the NPA would remain a determination to be made by the parties to the NPA.

In regard to Mr. Blum's comments concerning the EIR which the County is preparing for the Pebble Beach Concept Plan, the resolution of the use of the Beirne parcel under the NPA does not affect the adequacy of the EIR analysis. If the Beirne parcel could not be legally used for commercial purposes due to the NPA Agreement (after receiving project approval from Monterey County) or for any other reason, this would not create environmental impacts that are not disclosed in the EIR. The Fairway One Complex is a visitor-serving development that stands on its own, and if it is not built it will not affect or change the rest of the proposed project in terms of environmental impact. Certain impacts related to water use, air quality, and traffic would be less than disclosed in the EIR with fewer water demands, less traffic, and less construction.

Also, County staff disagrees with Mr. Blum's contention that the EIR for the Pebble Beach Company Project should have defined the project as including both the LCPA and the Company Project. As explained in Response to Comment 23-3 in the FEIR on the Pebble Beach Company Project, the LCPA is a separate planning action being processed separately from the project application. To the extent that the LCPA allows for the same development included in the Pebble Beach Company project, the EIR analyzes the impacts of such development and the EIR discloses that approval of those parts of the LCPA are a necessary approval for the project to go forward. While the elements of the LCPA that are beyond the Pebble Beach Company project are not included as part of the project description in the Pebble Beach Concept Plan EIR, the cumulative impacts of the project plus those additional parts of the LCPA are disclosed and analyzed as part of the cumulative impacts analysis of the EIR.

Sincerely,



Mike Novo
Director

cc: Planning File PLN100138
Mark Blum
Pebble Beach Company

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From: Rita Dalessio <puffin46@gmail.com>
Date: May 7, 2012 3:25:04 PM PDT
To: zimmerccc@gmail.com
Cc: Rita Dalessio <puffin46@gmail.com>
Subject: Sierra Club on PBC Plan

Dear Ms. Zimmer,

This is just to update you on the very few but serious concerns that the Sierra Club has with the new Pebble Beach Company Concept Plan and LCP. First, you should know that we are very impressed with the negotiations and collaborative efforts shared by the CCC Central Coastal staff (they are the best!), Peter Douglas, PBC and County staff at greatly improving this Plan over the previous "Measure A" Plan which National Sierra Club opposed in 2007. The Plan contains much more visitor serving units primarily planned for sites that are degraded or currently have lawn or parking spaces. The decision to delete the golf course and driving range and put this acreage in permanent protection is laudable.

Other positive key points in the Concept Plan are the clarification and detailed explanations of ESHA designations and general Coastal Act policies and how they relate to specific parcels in the Del Monte Forest. The CCC staff report is exceptional, especially the "on the ground" research and assessment done by Dr. John Dixon.

Therefore, the Club requests only a few changes to the Concept Plan and they are supported by the CCC staff report specifically on pages 56-62 although more careful analysis occurs throughout the document. These changes are to deny any development in Areas J, K, and L in the Seal Rock Creek watershed which cumulatively have 23 residential lots proposed. It is interesting to note that while the previous "Measure A" plan had more development, these 3 lots had cumulatively only 4 lots proposed (J had 3 and K had 1) in 2007. We wish these lots preserved because they are prime ESHA, contain robust stands of rare Monterey Pine Forest, have been identified as the center of a population of federally- protected California red-legged frog (2 frogs were observed in 2002) and contain federally- and state-endangered and special species native plants. Lengthier descriptions of these sites is contained in our attached letter (only 3 pages) a version of which has been sent to CCC Planner, Katie Butler and will be read by Kevin Collins at the hearing on Wednesday in San Rafael.

Also attached is a map of Pebble Beach with J, K and L marked as well as I-1 that is slated to be preserved already. You can see how this will help the viability of the watershed.

We respectfully ask that the CCC apply conditions that the cumulative number of 23 lots slated for residential development in Areas J, K and L be relocated or even better, put in permanent protection in the LCP.

Thank you for your consideration of our request.

Best wishes,
Rita Dalessio
Ventana Chapter Conservation Committee
<PBC CCC 5.7.12 (3).doc>
<PBC map color sent 5.7.12.pdf>

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Post Office Box 1876, Salinas, CA 93902

Email: LandWatch@mcw.org

Website: www.landwatch.org

Telephone: 831-759-2824

FAX: 831-759-2825

May 7, 2012

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

SUBJECT: MONTEREY COUNTY LCP AMENDMENT NO. MCO-1-12 PART 1 (DEL MONTE FOREST LCP UPDATE AND PEBBLE BEACH COMPANY CONCEPT PLAN)

Dear Chair Shallenberger and Commissioners:

LandWatch Monterey County is a membership supported 501c3 founded in 1997 with the mission to promote sound land-use legislation at the city, county and state level through community action. We have participated in hearings on the LCP Amendments for the Pebble Beach Company Concept Plan and reviewed the Coastal Commission staff's report and recommendations. Additionally, LandWatch commented on the draft environmental impact report (DEIR) for the Pebble Beach Project, and participated in hearings before the Planning Commission and the Board of Supervisors on the Concept Plan. We were assured by several Planning Commissioners that our concerns with affordable housing, water, traffic, air quality, and habitat would be addressed at the project level and have relied on that representation.

LandWatch supports Alternative 2C which is identified in the DEIR as the environmentally superior alternative and provides for affordable housing on-site. In fact, all the alternatives explored in the DEIR would provide for on-site affordable housing. LandWatch wants to ensure that actions taken by the Coastal Commission would not preclude project alternatives from being considered later which would truncate the California Environmental Quality Act process.

LandWatch's supports the provision of on-site inclusionary housing rather than payment of in-lieu fees. The need for affordable housing on the Monterey Peninsula is critical, and affordable housing in the Del Monte Forest would provide housing opportunities for local employees. The need for on-site housing is even more obvious based on FEIR statements by the EIR preparer (p. 3-73) for the project indicating that affordable housing might never be constructed:

According to the Monterey County Economic Development Department Assistant Director (Noel 2012), the In-Lieu Fees are collected and deposited into a separate County fund. The fees are used to assist affordable housing developers with the planning and

implementation of projects through the County's annual Notice of Funding Availability (NOFA) which is part of the Annual Housing Report process. In addition, funding has been in past years used to assist housing programs and activities that further the creation of affordable housing, such as housing feasibility studies, down-payment assistance programs, and preparation of housing grant applications. Finally, the funding is used to administer the Inclusionary Housing Program including undertaking the required annual monitoring of the County's stock of deed restricted housing which currently totals over 300 units, processing sales, re-sales and refinances of Inclusionary Units, and reviewing development applications to determine Inclusionary compliance requirements, prepare conditions of approval and prepare and process Inclusionary Housing Agreements.

Given the variety of uses to which the County puts in-lieu fees, it is speculative to assert that the proposed project includes construction of inclusionary housing because the in-lieu fees used by the County may or may not result in new inclusionary housing units. For example, it is equally likely that the fees could be used to monitor existing inclusionary housing stock. It also would be speculative to determine where construction of any such housing would occur within the County. When and if the County proposes an inclusionary housing project, then environmental review pursuant to CEQA, as applicable, will be required. At this time, the County has no specific proposal to construct inclusionary units with the in-lieu funds that may be paid by the Applicant, and it would be speculative to evaluate potential environmental impacts until the County articulates such proposed actions. (Emphasis added).

The DEIR for the Pebble Beach Company Project identifies six alternatives for residential development. All of the alternatives would meet project objectives (p. 5-6) **as well as provide on-site inclusionary housing**. As mentioned above, LandWatch supports Alternative 2C which is identified in the DEIR as the environmentally superior alternative. In addition to providing on-site affordable housing, Alternative 2C would reduce the impact on biological resources by reducing the removal of Monterey pine forest acreage by 24 acres and Yodon's piperia by 7 acres (p. 5-36). Alternative 2C would preserve about 1,500 trees (assuming 64 trees per acre) or about 27% of all the 5,500 Monterey Pine lost to the project. Residential development has the greatest impact on biological resources and would require removal of 4,600 Monterey pine trees.

Based on discussions with Coastal Commission staff (Katie Butler, May 1 and 3, 2012), the Concept Plan would preclude adoption of Alternatives 1A and 1B. Those alternatives would require subsequent amendments if the Concept Plan is approved prior to action on the project itself.

The approach used by Monterey County and California Coastal Commission to process the Concept Plan and project truncate the CEQA process as described above. This approach appears to be the result of a binding agreement between the Commission staff and the Pebble Beach Company where by it was agreed that the Commission staff would support the Concept Plan (December 14, 2009 letter from the Pebble Beach Company to the Coastal Commission staff attached).

Further, the Coastal Commission's staff analysis is inconsistent with the EIR findings on the project itself. Most noteworthy is the DEIR's findings that the project would have significant and unavoidable impacts on air quality, transportation and water supply (DEIR, p. 5-4). These impacts are not identified in the staff's analysis of the Concept Plan even though the project and Concept Plan appear to be one and the same. In fact, the proposed Coastal Commission resolution contradicts the findings in the DEIR:

Resolution to Certify the LUP Amendment. The Commission hereby certifies Major Amendment Number 1-12 Part 1 to the Monterey County Local Coastal Program Land Use Plan as submitted by Monterey County and adopts the findings set forth below on the grounds that the amendment conforms to the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment. (Emphasis added)

We urge the Commission to address these inconsistencies and to adopt provisions that assure that all project alternatives and mitigation measures identified in the DEIR for the Pebble Beach Company project can be implemented.

Sincerely,



Amy L. White
Executive Director

cc: Monterey County Planning Department
Enc. December 14, 2009 Letter, Pebble Beach Company to Peter Douglas

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JIM BRASSET
118 WALL RD.
NAPA, CA 94558

I am against private
companies developing
on California Coastal
land.

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Monterey County LCP Amendment No. MCO-1-12 Part 1 (Del Monte Forest LCP update and Pebble Beach Company Concept Plan). Public hearing and action on request by Monterey County to amend the LCP to update it overall for the Del Monte Forest, including in relation to the Pebble Beach Company's Concept Plan (designed to provide for development and preservation measures for the Company's remaining land holdings in the Del Monte Forest).

Questions regarding this item and any written comments should be directed to the Commission's Central Coast District office. To review a staff report and recommendation and/or for more meeting information you can also check the Commission's website at www.coastal.ca.gov.

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SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

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

Katie Butler, Coastal Planner
California Coastal Commission
725 Front Street
Santa Cruz, CA 95060

May 4, 2012

**Re: May 9, 2012: Monterey County LCP Amendment No. MCO-1-12
Part 1 (Del Monte Forest LCP update and PBC Concept Plan)**

Dear Ms. Butler

The Ventana Chapter of the Sierra Club represents 6,300 members and we have been following Pebble Beach Company expansion plans for almost 30 years. Thank you for the opportunity to comment on the latest version of LCP Amendment for the CCC hearing scheduled for May 9 in San Rafael.

Sierra Club is very appreciative of the collaborative work done between the representatives of the Coastal Commission central coast staff, Pebble Beach Company and County staff since denial of the "Measure A" LCP amendment in 2007 which the Club opposed. While we agree with CCC staff that the new PBC Concept Plan is overall a good compromise plan that protects coastal resources, we still have grave concerns for several areas still designated for residential development. These areas, labeled J, K and L are clustered close together in an Environmentally Sensitive Habitat Area (ESHA) of Monterey Pine Forest in the Seal Rock Creek watershed and are thus not suitable for residential development under the Coastal Act. All these areas contain rare Monterey Pine Forest and special status species. The Wetlands Research Associates surveys in 2002 cited in the FEIR reported observing two subadult federally-endangered California red-legged frogs (CRLF) on September 19 in a culvert plunge pool in this watershed. Because aquatic vegetation and undercut banks provide suitable coverage and egg mass attachment structures, it is assumed that CRLF is distributed throughout the Seal Rock Creek watershed.

• **LUP Planning Area J** is a 9.38 acre site which consists of intact Monterey Pine Forest, dense Manzanita and oak trees supports a large population of federally listed Yadon's piperia (2500 plants). This parcel also includes two

...To explore, enjoy, preserve and protect the nation's forests, waters, wildlife and wilderness...

forks of Seal Rock Creek which was identified as a center for CPLF populations in the Del Monte Forest. Also, the wet areas in Area J are considered wetlands under the Coastal Act. California has lost 95% of its original wetlands so these areas are considered extremely rare habitat in the Forest. We oppose development in Area J as the wide ranging movement of breeding CRLF would be negatively impacted by the proposed residential development for 5 single-family lots in Area J and could extirpate this population.

• **LUP Planning Area K** is a 10.62 acre site which consists of 2 parcels to be subdivided into 8 lots at Stevenson Drive which contains a very high density of Yadon piperia habitat with over 5900 plants. A Seal Rock Creek tributary crosses part of the site and there is broad, nearly level section of the site that acts as a flood plain, is seasonably wet and contains wetland indicator plants and thus comprises a third-acre seasonable wetland protected under the Coastal Act. Also, CRLF have been observed along the main Area K drainage. Like Area J, this parcel is ESHA under the Coastal Act. Rare Monterey Pine Forest habitat, CRLF breeding grounds and robust populations of Yadons' piperia would be negatively impacted by this by this LUP amendment permitting residential development at Area K.

• **LUP Planning Area L** is a 20 acre site that comprises the third segment of the 3 ESHA parcels threatened by development in the Seal Rock Creek watershed. Area L contains dense Monterey Pine Forest habitat and a small dunes area which has three special status plant species including Monterey spineflower, Menzie's wallflower and Monterey Indian paintbrush as well as federally-endangered Smith's blue butterfly habitat. Area L is adjacent to the Indian Village preservation area which contains one of the only known extant populations of federally- and state-listed Hickman's cinquefoil and state-listed Pacific Grove clover. The potential impacts of such development on these rare plant populations at Indian Village need to be addressed. Several Seal Rock Creek channels cross the eastern portion of Area L which as above has been identified as an apparent center for CRLF. Delineated wetlands protected by the Coastal Act occur at a one-acre site where 2 creeks converge from nearby Area J. The proposed LUP amendment provides for protection of about half the acreage but allows for development of 10 residential lots. All of Area L should have priority for preservation in the LUP in order to comply with the Coastal Act ESHA and wetland policies.

Thank you for this opportunity to contribute to the process of improving this project.

Very truly yours,



Rita Dalessio

Ventana Chapter Conservation Committee (RD/BBE)

cc: Tom Lippe, Lippe Gaffney Wagner LLP, San Francisco, CA

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30 April 2012 A.D.

Calif. Coastal Commission,
Central Coast District Off.
725 Front St., Suite 300,
Santa Cruz, Calif. 95060.

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Dear Commissioners and staff:

Your postcard labelled, "Important Public Hearing Notice!" dated 4/27/12 arrived today, Monday 4/30. Its fine print informs me that my written comments must arrive "no later than [this Friday]" thus affording me no time to learn more about your agenda issue -- no more than what you've provided on the face of your post card. So this, my hurried response, must be based partly on my best conjecture. Please forgive that.

The most meaning I can milk from your one obscure paragraph is as follows: Monterey County [i.e. supervisors?] wants to revise /amend its coastal plan regarding Del Monte Forest, "including in relation to (sic) the Pebble Beach Company's concept plan..." Pebble Beach Co. seeks permission to further clear-cut some of its part of Del Monte Forest to construct buildings there. (= "development"). Do I read correctly?

DelMonte Forest is an exceedingly rare coastal habitat for wildlife and an important element of what attracts visitors and local homeowners alike to the Monterey-Carmel coastline. IF I'm correctly reading "between the lines" of your single informational paragraph, THEN I plead with you: NO MORE FELLING OF TREES IN DEL MONTE FOREST --especially not for the construction of more buildings!! What mitigation for wildlife there? Where would Pebble Beach Co. "create" a similar seaside "forest primeval" -- for sustainable wildlife, for visitors, for local homeowners? No! No! No further nibbling away at this remaining quasi-wild area! And it needs a corridor also for wildlife come-and-go.

Sincerely,



Dale M. Heckman, Ph.D.
2045 Humboldt Ave.
Davis, Calif. 95616.

<akadlnk@yahoo.com>

P.S.: It puzzles me as to why wealthy Clint Eastwood and his already wealthy partners would need or want to carve away further at DelMonte Forest --a unique public treasure. It's time for him /them to think about their legacy, not their next yacht.

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DEAR COMMISSIONERS-

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RE: MONTEREY COUNTY LCP
AMENDMENT NO. MCO-1-12 PART 1
(DEL MONTE FOREST LCP UPDATE
& PEBBLE BEACH CO. CONCEPT PLAN)

I DO HOPE THAT THIS REQUEST BY
MONTEREY COUNTY TO AMEND THE LCP AS IT
PERTAINS TO THE DEL MONTE FOREST IS NOT
YET ANOTHER ATTEMPT BY THE PEBBLE
BEACH COMPANY TO DESPOIL THE NATURAL
BEAUTY OF THE DEL MONTE FOREST.

THE LOSS OF ANY OF THOSE BEAUTIFUL
STANDS OF MONTEREY PINES FOR THE SAKE OF
YET ANOTHER REDUNDANT GOLF COURSE, RESORT
HOTEL, OR SHOPPING MALL REPRESENTS A
SORRY TRADE INDEED. THE TRUE BEAUTY-
AND QUALITY OF LIFE-INHERENT IN OUR GREAT
STATE IS REPRESENTED BY HER COAST, HER
MOUNTAINS, AND YES, HER FORESTS.

PLEASE DO NOT ACQUIESCE TO THIS
AMENDMENT REQUEST IF IT ENTAILS ANY ALLOWED
DEFORESTATION IN THE DEL MONTE FOREST.

SINCERELY- ROSS PEARSON
G



Ross Pearson
5711 Mangrum Dr
Huntington Beach CA 92649

SANTA ANA CA 926

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Phillips Wyly
1127 Wildcat Canyon Road
Pebble Beach, CA 93953

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California Coastal Commission
FAX: 831-427-4877

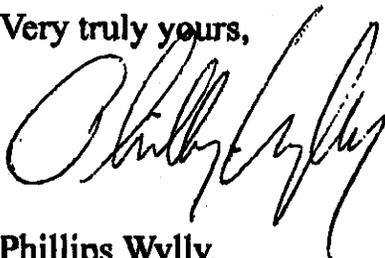
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Re: Pebble Beach Company Concept Plan

Ladies and Gentlemen of the Commission:

The information presented on the Commission's web-page regarding the new "updated" plan for further development in Pebble Beach is somewhat difficult for me to understand and does not seem to contain specific information regarding the 90 residential units to be built. Articles in our local newspaper indicate these units, or some of these units, are to be Low Cost Housing. Having worked a lifetime to be able to afford a modest home in Pebble Beach (one of the four to an acre variety) I am not anxious to see my property value diminished by the creation of "low cost housing" across the street from my home. Frankly I am surprised that the Pebble Beach Company would consider this idea and discouraged by the fact that the Coastal Commission may be encouraging it.

Very truly yours,



Phillips Wyly.

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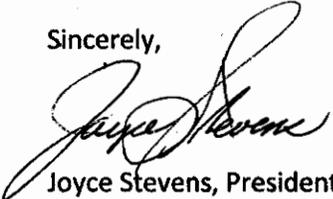
Monterey Pine Forest Watch
P. O. Box 505
Carmel, California 93921
2 May 2012

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

SUBJECT: Monterey County LCP Amendment No. MCO-1-12 Part 1(Del Monte Forest LCP update)

The Monterey Pine Forest Watch is very appreciative of the years of negotiation between the California Coastal Commission and executives of the Pebble Beach Co., under the excellent leadership of Peter Douglas, which produced the LCP Amendment now under consideration. We have followed this Del Monte Forest buildout planning process for decades, primarily out of concern for the future of the magnificent stands of Monterey Pine Forest included in their properties. Earlier design iterations included thousands of housing units, very few preserved forest areas and, always, another golf course. Contrast that with the current LCP amendment which now includes 240 hotel rooms, less than 100 housing units, 635 acres of preserved land and, best of all, no new golf course. In a perfect world, we would have hoped to have had additional land preserved from Pebble Beach Co.'s Aguajito property and Old Capital Site in Monterey in order to begin creating a Monterey Pine Preserve at Aguajito, but 635 acres is a substantial and welcome addition to the forest.

These LCP changes before you comprise major improvements that remove serious ESHA and other environmental problems and represent a successful mediation agreement. Our overall evaluation is that this LCP Amendment is a worthy compromise that provides significantly improved protection for the Monterey Pine Forest and we concur with staff's recommendations.

Sincerely,

Joyce Stevens, President

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