

**CITY OF CARMEL-BY-THE-SEA**  
**APPEAL OF PLANNING COMMISSION DECISION**  
**(FILING FEE: See Current Fee Schedule\*)**

Appellant: Dolores, LLC/Alexander P. Cadoux, c/o Pamela H. Silkwood, Esq.

Mailing Address: 26385 Carmel Rancho Blvd., Ste. 200, Carmel, CA 93923

Phone: Day : (831) 373-4131 Evening: (    )

Email: psilkwood@horanlegal.com

Date of Planning Commission Decision: November 13, 2019

*Decisions made by the Planning Commission may be appealed to the City Council by filing a written notice of appeal with the City Clerk. Appeals shall be filed **within 10 working days following the date of action** and paying the required filing fee as established by City Council resolution.*

Physical location of property that is the subject of appeal (street location or address):

Dolores, 3 E. of 7th

Lot(s): 91 Block: 10 APN: 010-411-003

**PLANNING COMMISSION DECISION BEING APPEALED:**

Denial of User Permit Amendment (UP 19-411) and denial of appeal of Transient Use License (PP 19-251)

If you were **NOT** the original applicant or the applicant's representative, please state why you are an aggrieved party:

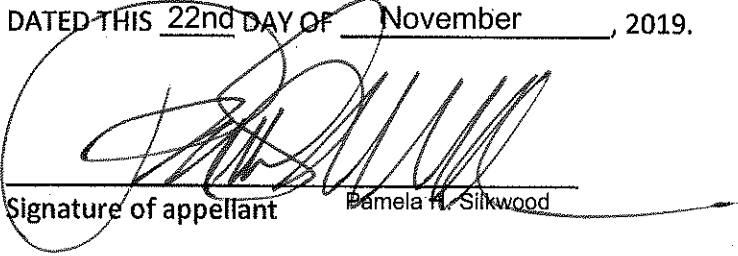
\_\_\_\_\_  
\_\_\_\_\_

**GROUND FOR APPEAL:** State the specific basis for your appeal, such as errors or omissions you believe were committed by the Planning Commission in reaching their decision, etc. You may also submit a letter or other material to explain your appeal.

See Exhibit A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT:**

DATED THIS 22nd DAY OF November, 2019.

  
Signature of appellant

Pamela H. Silkwood

\_\_\_\_\_  
Appeal fee received: (Staff Initial)

\_\_\_\_\_  
Receipt #:

**ATTEST:**

\_\_\_\_\_  
City Clerk

*\*Article 9, Section 7, of the Constitution of the State of California authorizes a city to impose fees. Also see California government Code, Section 54344.*

**IMPORTANT:** Within 10 working days after receipt of an appeal the City Clerk shall set a date for public hearing at which the City Council shall consider the appeal. All appeals shall be set for the next regular City Council meeting unless insufficient time exists for public notice as established in CMC 17.54.090, Notice of Hearing. This matter is tentatively scheduled to be heard on:

\_\_\_\_\_  
*Date of appeal hearing*

*Revised June 2019*

## EXHIBIT A

### Appeal of Planning Commission Denial of Use Permit Amendment (UP 19-411) and Appeal of the denial of a Transient Rental Business License Application (APP 19-251)

Dolores LLC (BL 19-101)

Dolores 3 SE 7<sup>th</sup> (APN: 010-411-003)

#### I. Facts:

On or around February 9, 2000, the City of Carmel ("City") approved Use Permit and Condominium Subdivision applications (UP 99-31/DR 99-42) for a condominium conversion project at the above referenced property ("Subject Property") to allow the conversion of an existing commercial building to two condominium units in the SC District. Condition 7 of the City's Use Permit approval states, in relevant part, as follows:

*No unit may be rented, leased, subleased, or otherwise made available for remuneration to any person or persons for any period of time of 30 consecutive calendar days or less.*

Because the City did not have a certified Local Coastal Program ("LCP") at that time, the California Coastal Commission had original jurisdiction over the Use Permit and Condominium Subdivision. Subsequently, the Coastal Commission approved the Use Permit and Condominium Subdivision on May 11, 2000. (See **Attachment 1.**) The Coastal Commission approval did not incorporate the City's Condition 7.

On or around January 3, 2019, Earl Y. Meyers II, a licensed real estate broker, contacted Marc Wiener on behalf of the applicant to inquire about the condominium unit located at the Subject Property. At that time, the applicant was interested in purchasing the condominium unit for use primarily as transient rentals. The applicant would not have purchased the condominium unit if there were any restrictions that prohibited its use as transient rentals.

Mr. Wiener responded in writing to the inquiry of Mr. Meyers as follows: "You are correct that transient rentals are allowed in the commercial districts." (See **Attachment 2.**) Other communications between the realtors of the seller and buyer and the condominium unit owner with the City staff occurred prior to the applicant's purchase of the unit, all of which resulted in the same negligent misinformation by the City staff that the unit was eligible for transient use.

The applicant purchased the unit on or around January 23, 2019, based on written and verbal affirmations made by the City Planning Department staff that the unit is allowed to be used for transient rentals under the City Code. The grant deed, Parcel Map, and Declaration of Covenants, Conditions and Restrictions recorded against the Subject Property as well as the

approval by the California Coastal Commission on May 11, 2000, for the condominium subdivision project were all silent as to any restriction on the condominium unit for transient use.

In March 2019, the applicant submitted an application to the City for a transient use license. On March 20, 2019, the applicant received tentative approval of the license from the City Planning Department. (See **Attachment 3.**) The tentative approval included three conditions that would need to be met in order to receive final approval of the license. The tentative approval also allowed for notice and appeal period. No appeal was filed and the three conditions were met, finalizing the approval of the license for transient use.

When the applicant heard about a proposed urgency ordinance related to transient rentals, he contacted Marc Wiener in writing on March 27, 2019, to determine if the proposed ordinance would affect his license. Mr. Wiener responded, "The way the ordinance is currently drafted, if you have the business license approval/permit to operate as a transient rental, it will be 'grandfathered' in." (See **Attachment 4.**)

On or around June 12, 2019, the applicant received a letter from the City Planning Department stating that "the business license approval has been revoked and subsequently denied." The basis for the revocation is Condition 7 of the City's Use Permit approval which prohibited transient use.

On November 13, 2019, the Planning Commission heard an appeal of the City staff's denial of transient use license and an application for a Use Permit amendment to eliminate the Condition 7 that the City applied to justify its denial of the transient use license. As stated previously, the Coastal Commission did not incorporate Condition 7 as part of its approval.

## **II. The Coastal Commission's Approval Did Not Incorporate Condition 7 and Thus, the Unit is Not Subject to Condition 7.**

At the time of the Use Permit and Condominium Subdivision approval by the Coastal Commission in 2000, the City did not have a certified LCP. Accordingly, the Coastal Commission had original jurisdiction over the Use Permit and Condominium Subdivision application. Use permit in the Coastal Zone is equivalent to a CDP under the definition of "development" in the Coastal Act as follows: "Development" includes "change in the density or intensity of use of land, including, but not limited to, subdivision". (Public Resources Code §30106.) The jurisdiction available to the City at that time was limited to design review, and the Coastal Commission had jurisdiction over all other aspects of the application relating to land use and the condominium subdivision. The Coastal Commission did not incorporate the City's conditions in its approval and thus, Condition 7 does not apply to the condominium units.

In reviewing the Coastal Commission's approval of prior projects around the time of the subject Use Permit and Condominium Subdivision approval by the Commission in 2000, it is clear that the Commission incorporates local agency's conditions, if so desired, as Special Conditions of the approvals. A brief search of prior approvals (prior to 2001) by the Coastal Commission

shows that if the Commission had chosen to incorporate the City's conditions (including Condition 7), then the Commission would have expressly stated the same as a Special Condition. That is, as a Special Condition, the approval would have stated, "Incorporation of City's Conditions". Please see the attached 12 project approvals by the Coastal Commission included as **Attachment 5** which include the same or similar statements as a Special Condition of the approvals.

Mike Watson, a Coastal Commission staff, confirmed the above interpretation. The misinterpretation of the Coastal Commission approval by City staff has caused harm to the applicant.

**III. The Planning Commission's Decision Was Not Based on Substantial Evidence in the Record, Nor Did Not the Commission Proceed In a Manner Required By Law, In That the Commission Prejudicially Focused on Housing When the Project Is Located in the Core Commercial District.**

The City staff's recommendation for denial, which was supported by the Commission, was the loss in one housing unit which would then affect the City's housing stock.<sup>1</sup> The property is located in the Core Commercial District. The City's General Plan states the following for the Commercial Land Use Designation:

*To provide visitors with overnight accommodations, 50 percent of all commercially zoned land in Carmel-by-the-Sea has been developed and occupied by hotel and motel uses. A significant number of single-family residences also accommodate visitors on a monthly rental basis to augment commercial motel and hotel lodgings*

*Core Commercial. This area is intended to provide for a wide range of retail and service uses in scale with the overall residential character of the community. More intense commercial activities such as retail, restaurant and visitor commercial uses are appropriate in this area.*

Neither the City staff, nor the Planning Commission, acknowledged the location of the property in the commercial district, or discuss the following policy applicable to the commercial district land use designation:

*O1-3 Preserve the economic integrity of the community and maintain an economic philosophy toward commercial activity ensuring compatibility with the goals and objectives of the General Plan.*

*P1-11 Encourage unique, quality commercial uses that serve the intellectual, social, material, and day-to-day needs of both the local community and visitors.*

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<sup>1</sup> The applicant plans to use the unit as permanent housing upon retirement so the housing stock would not disappear for the City.

Housing needs are recognized throughout the State, but that said, so are visitor-serving needs, and they are more appropriate in the Core Commercial District than anywhere else in the City, consistent with the City's General Plan.

The Planning Commission did not base its decision on substantial evidence in the record and did not proceed in a manner required by law since the Commission relied upon a prejudicial City staff report that lacked any discussion of the intended uses in the Core Commercial District.

**IV. The Removal of That Certain Portion of Condition 7 Is Consistent With Today's City Code.**

If the subdivision application were received today, the City would not impose such a condition to restrict the use of the condominium unit for transient rentals, because the City Code has been subsequently amended to eliminate that requirement. Accordingly, this use permit amendment is consistent with today's City Code.

**V. The Applicant Has a Vested Right to Continue with the Transient Use Approval Through the Use Permit Amendment.**

The applicant, in good faith reliance of the representation made by the City staff, purchased the property, applied for a transient use license and met all of the conditions for final approval of the license. He has performed substantial work and incurred substantial liabilities in good faith reliance of the transient use approval issued by the City. Accordingly, the applicant acquired a vested right to act consistent with the approval. Vested rights are grounded upon the constitutional principle that property may not be taken without just compensation.

**VI. The City's Negligent Misrepresentation is Not Protected Under Governmental Immunities.**

The City Planning Department negligently misrepresented to the applicant that an allowable use of the condominium unit includes transient rentals. The negligent misrepresentation was relied upon by the applicant to purchase the unit. The applicant would not have purchased, nor could he afford to purchase, the unit and make substantial improvements therein, but for his reliance of the City's negligent representation that transient rentals are allowed; he was relying on the revenues generated from transient rentals to purchase the unit.

The applicant also relied on the City's approval of the transient use license and expended significant amount of money to meet all of the conditions of approval and to prepare the unit for transient use only to have the City revoke the approval months later.

Providing gratuitous planning information on a property to a prospective purchaser is an administrative or ministerial activity outside the scope of governmental immunity. (See, e.g., *Connelly v. State* (1970) 3 Cal.App.3d 744, 751.) That is, careless dissemination of inaccurate information by a governmental employee is not a protected conduct. Accordingly,

the negligent misrepresentation by the City staff is not protected under governmental immunities.

# ATTACHMENT 1



## CALIFORNIA COASTAL COMMISSION

GRAY DAVIS, Governor

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



Th12e

Filed: 04/06/00  
49th day: 05/25/00  
180th day: 10/03/00  
Staff: SG  
Staff report: 04/17/00  
Hearing date: 05/11/00

## COASTAL DEVELOPMENT PERMIT APPLICATION REGULAR CALENDAR

Application number ..... 3-00-022

Applicant ..... Villas di Mare Investors, LLC

Agent ..... John Mandurrago

Project location ..... East side of Dolores Street between 7<sup>th</sup> and 8<sup>th</sup> Avenues, City of Carmel-by-the-Sea, Monterey County (APN 010-145-011)

Project description ..... Subdivide an existing 5935 sq. ft. two story commercial building with 3145 sq. ft. of underground parking into two residential condominium units, one of 2630 sq. ft. on the first floor and one of 2279 sq. ft. on the second floor, maintaining the existing underground parking.

Approvals Received ..... City of Carmel-by-the-Sea: Permit Number UP 99-31/DR 99-42/Condominium Subdivision

File documents ..... Categorical Exclusion E-77-13 for City of Carmel-by-the-Sea

Staff recommendation... Approval with Conditions



California Coastal Commission  
May 11, 2000 Meeting in Santa Rosa

Staff: S. Guiney, Approved by: *A.F.L. 4/19/00*

G:\Central Coast\STAFF REPORTS\1. Working Drafts\3-00-022 Villas di Mare 04.14.00.doc

## Staff Report Contents

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### I. SUMMARY

The applicant proposes to convert an existing two story commercial building into two residential condominium units, one on each floor. In general, the main issue with new development in Carmel is availability of water. Here, there is an existing commercial building with a certain amount of water use. The proposed residential water fixtures have been sized to use no more water than is now being used. Therefore, the proposed change to residential use will not demand more water than is already being used in the building. Parking, which can be at premium in Carmel, especially in the downtown area where this project is located, is already provided for in an existing parking garage located in the basement of the existing commercial building. Exterior changes would be relatively minor and would include of a new terra cotta tile roof to replace the existing wood shingle roof, new exterior stairway to second floor, new wrought iron decorative features including railings and gates, and removal of part of the existing south wall to accommodate a light well. This last work will not be visible from public areas but only from adjoining buildings. Because the project would be consistent with the Coastal Act and there would be no adverse effect on coastal resources, staff is recommending approval.



## II. STAFF RECOMMENDATION ON COASTAL DEVELOPMENT PERMIT

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

*Motion: I move that the Commission approve Coastal Development Permit Number 3-00-022 subject to the conditions below and that the Commission adopt the following resolution:*

Staff recommends a **YES** vote.

*Approval with Conditions. The Commission hereby grants a permit for the proposed development on the grounds that the development as conditioned is consistent with the requirements of the California Coastal Act of 1976 (Coastal Act), will not prejudice the ability of the City of Carmel to prepare a local coastal program conforming to Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).*

## III. CONDITIONS OF APPROVAL

### A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.



6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**B. Special Condition**

**1. Water**

**PRIOR TO OCCUPANCY**, permittee shall submit to the Executive Director for review and approval written evidence of a final inspection and approval of water fixtures by the Monterey Peninsula Water Management District as required by permits 18169 and 18170 issued by that agency.

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**IV. RECOMMENDED FINDINGS AND DECLARATIONS**

**A. Project Location and Description**

This project is located in the downtown area of Carmel, on Dolores Street one and one-half blocks south of Ocean Avenue (see **Exhibit I**). The site is in the Service Commercial (SC) zone district. The land use designation is Commercial. Residential uses are permitted in this zone district and land use designation.

The applicant proposes to subdivide an existing 5935 sq. ft. two story commercial building with 3145 sq. ft. of underground parking into two residential condominium units, one of 2630 sq. ft. on the first floor and one of 2279 sq. ft. on the second floor, maintaining the existing underground parking. There would be a number of changes to the exterior of the structure including a new terra cotta tile roof to replace the existing wood shingle roof, new stairway and second floor entrance, and decorative changes such as wrought iron gates and railings.

**B. Standard of Review**

The standard of review for projects requiring coastal development permits in the City of Carmel is the Coastal Act. The entire City of Carmel falls within the coastal zone, although most development is excluded from the requirement for a coastal development permit by Categorical Exclusion E-77-13. The Exclusion states that the type of development excluded in the applicable zone district is "service commercial uses on single or combined commercial parcels in the Service



Commercial (C-1-S) District." (The City changed the zone district abbreviation from C-1-S to SC since adoption of the exclusion). Residential use is not a service commercial use. Therefore, the proposed development is not excluded from the requirement for a coastal development permit and, because there is no certified LCP, the standard of review is the Coastal Act.

In this case, the structure already exists in a developed urban area and the proposed changes are mostly interior. Neither coastal access nor recreation are issues because the site is not between the sea and the first public road, is not an oceanfront parcel and is not otherwise suitable for coastal recreational uses. Drainage from the site is via the City's storm sewer system, which ultimately drains to the beach. Exterior changes are relatively minor and would not affect runoff or contribute material that would adversely affect the marine environment. The site does not contain any environmentally sensitive habitat, nor is any located nearby. Being in a fully developed urban area and with relatively minor exterior changes, no public views would be affected. Parking is not an issue because of the existing underground parking, which provides more than the required amount of parking

### C. Water

Coastal Act Section 30250 states in part that

[n]ew residential. . . development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. . .

Water to support additional development is scarce throughout the entire Monterey Peninsula, including the City of Carmel. The Monterey Peninsula Water Management District (MPWMD) allocates water to all of the municipalities on the Monterey Peninsula. The actual water purveyor is the California American Water Company (Cal Am). Each municipality allocates its share of the water to various categories of development, such as residential, commercial, industrial, etc. According to City staff, there is no more water available from the City for a new use or one that increases demand.

Here, the MPWMD has issued water permits for the project indicating that installation of low flow fixtures will result in no increase in water demand (see Exhibit 3). Although no historic water use data has been provided to Commission staff, according to MPWMD staff, the District determines the water credit on a site by multiplying its square footage by a previously determined factor, based on the previous use. In this case, according to the District, there is 5935 square feet of floor space in the structure and the multiplier is 0.00007 acre feet. This results in a credit of 0.415 acre feet of water ( $5935 \times 0.00007 = 0.415$ ). The proposed residences are projected to use 0.203 acre feet of



water each, for a total demand of 0.406 acre feet, 0.009 acre feet less than that with which the site is credited.

The water permits hold the property owner or owner's agent responsible for ensuring completion of a final inspection by MPWMD of the water fixtures. In order to ensure that the project does in fact not result in additional water demand, this permit is conditioned to require the permittee to submit to the Executive Director prior to occupancy written evidence of the MPWMD final inspection. With the installation of the appropriate fixtures, water demand will not be increased and the project can be found to be located in a developed area able to accommodate it, consistent with Coastal Act section 30250. Therefore, as conditioned, the project is consistent with Coastal Act Section 30250 regarding water supply.

#### **D. LCP Planning Process**

Section 30604 of the Coastal Act states in part that a coastal development permit shall be granted if the Commission finds that the development will not prejudice the local government's ability to prepare a Local Coastal Program (LCP) in conformity with the resource protection policies of the Coastal Act. The entire City of Carmel falls within the coastal zone, although most development is excluded from the requirement for a coastal development permit by Categorical Exclusion E-77-13. The proposal would occur within an existing building with only relatively minor changes visible from the street. None of the proposed changes are significant or out of character with the surrounding development.

On April 1, 1981, the Commission certified part of the LUP as submitted and part of the LUP with suggested modification regarding beach-fronting property. The City resubmitted an amended LUP which fixed the beach-fronting properties provisions, but which omitted the previously certified portion of the document protecting significant buildings within the City. On April 27, 1984, the Commission certified the amended LUP with suggested modifications to reinstate provisions for protecting significant structures. However, the City never accepted the Commission's suggested modifications. The result was that the City's entire LUP effectively became decertified. The City is currently working on a new LUP submittal.

The zoning or Implementation Plan (IP) was certified with suggested modifications on April 27, 1984. The City did not accept the suggested modifications and so the IP remains uncertified. The City is presently working on a new IP submittal.

As conditioned, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Carmel-by-the-Sea to prepare and implement a complete Local Coastal Program consistent with Coastal Act policies.



**E. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. The City of Carmel-by-the-Sea determined that the proposal was categorically exempt from the requirements of CEQA. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that with the City's required conditions and the conditions attached to this permit, the project will not have any adverse effects on the environment within the meaning of CEQA.



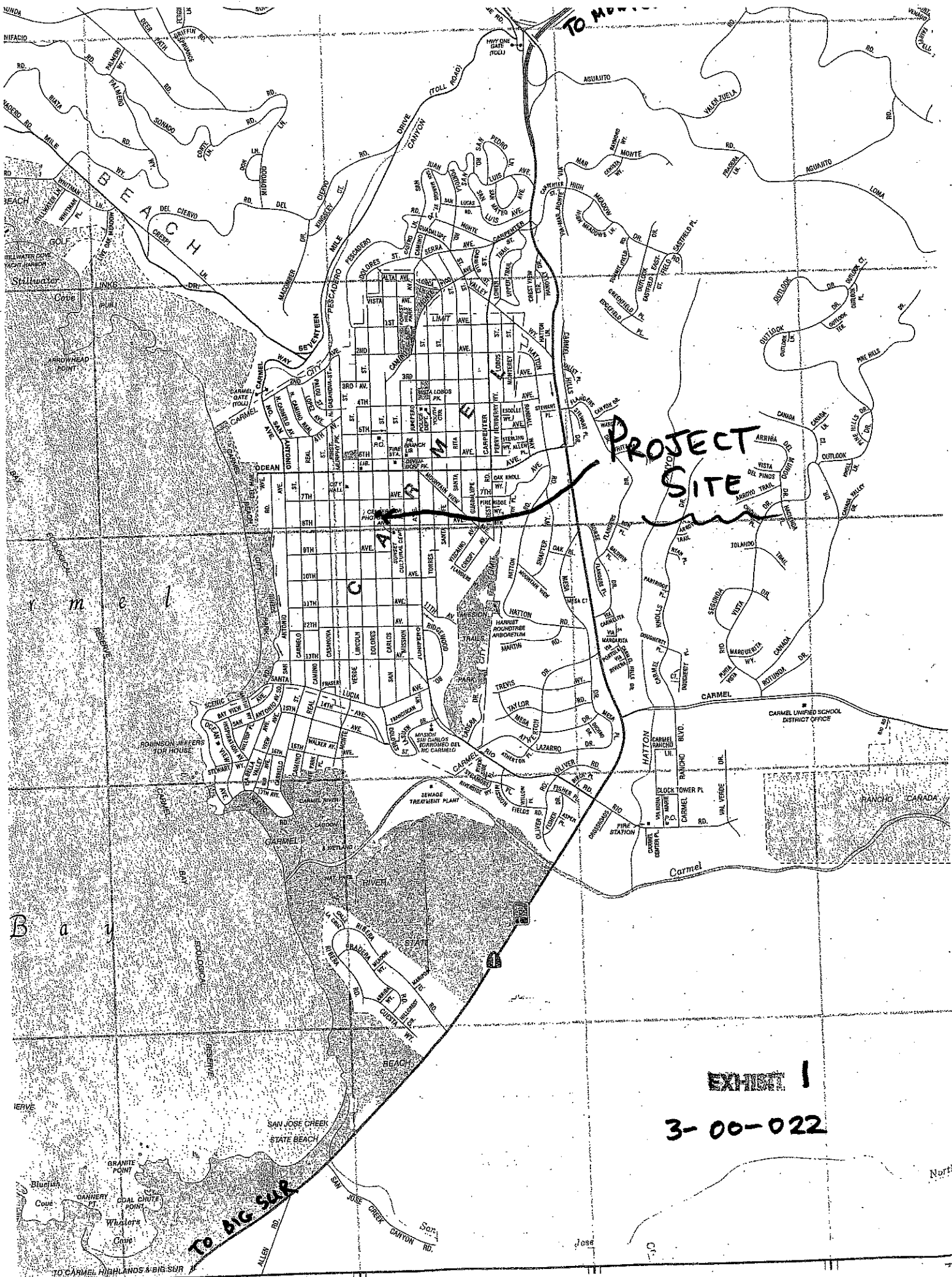


EXHIBIT 1

3-00-022

North



# VILLAS di MARE BUILDING

## Carmel-by-the-Sea

### PROJECT INFORMATION

APN: 010-143-011  
 SITE AREA: 4,000.00 S.F.  
 BLOCK: 91  
 LOT: 12  
 ADDRESS: 300 BUILDING N/E OF 8th ON DOLORES  
 CARMEL-BY-THE-SEA, CA. 93921

### PLANNING CODES

CONTRACT ALLOWED: 70' 0"  
 SETBACK: 12' 0"  
 FLOOR AREA: 2,871.00 S.F.

### FLOOR AREA

FLOOR AREA ALLOWED: 80' 0"  
 1,200.00 S.F.

**GRADING:**  
 EXISTING: 2,953.00 S.F.  
 FINISHED: 2,883.00 S.F.  
 CONDO AREA: 208.00 S.F.  
 TOTAL: 3,091.00 S.F.  
**GROUND LEVEL (Parking Garage):**  
 PROPOSED: 2,830.10 S.F.  
 LOWER LEVEL (Condominium #1): 2,279.10 S.F.  
 UPPER LEVEL (Condominium #2): 97.00 S.F.  
 TOTAL: 3,006.20 S.F.  
**GROUND LEVEL (Parking Garage):**  
 PROPOSED: 3,145.00 S.F.

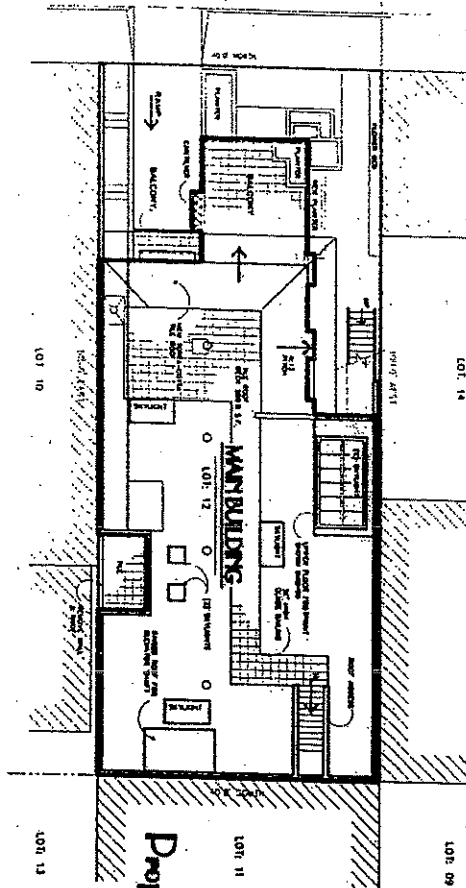
**CEILING SPACE:**  
 OPEN SPACE ALLOWED: 30' 0"  
 EXISTING: 1,200.00 S.F.  
 PROPOSED: 997.00 S.F.

### LANDSCAPE

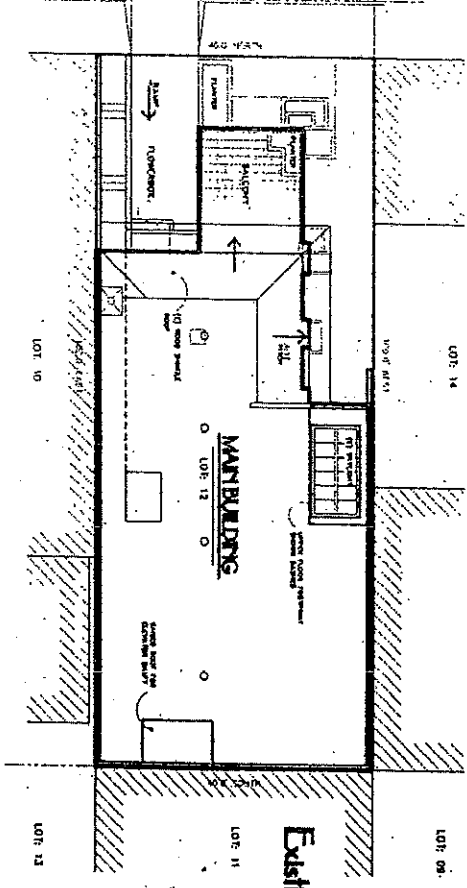
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 PROPOSED: 135.00 S.F.

### PERMITTING

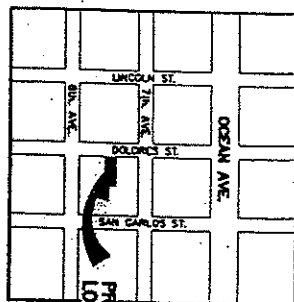
MINIMUM HEIGHT ALLOWED: 28' 0"  
 EXISTING HEIGHT: 28' 0"  
 PROPOSED HEIGHT: 28' 0"



Proposed



Existing



### VICINITY MAP

### SHEET INDEX

1. SITE PLAN
2. PARKING LEVEL PLAN
3. MAIN FLOOR PLAN
4. UPPER FLOOR PLAN
5. ELEVATIONS

### SITE PLAN

SCALE: 1/8" = 1'-0"

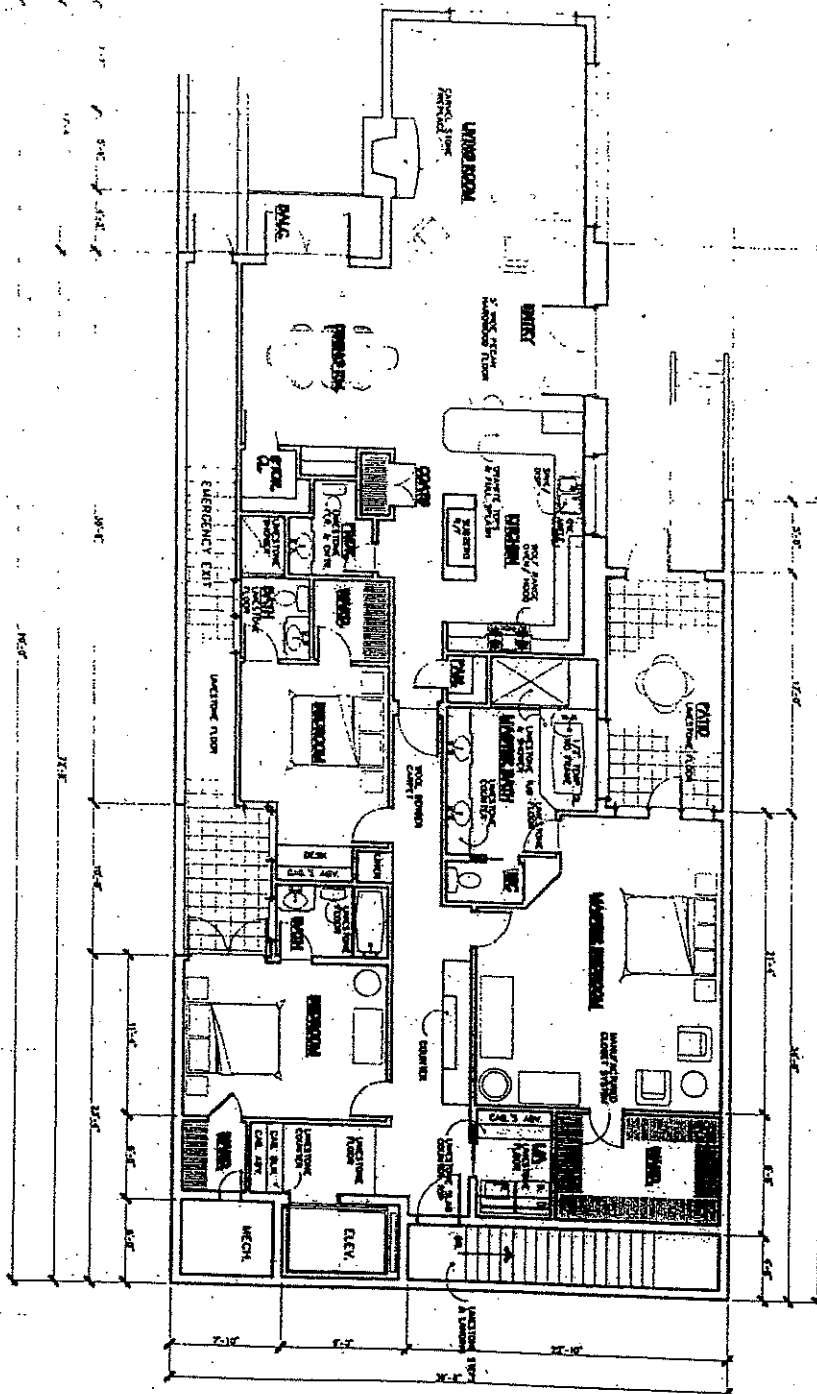
VILLA di MARE BLDG.  
 3 BUILDING N/E OF 8th ON DOLORES  
 CARMEL-BY-THE-SEA, CALIFORNIA

EXHIBIT 2

3-00-022

UNRECORDED  
 UNRECORDED &  
 RETURN  
 2-10-98  
 8841  
 1





- SPECIFICATIONS**
- PLUMBING - KOHLER
  - CABINETS - PAINTER BRICH
  - WALLS & CEILINGS - ANDERSON CASPARI
  - DOORS - 1-1/4" SOLID CORE (PLAIN)
  - HARDWARE - SOUTHWESTERN ANTIQUE
  - ROOFING - LOW VOLTAGE RECESSED
  - RAILING - HANDRAIL & FINISHED ANTIQUE STEEL



**Proposed Main FLOOR PLAN**

SCALE: 1/4" = 1'-0"

2,630.10 Sq. Ft.

**VILLA MADE BLD'G.**  
 14 BUILDING N.E. of BAY OF DELORS  
 CARMEL-BY-SEA, CALIFORNIA

UNIVERSITY & BELLING  
 11 3 8941

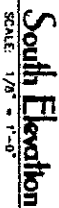
2 3  
 3-00-022



11



2.  $u = 0$  on  $\partial\Omega$ .



.....

**VILLAS & MORE BLD'G.**  
3rd. BUILDING 1/2 of Bk. on BOLINDER  
CARMEL-BY-THE-SEA, CALIFORNIA

EXHIBIT 2 5

3-00-022



MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT  
P.O. BOX 85 • Monterey, CA 93942-0085  
(831) 649-2500 FAX (831) 649-4870

PERMIT: 18169

Date: 03/06/00

## MPWMD WATER PERMIT

Final Inspection Required  
by MPWMD

Phone: (831) 625-1553

Applicant: Villas Di Mare Invest, LLC

Agent: Robert Mandurrago

Phone: (831) 625-1553

Applicant Mailing Address: PO Box R  
Carmel, CA 93921

Property Address: Dolores, 3 NE of 8th Avenue CARMEL, CA 93921

Water Company: CAL-AM

Allocation debited: 0.000 AF Lot: AF Number: 010-145-011

Permit Type: REMODEL (Residential) Number of Proposed Connections: 1 of 2

Existing Land Use OFFICE

Proposed Land Use MFD - UNIT 1

Water Account Number:

Remarks: ORD #60/80-ULF TOILETS, ULF WASHER-18GLS MAX, ULF DISHWASHER, HOT  
WATER SYSTEM & DRIP IRRIGATION REQ\*SEP. METER REQ\*

## F E E S

FIXTURES	NO. OF FIXTURES		FIXTURE UNIT VALUE	FIXTURE UNIT COUNT
Bathtub(may have shower above)	1.0	X	2.0 =	2.00
Shower-separate stall:	2.0	X	2.0 =	4.00
Wash Basin, each	5.0	X	1.0 =	5.00
Water Closet, ULF, 1.6 gal.	4.0	X	1.7 =	6.80
Large Bathtub (over 55 gal.)	1.0	X	3.0 =	3.00
KIT/ULF DISHWASHER	1.5	X	1.0 =	1.50
BATH SHOWER	( 2.0 )	X	1.0 = (	2.00)
ULF WASHER-18GLS MAX	1.0	X	1.0 =	1.00
BATH 2ND-LAY	( 1.0 )	X	1.0 = (	1.00)
			Connect	0.00
			Processing	300.00
				=====
			TOTAL	300.00

Credits applied: 20.300 Fixture Units

TOTAL

---

300.00

I declare under penalty of perjury that the information on this permit, the accompanying application, and any attachments is correct to the best of my knowledge and belief. I have had an opportunity to review the Rules and Regulations of the MPWMD. The undersigned, as property owner or agent thereof, hereby authorizes MPWMD staff to make on-site inspections as deemed necessary to insure the accuracy of this application and compliance with the permit.

Furthermore, by signing this water permit, the undersigned acknowledges the District's right to assess and collect fees and impose fines for added water fixtures or changes in use occurring without amendment of the water permit. Water fixtures added without amendment of the water permit may be subject to a requirement of removal. The current title-holder of the property and/or his agent is responsible to arrange completion of a final inspection by the MPWMD. Failure to arrange for a final inspection may result in a Notice of Violation recorded against the property, may subject a future property owner to fees and penalties, or may result in interruption of water service at the site.

Signature of Property Owner/Agent

Date

3-9-00

Monterey Water Management District issues a permit for the above project. This permit constitutes your receipt for the total fees shown. This permit may be revoked or other penalties imposed upon discovery of any substantial inaccuracy with respect to the above application.

EXHIBIT 3

3-00-022

Page 1



MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT  
P.O. BOX 85 • Monterey, CA 93942-0085  
(831) 649-2500 FAX (831) 649-4870

PERMIT: 1B169

Date: 03/06/00

Final Inspection Required  
by MPWMD

Phone: (831) 625-1553

MPWMD WATER PERMIT  
( continued )

Applicant: Villas Di Mare Invest, LLC

Agent: Robert Mandurrago

Phone: (831) 625-1553

Applicant Mailing Address: PO Box R  
Carmel, CA 93921

Property Address: Dolores, 3 NE of 8th Avenue CARMEL, CA 93921

MPWMD Delegated Agent

03/06/00

Issued

NOTE: This permit does not guarantee service by any water company, public utility, or municipal water agency.  
This permit may be canceled at the request of the jurisdiction following notice to the property owner.

EXHIBIT 3 2

3-00-022

MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT  
P.O. BOX 88 - Monterey, CA 93943-0088  
(831) 645-0000 FAX (831) 645-4870

PERMIT: 18170  
Date: 03/06/00

## MPWMD WATER PERMIT

Final Inspection Required  
by MPWMD  
Phone: (831) 625-1553

Applicant: Villas Di Mare Invest, LLC

Phone: (831) 625-1553

Agent: Robert Mandurrago

Applicant Mailing Address: PO Box R  
Carmel, CA 93921

Property Address: Dolores, 3 NE of 8th Avenue CARMEL, CA 93921

Water Company: CAL-AM

Allocation debited: 0.000 AF Lot:

AP Number: 010-145-011

Permit Type: REMODEL (Residential)

Number of Proposed Connections: 2 of 2

Existing Land Use: OFFICE

Proposed Land Use: MFD - UNIT 2

Water Account Number:

Remarks: ORD #60/80-ULF TOILETS, ULF WASHER-18GLS MAX, ULF DISHWASHER, HOT  
WATER SYSTEM & DRIP IRRIGATION REQ\*SEP. METER REQ\*

## F E E S

FIXTURES	NO. OF FIXTURES		FIXTURE UNIT VALUE	FIXTURE UNIT COUNT
Bathtub(may have shower above)	2.0	X	2.0 =	4.00
Shower-separate stall:	1.0	X	2.0 =	2.00
Wash Basin, each	5.0	X	1.0 =	5.00
Water Closet, ULF, 1.6 gal.	4.0	X	1.7 =	6.80
Large Bathtub (over 55 gal.)	1.0	X	3.0 =	3.00
KIT/ULF DISHWASHER	1.5	X	1.0 =	1.50
MBATH SHOWER	( 2.0)	X	1.0 = (	2.00)
ULF WASHER-18GLS MAX	1.0	X	1.0 =	1.00
MBATH 2ND-LAV	( 1.0)	X	1.0 = (	1.00)
			Connect	0.00
			Processing	0.00
			=====	

Credits applied: 20.300 Fixture Units TOTAL ---> 0.00

I declare under penalty of perjury that the information on this permit, the accompanying application, and any attachments is correct to the best of my knowledge and belief. I have had an opportunity to review the Rules and Regulations of the MPWMD. The undersigned, as property owner or agent thereof, hereby authorizes MPWMD staff to make on-site inspections as deemed necessary to insure the accuracy of this application and compliance with the permit.

Furthermore, by signing this water permit, the undersigned acknowledges the District's right to assess and collect fees and impose fines or added water fixtures or changes in use occurring without amendment of the water permit. Water fixtures added without amendment of the water permit may be subject to a requirement of removal. The current title-holder of the property and/or his agent is responsible to insure completion of a final inspection by the MPWMD. Failure to arrange for a final inspection may result in a Notice of Violation recorded against the property, may subject a future property owner to fees and penalties, or may result in interruption of water service at the site.

Signature of Property Owner Agent

Date

3-9-00

The Monterey Water Management District issues a permit for the above project. This permit constitutes your receipt for the total fees shown. This permit may be revoked or other penalties imposed upon discovery of any substantial inaccuracy with respect to the above application.

EXHIBIT 3

3-00-022



MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT  
P.O. BOX 85 • Carmel, CA 93921-0085  
(831) 646-2555 FAX (831) 646-3070

MPWMD WATER PERMIT  
( continued )

Applicant: Villas Di Mare Invest, LLC

Agent: Robert Mandurrago

Applicant Mailing Address: PO Box R  
Carmel, CA 93921

Property Address: Dolores, 3 NE of 8th Avenue CARMEL, CA 93921

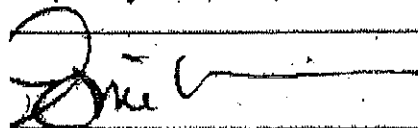
PERMIT: 1B170

Date: 03/06/00

Final Inspection Required  
by MPWMD

Phone: (831)625-1553

Phone: (831)625-1553



MPWMD Delegated Agent

03/06/00

Issued

E: This permit does not guarantee service by any water company, public utility, or municipal water agency.  
This permit may be canceled at the request of the jurisdiction following notice to the property owner.

EXHIBIT 3 4

3-00-022



# MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 649-2500  
FAX (831) 649-4870 • <http://www.mpwmd.dst.ca.us>

Recording Requested by:

And When Recorded Mail To:  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085

## NOTICE AND DEED RESTRICTION REGARDING LIMITATION ON USE OF WATER ON A PROPERTY

NOTICE IS HEREBY GIVEN that the real property situated in the City of Carmel-by-the-Sea:

**DOLORES, 3 NE OF 8<sup>TH</sup> AVENUE {L12 B91/CARMEL BY THE SEA}  
ASSESSORS PARCEL NUMBER 010-145-011,**

hereinafter referred to as the "subject property," is located within the jurisdiction of the Monterey Peninsula Water Management District, a public agency formed and operating within the provisions of law found at Statutes of 1977, Chapter 527, as amended found at West's California Water Code Appendix, Chapters 118-1 to 118-901. Villas Di Mare Investor, LLC (hereinafter referred to as Owner(s)), is the record owner(s) of the subject property. Owner(s) and the Monterey Peninsula Water Management District each acknowledge that the installation and maintenance of two ultra low-flow washing machines, manufactured with no wash cycle capable of using greater than 18 gallons of water, two dishwashers with no complete wash cycle capable of using greater than 7.66 gallons of water, and an instant-access hot water system capable of supplying hot water at any access point within six seconds, are permanent requirements of the property. The permitted water use at the subject property is to supply the potable water requirements for a multi-family dwelling consisting of:

- 8 ultra low-flush toilets (1.6 gallons-per-flush maximum)
- 10 wash basins (2.2 gallons-per-minute maximum flow)
- 2 kitchen sinks (2.2 gallons-per-minute maximum flow) and two dishwashers (7.66 gallons maximum on all cycles)
- 2 washing machines (18 gallons maximum on all cycles)
- 3 standard bathtubs (under 55 gallon overflow capacity, may have showerhead above)
- 3 stall showers (2.5 gallons-per-minute maximum flow)
- 2 oversize bathtubs (over 55 gallon overflow capacity, may have showerhead above)
- Reasonable outdoor water use as needed and as allowed by District Rules.

Owner(s) acknowledges that the condition requiring the installation and maintenance of the ultra-low flow appliances referenced above has been voluntarily accepted as a condition of Water Permit Nos. 18169 and 18170, and is permanent and irrevocable, unless amended by the filing of a less restrictive deed restriction.

**NOTICE IS FURTHER GIVEN** that present and/or future use of water at the subject property site is restricted by Monterey Peninsula Water Management District Rules and Regulations to the water use requirements referenced above. Any intensification of water use on the subject property, as defined by District Rule 11, will require prior written authorization from the City of Carmel-by-the-Sea and prior written authorization and permits from the Monterey Peninsula Water Management District. Approval may be withheld by either the City or Water District, in accord with then applicable provisions of law. Present or future allocations of water may not be available to grant any permit to intensify water use at this site. If any request to intensify water use on subject property is approved, connection charges and other administrative fees may be required as a condition of approval. Rule 11 defines intensification of water use as any change in water use occurring on a parcel which, in a residential use, is evidenced by an increase in the number of fixture units serving that parcel.

**NOTICE IS FURTHER GIVEN** that in the event intensification of water use on subject property occurs without such an authorizing permit, all water use on this site may thereafter be revoked in accord with Water Management District Rule 23, which states, "Intensification of Water Use without a permit shall provide cause for revocation by the District of all water use by any person on that Site." Such revocation could cause the irrevocable extinction of any right or entitlement to water use, water use capacity, or water credit for the subject property.

**NOTICE IS FURTHER GIVEN** that intensification of water use on subject property without the advance written approval of the Monterey Peninsula Water Management District is a violation of District Rules and may result in a maximum penalty of \$250 for each offense as allowed by District Rule 148. Each separate day, or portion thereof, during which any violation occurs or continues without a good faith effort by the responsible party to correct the violation shall be deemed to constitute a separate offense. All water users within the jurisdiction of the Monterey Peninsula Water Management District are subject to the District Rules, including Rules 11, 23, and 148.

It is intended that this Notice and Deed Restriction act as a deed restriction upon the subject property, that it shall be irrevocable except upon the terms stated herein, and that its restrictions shall be enforceable independent of any other provision of law or ordinance. This Notice and Deed Restriction shall be enforceable by the Monterey Peninsula Water Management District or any public entity which is a successor to the District.

The Owner(s) elects and irrevocably covenants with the District to abide by the conditions of this Notice and Deed Restriction to enable issuance of Water Permit Nos. 18169 and 18170. But for the limitations and notices set forth herein, approval of this water permit would otherwise be withheld and found to be inconsistent with the Monterey Peninsula Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the subject property and any transfer of this property, or any interest therein, is subject to this deed restriction. This Notice and Deed Restriction shall have no termination date unless amended by the filing of a less restrictive deed restriction.

If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.

OWNER(S) agrees to record this Notice and Deed Restriction in the Recorder's Office of the County of Monterey, and by such recordation accepts unconditionally the terms and conditions stated herein.

By: Gabriela Ayala  
Gabriela Ayala  
Conservation Representative  
Monterey Peninsula Water Management District

Dated: 3/16/2000

The undersigned Owner(s) request and consent to recordation of this Notice and Deed Restriction Regarding Limitation on Use of Water on a Property. (Signatures must be notarized).

By: [Signature]  
Villas Di Mare Investors, LLC  
JOHN MANDURRAGO

Dated: 3/8/00

U:\gabby\wp\deeds\yr2000\carrel\010-145-011\Villadimare

Page Three of Three Pages

EXHIBIT 3 7

3-00-022

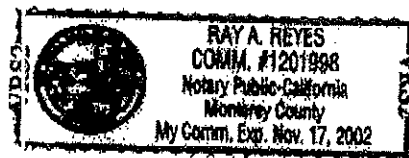


STATE OF CALIFORNIA } ss.  
COUNTY OF Monterey }

On 3/8/00 before me, Ray A. Reyes, personally  
appeared John Mandarrago  
personally known to me (or proved to me on the basis of satisfactory evidence) to be  
the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies); and that by his/her/their signature(s) on the instrument the person(s) or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature 



(This area for official notarial seal)

Title of Document: Mtc and Dead Restrictio

Date of Document: 3/8/00

No. of Pages: 3

Other signatures not acknowledged: none



3 8

3008-SM (1/94)(General)  
First American Title Insurance Company

3-00-022

## ATTACHMENT 2

## Pamela Silkwood

---

**From:** alexander cadoux <acadoux@gmail.com>  
**Sent:** Wednesday, June 12, 2019 12:13 PM  
**To:** Pamela Silkwood  
**Subject:** Fwd: rental codes for commercial district  
**Attachments:** Transient Rental Information Handout.pdf

Begin forwarded message:

**From:** earl blissbythesea.com <earl@blissbythesea.com>  
**Subject:** Fwd: rental codes for commercial district  
**Date:** March 26, 2019 at 3:04:58 PM MST  
**To:** Alexander Cadoux <acadoux@gmail.com>

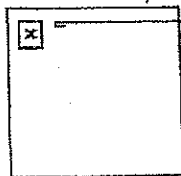
Begin forwarded message:

**From:** Marc Wiener <mw Wiener@ci.carmel.ca.us>  
**Subject:** Re: rental codes for commercial district  
**Date:** January 3, 2019 at 1:10:42 PM PT  
**To:** "earl meyers II" <earl@blissbythesea.com>

Hello Earl,

You are correct that transient rentals are allowed in the commercial districts. The attached handout provides the information on it.

**Marc Wiener, AICP**  
Community Planning and Building Director  
Carmel-by-the-Sea, CA/93921/PO Drawer G  
(831) 620-2024  
[m Wiener@ci.carmel.ca.us](mailto:m Wiener@ci.carmel.ca.us)



Help improve Community Planning & Building. Click [here](#) to take our survey!

On Thu, Jan 3, 2019 at 12:23 PM earl meyers II <[earl@blissbythesea.com](mailto:earl@blissbythesea.com)> wrote:

Dear Marc,

RE: Dolores 3 SE of 7th, Carmel by the Sea; APN 010-411-003

Please detail the City codes for rentals in the Commercial District. It is my understanding that short term rentals (transient - any time under 30 days) as well as long term rentals (30 days or more) are both allowed in the Cities commercial district. Further, please let me know the process the city requires for short term vacation rentals in the commercial district.

Thank you, Earl

Earl Y. Meyers II Broker/Owner

Bliss by the Sea Realty

831-601-9999

[Earl@BlissbytheSea.com](mailto:Earl@BlissbytheSea.com)

[www.BlissbytheSea.com](http://www.BlissbytheSea.com)

DRE # 00854147

Earl Meyers - Broker/Owner

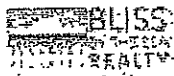
Bliss by the Sea Realty

831-601-9999

[Earl@BlissbytheSea.com](mailto:Earl@BlissbytheSea.com)

[www.BlissbytheSea.com](http://www.BlissbytheSea.com)

DRE # 00854147







**City of Carmel-by-the-Sea  
Community Planning and Building Department**

**Transient Rentals in the Commercial District**

---

**Are transient rentals permitted in the City of Carmel-by-the-Sea?**

Transient rentals are defined as being rented for a period of time less than 30 days (CMC 17.70.020). Transient rentals are prohibited in the Single-Family and Multi-Family Residential Districts. The Zoning Code is silent on transient rentals in the Commercial Zoning Districts and the City has determined that they are not prohibited.

**How do I obtain a permit for a transient rental in the Commercial District?**

An application for a business license must be submitted to the City in order to convert an apartment or dwelling unit into a transient rental. The City will issue a "Transient Occupancy Registration Certificate" to the operator, following approval of the business license. Transient rentals are subject to the Transient Occupancy Tax rate of 10% of the rent charged by the operator. Operators shall report on total rent received, and remit the taxes collected to the City on a bi-monthly basis. You may refer to City Municipal Code Chapter 3.32 for additional information on the tax rate and reporting process.

**What are the building code requirements for a transient rental?**

A building that contains 1 or more units, in which any of the units is being used as a transient rental, is defined by the California Building Code as a Hotel/Motel (R-1 occupancy). The California Building Code, in some ways, has differing requirements for apartment units (R-2 occupancy) where occupants are relatively permanent in nature, and hotels/motels (R-1 occupancy) where occupants are transient, residing in the unit for a short period of time. Converting an existing apartment building/unit to a transient rental unit often results in triggering a number of building code related changes due to this change in occupancy classification. The following list describes some of the general areas where building modifications may be required due to the change in occupancy classification from an apartment use to hotel/motel use.

- Installation of single or multiple station smoke alarms and CO alarms
- Installation of fire sprinkler protection with occupant notification
- Installation of mobility features (required for at least 1 guest unit per 25 units provided), including:
  - o Accessible toilet and shower room facilities including accessible fixtures, grab bars, and accessories
  - o Accessible doorway widths, thresholds, door swing, and door hardware
  - o Accessible counter heights
  - o Accessible route to and throughout the accessible unit
  - o Accessible sleeping areas including wheel chair turning space
  - o Accessible kitchen/kitchenette facilities (when provided)
  - o Accessible stairways including tread striping and handrails

For more information on specific code requirements related to a specific conversion project, consult a State licensed architect. For general information on the business license or Building Code requirements, contact the Community Planning and Building Department at (831) 620-2010.

## ATTACHMENT 3

## Pamela Silkwood

---

**From:** alexander cadoux <acadoux@gmail.com>  
**Sent:** Wednesday, June 12, 2019 12:10 PM  
**To:** Pamela Silkwood  
**Subject:** Fwd: Business License Approval - BL 19-101  
**Attachments:** BL 19-101 (Dolores LLC) Approval Packet.pdf

Begin forwarded message:

**From:** Evan Kort <ekort@ci.carmel.ca.us>  
**Subject:** Business License Approval - BL 19-101  
**Date:** March 20, 2019 at 1:18:57 PM MST  
**To:** acadoux@gmail.com  
**Cc:** Bo Grunde <bgrunde@ci.carmel.ca.us>

Mr. Cadoux,

Your Business License application, BL 19-101 has been given zoning approval by the Carmel Planning Department.

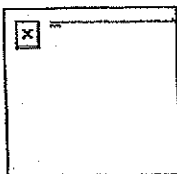
This approval is subject to a 5-business day noticing/appeal period; staff has posted the notice of approval at City Hall.

Attached is the approval letter and conditions of approval for your records.  
After the 5-business day appeal period, please return the signed Conditions of Approval to City Hall.

Final approval of the business license also requires clearance from the Building & Fire Departments. Please contact Mr. Bo Grunde at (831) 620-2026 to schedule an interior business license inspection. Your business license will not be issued until the business license inspection is completed.

If you have any questions, you may contact me at (831) 620-2023.

Best,  
**Evan Kort**  
Assistant Planner  
Carmel-by-the-Sea  
(831)620-2023  
[ekort@ci.carmel.ca.us](mailto:ekort@ci.carmel.ca.us)



Please take our Customer Satisfaction Survey at:  
<https://www.surveymonkey.com/r/3L9PWYB>



**City of Carmel-by-the-Sea**  
**COMMUNITY PLANNING AND BUILDING DEPARTMENT**

POST OFFICE DRAWER CC  
CARMEL-BY-THE-SEA, CA 93921  
(831) 620-2010 OFFICE

March 20, 2019

Mr. Alexander P. Cadoux  
3212 E. Blossom Dancer Lane  
Tucson, AZ 85718

Via email: acadoux@gmail.com

Subject: Business License Approval  
Dolores LLC (BL 19-101)  
Dolores, 3 SE of 7th  
Block: 91; Lot(s) 10; APN: 010-411-003

Dear Mr. Cadoux,

An initial review of your application is complete. The proposal to operate one residential unit as a transient rental unit (1 unit – second floor) complies with the City's zoning standards for the Service Commercial (SC) Zoning District. This Department has given an initial zoning clearance for your business license subject to the attached Conditions of Approval. Final approval of the business license is subject to:

- 1) The completion of the 5-day appeal period.
- 2) The completion of a business license inspection conducted by our Code Compliance Coordinator, Bo Grunde. Please contact Mr. Bo Grunde at (831) 620. 2026 to schedule an interior business license inspection. Your business license will not be issued until the business license inspection is completed.
- 3) The return the signed Conditions of Approval to the Community Planning and Building Department.

City Staff will post the appeal notice at City Hall.

If you have any questions, please do not hesitate to contact me directly at (831) 620-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Kort", is written over a horizontal line.

Evan Kort  
Assistant Planner

Encl: Business License Conditions of Approval

### BUSINESS LICENSE CONDITIONS OF APPROVAL

BUSINESS NAME: Dolores LLC  
BUSINESS OWNER: Alexander P. Cadoux  
PROPERTY OWNER: Alexander P. Cadoux  
BLOCK: 91 LOT: 10  
APN: 010-411-003  
LOCATION: Dolores, 3 SE of 7th  
DATE OF ACTION: March 20, 2019

---

#### APPROVAL AND CONDITIONS:

1. Primary Use: This business license is issued to the property owner(s) with a primary classification of NAICS 531110 (Lessor of Residential Dwellings and Buildings).
  - a. Other goods or services not directly related to the authorizations listed in conditions #1, and #2 are prohibited unless a separate business license application is submitted to the City.
2. This business license authorizes the use of 1 second floor unit as a transient (short-term) rental unit that may be rented for a period of time that is less than 30 days. The number of units shall not be increased unless a separate application is submitted to the City.

The following conditions shall apply:

- a. Transient occupancy of residential units is permitted in the commercial districts.
  - b. The residential units are subject to the City's transient occupancy tax per CMC 3.32 which requires the property owner to collect and report transient occupancy and remit taxes on a bi-monthly basis on a reporting schedule. Forms shall be provided by the City.
3. The conditions of this approval apply to all tenant lease agreements, including subleases.
  4. A Certificate of Occupancy is not required to be posted as this is a continuation of the previous use of the building and fewer than 2 units will be used as transient rentals.
  5. All modifications made to the exterior of the building, including but not limited to paint, window treatments, awnings, paving and landscaping, shall first require written approval by the Department of Community Planning and Building. No notice-

attracting features, such as banners, balloons, streamers, lights, additional signs, or flags shall be installed without written approval from the City.

6. Approval of this application does not permit an increase in water use on the project site.
7. This license approval shall become effective after the required five business-day appeal period. City Staff will post the appeal notice at City Hall.
8. Except as modified by the conditions of this approval, or by requirements of the Municipal Code, the business use shall be operated consistent with the representations made on the business license application. Any violation of these conditions of approval, or of any ordinance in the Carmel Municipal Code, shall be cause for the City to revoke the license.
9. The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

---

Business Owner Signature

---

Date

**Once signed, please return to the Community Planning and Building Department**

## ATTACHMENT 4

## Pamela Silkwood

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**From:** alexander cadoux <acadoux@gmail.com>  
**Sent:** Wednesday, June 12, 2019 12:25 PM  
**To:** Pamela Silkwood  
**Subject:** Fwd: rental codes for commercial district, Dolores 3 SE of 7th

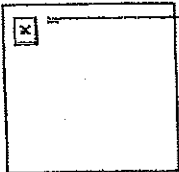
Begin forwarded message:

**From:** Marc Wiener <[mwiener@ci.carmel.ca.us](mailto:mwiener@ci.carmel.ca.us)>  
**Subject:** Re: rental codes for commercial district: Dolores 3 SE of 7th  
**Date:** March 27, 2019 at 10:56:27 AM MST  
**To:** alexander cadoux <[acadoux@gmail.com](mailto:acadoux@gmail.com)>  
**Cc:** "earl blissbythesea. com" <[Earl@blissbythesea.com](mailto:Earl@blissbythesea.com)>

Hello Alexander,

The City Council will be considering an urgency ordinance at their meeting on Tuesday of next week. The way the ordinance is currently drafted, if you have the business license approval/permit to operate as a transient rental, it will be "grandfathered" in. The Council could change this, but it is highly unlikely based on the feedback they gave at the last meeting. Feel free to call me if you have any follow up questions.

**Marc Wiener, AICP**  
Community Planning and Building Director  
Carmel-by-the-Sea, CA/93921/PO Drawer G  
(831) 620-2024  
[mwiener@ci.carmel.ca.us](mailto:mwiener@ci.carmel.ca.us)



Help improve Community Planning & Building. Click [here](#) to take our survey!

On Wed, Mar 27, 2019 at 9:49 AM alexander cadoux <[acadoux@gmail.com](mailto:acadoux@gmail.com)> wrote:

Dear Mr. Wiener,

I bought Dolores 3 SE of 7th with the understanding that it was not subject to the 30 day minimum rental regulations since it is in the commercial district.

My Realtor, Earl Meyers, verified this with you (please see communications below) as this exemption from the 30 day minimum was the reason I bought the home.



I understand that this regulation may soon be changed and would like to be assured that this change to a 30 day minimum rental would not retroactively apply to my home.

I have already submitted the forms for the business license and the 5 notice days have passed.

I am currently undertaking significant upgrades to the unit, and Mr. Bo Grunde has informed me that it will not qualify for inspection until construction is completed and the unit is furnished and operational to code.

This inspection will not take place until the end of May.

Thank you,

Alex Cadoux

cell: 520 906 4067

On Mar 26, 2019, at 3:04 PM, earl [blissbythesea.com](mailto:blissbythesea.com) <[earl@blissbythesea.com](mailto:earl@blissbythesea.com)> wrote:

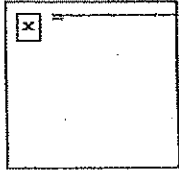
Begin forwarded message:

**From:** Marc Wiener <[mwiener@ci.carmel.ca.us](mailto:mwiener@ci.carmel.ca.us)>  
**Subject:** Re: rental codes for commercial district  
**Date:** January 3, 2019 at 1:10:42 PM PT  
**To:** "earl meyers II" <[earl@blissbythesea.com](mailto:earl@blissbythesea.com)>

Hello Earl,

You are correct that transient rentals are allowed in the commercial districts. The attached handout provides the information on it.

**Marc Wiener, AICP**  
Community Planning and Building Director  
Carmel-by-the-Sea, CA/93921/PO Drawer G  
(831) 620-2024  
[mwiener@ci.carmel.ca.us](mailto:mwiener@ci.carmel.ca.us)



Help improve Community Planning & Building. Click [here](#) to take our survey!

On Thu, Jan 3, 2019 at 12:23 PM earl meyers II  
<[earl@blissbythesea.com](mailto:earl@blissbythesea.com)> wrote:

Dear Marc,  
RE: Dolores 3 SE of 7th, Carmel by the Sea; APN 010-411-003

Please detail the City codes for rentals in the Commercial District. It is my understanding that short term rentals (transient - any time under 30 days) as well as long term rentals (30 days or more) are both allowed in the Cities commercial district. Further, please let me know the process the city requires for short term vacation rentals in the commercial district.

Thank you, Earl

Earl Y. Meyers II Broker/Owner  
Bliss by the Sea Realty  
831-601-9999  
[Earl@BlissbytheSea.com](mailto:Earl@BlissbytheSea.com)  
[www.BlissbytheSea.com](http://www.BlissbytheSea.com)  
DRE # 00854147

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DRE # 00854147

## ATTACHMENT 5

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 904-5200

Filed: 10/03/96  
49th Day: 11/21/96  
180th Day: 04/01/97  
Staff: SM-SC  
Staff Report: 11/19/96 0461M  
Hearing Date: 12/10-13/96  
Commission Action:



Th 10a

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 3-96-73

APPLICANT: MR. & MRS. SY BRAM AGENT: Pedro Rosado

CO-APPLICANTS: Orange Manor Inc. and Mr. Joel Kass (owners of parcels where off-site grading is proposed)

PROJECT LOCATION: 12 Dune Crest Avenue, Del Monte Beach Tract #2, City of Monterey, APN 011-464-017 and 011-464-025; off-site grading on unimproved section of Spray Avenue, APN 011-464-022 and 011-464-023

PROJECT DESCRIPTION: Construct two-story single-family dwelling with an attached two car garage and basement on a vacant 80 x 90 ft. lot, side and rear 2 foot high retaining walls, and concrete driveway; on-site and off-site grading.

Lot area:	7,200 sq. ft. (for residence)
Building coverage:	1,979 sq. ft.
Pavement coverage:	327 sq. ft.
Parking spaces:	2 covered, one uncovered
Grading:	1,123 cu. yds. on-site 425 cu. yds. off-site
Zoning:	Residential-Low Density
Ht abv fin grade:	23 feet

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit files 3-89-210 Vargas; P-79-34, 3-89-250 and 3-93-62 Sewald; P-79-338 and 3-93-63 Boyden; Appeal Files A-134-79 Sewald and A-19-80 Boyden; 3-93-28 Bram; 3-96-34 Archer; Del Monte Beach Land Use Plan Resubmittal 1992 and Commission's adopted LUP Findings for Approval 6/9/93; Negative Declaration granted 5/7/96; Botanical Survey by Thomas K. Moss, 8/26/94; Botanical Survey Supplemental Report by Thomas K. Moss, 8/22/95; Biological Evaluation by Thomas K. Moss, 3/17/96; Letter from Foxx Nielsen & Associates, 9/21/95; and Geotechnical Investigation for nearby property (APN 011-455-008) by M. Jacobs and Associates, 6/1/92.

SUMMARY OF STAFF RECOMMENDATION: The primary issue in this application is the development of one of 66 vacant residential lots west of Beach Way in the Del Monte dunes, an area that has been discussed in the past for use as open space conservation.

Staff is recommending approval of the proposed residence, along with conditions which mirror those previously applied by the Commission in this neighborhood for the protection of environmentally sensitive dune habitat, scenic views, and public access and recreation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. (See Exhibit 1)

III. Special Conditions

1. INCORPORATION OF CITY'S CONDITIONS AND MITIGATION REQUIREMENTS: The Conditions of Approval adopted by the City of Monterey for this project on 5/7/96 are attached as Exhibit 2 to this permit; these Conditions are hereby incorporated as conditions of this permit with the exception of the portion of Condition 12 stating "Off-site grading shall be limited to Lot 9 and Lot 11 and shall be the minimum necessary to provide views from the first floor of the new house", which is revised by Special Condition 2 below. Any revision or amendment of these adopted mitigation measures or the project plans as approved pursuant to the City's architectural review procedures shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission.

2. FINAL GRADING PLANS. PRIOR TO THE COMMENCEMENT OF GRADING, the permittee shall submit, for Executive Director review and approval, detailed grading plans, accompanied by evidence of approval by the City of Monterey Architectural Review Committee. These grading plans shall allow for the minimum grading necessary to allow for the structural stability of the proposed residence only, and shall preserve, to the greatest extent feasible, the low area on the northeast corner of the project area, which has been identified as supporting 31 Monterey Spineflower plants. The basis for the extent of the submitted grading plans (i.e., to provide structural integrity for the new residence) must be confirmed by a certified Geotechnical consultant.

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY****Th15c**

Filed:	11/9/01
180 <sup>th</sup> day:	5/8/02
Staff:	SC
Staff report prepared:	3/27/02
Hearing date:	4/11/02
Hearing item number	Th15c

**COASTAL DEVELOPMENT PERMIT APPLICATION****Application number .....3-01-101, Del Monte Beach Re-Subdivision****Applicant.....B & K Monterey; City of Monterey; Monterey Peninsula Regional Park District****Project location.....South end of the Del Monte Beach Tract #2 Subdivision, Monterey, Monterey County**

**Project description .....1) Re-subdivision and merger of 48 existing legal lots of record into 11 legal lots of record (Del Monte Shores) and 2 open space lots between Beach Way, Dunecrest Avenue, U.S. Navy property, and Monterey Bay and rezoning from R-1-6-D-1 to R-1-5-D-1 and "O"; 2) Re-subdivision and merger of 12 existing legal lots of record into 3 legal lots of record (Dunecrest Villas) and one open space parcel between Dunecrest Avenue, Dunecrest Lane, Del Monte Avenue, and U.S. Navy property, and rezoning from R-1-6-D-1 to R-1-5-D-1 and "O" and from C-2-D-2 to "O;" Infrastructure improvements including road improvements, sewer, water, and utility services; public access improvements; dune restoration and maintenance; design and lot development standards.**

**Local approval.....City Council 7/17/01**

**File documents.....Coastal Act; City of Monterey Major Subdivision Files (99-370 and 99-371); Environmental Impact Report (SCH#1999101137); Del Monte Beach Re-Subdivision City Council Findings; Del Monte Beach Local Coastal Program Land Use Plan; Coastal Development Permit Files P-79-34, 3-89-250 and 3-93-62 (Sewald); P-79-338 and 3-93-63 (Boyden); 3-96-81 (Miller); 3-99-010 (Kass); Geotechnical Investigation for Del Monte Beach PUD (Reynolds Associates, June 1998); Geotechnical Investigation for Del Monte Beach Residential Lot Program (Reynolds Associates, February 1999); Liquefaction Analysis (Reynolds Associates, February 2000); Preliminary Geotechnical Study for Del Monte Beach Resubdivision EIR (Haro, Kasunich, and Associates, April 2000)**

**Staff recommendation ...Approval with Conditions**

**California Coastal Commission**  
**April, 2002 Meeting in Santa Barbara**

than a standard silt and grease trap. All runoff from Del Monte Shores and Dunecrest Villas shall be directed through the engineered filtration mechanism prior to discharge into percolation facilities or storm drain system. **Runoff shall not be directed into open space/habitat areas.** The Drainage Plan shall account for the following:

- (a) The drainage system shall be designed to filter and/or treat (i.e., a physical and/or chemical reduction of pollutants achieved through active filtration) the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event prior to its discharge to the percolation facilities. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993);
- (b) All drainage system elements shall be permanently operated and maintained. At a minimum all storm drain inlets, traps/separators, and filters shall be inspected and cleaned prior to the onset of the storm season, no later than October 15th of each year.
- (c) It is the Permittees' responsibility to maintain the drainage system in a structurally sound manner and in its approved state according to the specifications of the manufacturer.

**12. Sewer System. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Applicants shall submit a sewer system plan to the Executive Director for review and approval (this plan may be part of the Final Maps as described in Special Condition #1). All sewer lines/components shall be placed in developed areas of the re-subdivision and not in open space/habitat areas.

**13. Compliance With Geotechnical Recommendations. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION,** the Permittees shall submit to the Executive Director written evidence of compliance with the recommendations contained in the 1998, 1999, and 2000 geotechnical reports prepared by Reynolds Associates.

**14. Incorporation of City's Conditions of Approval and Design and Lot Development Standards.** The Conditions of Approval and Design and Lot Development Standards adopted by the City of Monterey for this project are attached as Exhibits 7 & 8 to this permit (except for condition #12 regarding noise); these conditions and design/development standards are hereby incorporated as conditions of this permit. Any revision or amendment of these adopted conditions and design/development standards shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit. Any conflicts between the City's conditions incorporated herein and special conditions 1-13 of this permit shall be resolved in favor of special conditions 1-13 as determined by the Executive Director.



California Coastal Commission  
Central Coast Area  
725 Front Street, Ste 300  
Santa Cruz, CA 95060-4508  
Tel.No.: (408) 427-4863

Th 8a

3

## RECORD PACKET COPY

Filed: 07/05/96  
49th Day: 08/23/96 (wv'd)  
180th Day: 01/01/97  
Staff: LO/JS  
Staff Report: 08/19/96 1816P  
Hearing Date: 09/12/96  
Commission Action:

### STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 3-96-34

APPLICANT: DANIEL ARCHER

PROJECT LOCATION: 23. Spray Avenue, Del Monte Beach Tract #2, City of Monterey, APN 011-461-032

PROJECT DESCRIPTION: Construct two-story single-family dwelling on a vacant 40 x 90 ft. lot, grading and street improvements including pavement, curbs, gutters and sidewalks on adjacent 40 x 120 ft. City-owned right-of-way.

Lot area:	3,600 sq. ft.
Building coverage:	1,305 sq. ft.
Pavement coverage (residential):	494 sq. ft.
Pavement coverage (street):	5,000 sq. ft.
Landscape coverage:	1,800 sq. ft.
Parking spaces:	2 spaces
Zoning:	Residential-Low Density
Project density:	12 units/acre
Ht abv fin grade:	21 feet

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit files 3-89-210 Vargas; P-79-34, 3-89-250 and 3-93-62 Sewald; P-79-338 and 3-93-63 Boyden; Appeal Files A-134-79 Sewald and A-19-80 Boyden; 3-93-28 Bram; Del Monte Beach Land Use Plan Resubmittal 1992 and Commission's adopted LUP Findings for Approval 6/9/93; Negative Declaration granted 3/19/96; Botanical Survey by Zander Associates, 7/17/95; Letter from Foxx Nielsen & Associates, 9/21/95; and Geotechnical Investigation (APN 011-455-008) by M. Jacobs and Associates, 6/1/92.

SUMMARY OF STAFF RECOMMENDATION: The key issue in this application is the extension of a city street, Spray Avenue into a substantial area of sand dunes. This dune area, a portion of the old Del Monte Beach Tract #2, is subdivided but completely without roads, utilities or other existing development. Previously in this neighborhood, the Commission has approved only residential applications which have existing paved street frontage and utilities in place.

Staff is recommending approval of the proposed residence, along with a minimal-width (and length) paved auto access within the Spray Avenue "paper street" right-of-way. Such paved access would be enough to meet fire dept. requirements for a residential driveway, but would be substantially less than the full-dimension street with curbs, gutters and sidewalks requested in the



application. As conditioned, permittee or any future owner would still be obligated to finance the full-treatment street if called for in the future LCP. The other recommended conditions mirror those previously applied by the Commission in this neighborhood for the protection of environmentally sensitive dune habitat, scenic views, public access and recreation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. (See Exhibit A.)

III. Special Conditions

1. Incorporation of City's Conditions and Mitigation Requirements. The Conditions of Approval adopted by the City of Monterey for this project on 3/19/96 are attached as Exhibit 6 to this permit; these Conditions are hereby incorporated as conditions of this permit. However, the street improvements specified in the City's Condition No. 8 will be limited to those which are approved in accordance with Special Condition No. 2 (Revised Plans), below. Any revision or amendment of these adopted mitigation measures or the project plans as approved pursuant to the City's architectural review procedures shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission.

2. REVISED PLANS: PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval, revised street plan; and (if different from submitted plans) final residential grading plan, site plan and elevations. The revised street plan shall provide for minimal auto access to the approved residence, only. Such minimal access shall constitute a single paved lane, representing one half of the full pavement width of the street (13 ft.) and extending from Beach Way only as far as the westerly corner of permittee's lot at 23 Spray Avenue (approx. 85 ft.). However, additional "full width" improvements, up to and including two

# RECORD PACKET COPY

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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

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

Filed: 07/24/96  
49th Day: 09/11/96  
180th Day: 01/20/97  
Staff: J. Sheele/cm  
Staff Report: 07/24/96 1812P  
Hearing Date: 08/15/96



### STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 3-96-81

APPLICANT: JOHNNY MILLER Agent: Anthony Lombardo

PROJECT LOCATION: 1681 Sunset Drive, Asilomar Dunes area, City of Pacific Grove, Monterey County, APN 007-041-027

PROJECT DESCRIPTION: Construction of a one-story, single-family dwelling with an attached garage, driveway, boardwalk, decks, fencing, retaining wall and grading.

Lot area: 1.06 acres ft.  
Building coverage: 5,247 sq. ft.  
Pavement coverage: 1,775 sq. ft. (driveway and decks)  
Landscape coverage: 838 sq. ft.  
Parking spaces: 3 spaces  
Zoning: Residential  
Plan designation: Special Zone, 1-2 units/acre  
Project density: 1 unit/1 acre  
Ht abv fin grade: 17 1/2 feet

### LOCAL APPROVALS RECEIVED:

Architectural Review Board, Planning Commission and City Council approvals.  
CEQA - Negative Declaration granted 5/1/96.

### SUBSTANTIVE FILE DOCUMENTS:

- o Botanical/Biological Reports and Supplemental Addenda by Bruce Cowan 4/18/96, 4/12/96, 4/11/96, 3/15/96, 12/26/95 and 4/25/94.
- o Draft Botanical Survey and Landscape Restoration Plan by Bruce Cowan - 7/22/96.
- o Preliminary Cultural Reconnaissance by Archaeological Consulting - 11/7/94.
- o Pacific Grove Land Use Plan.
- o 3-95-42 Spradling
- o 3-95-32 Page
- o 3-94-24 McCulloch
- o 3-93-64 Kenedy

### SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the proposed project, subject to conditions needed for conformance with the requirements of the Coastal Act, and to avoid prejudicing the City's ability to complete its LCP consistent with the policies contained in Chapter 3 of the Coastal Act. These conditions are needed to assure: that the undeveloped portion of the property, which is

SUMMARY OF STAFF RECOMMENDATION: (Continued)

comprised entirely of environmentally sensitive sand dune habitat in the Asilomar Dunes neighborhood, will be maintained as natural habitat over the long run; that the mitigation measures which offset the impacts of the permitted residential development are applied in a consistent manner; and that the project will not undermine the City's efforts to develop an implementation program for its certified Coastal Land Use Plan (LUP). The LUP contains specific policies to protect scenic views from Sunset Drive and environmentally sensitive habitats (including a 15% max. site coverage standard). However, the 15% standard does not include driveway areas resulting from required setbacks. This issue is the focus of the opposition to the project.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See Exhibit A (attached)

III. Special Conditions.

1. Incorporation of City's Conditions and Mitigation Requirements. The Conditions of Approval and the Mitigations adopted by the City of Pacific Grove for its final Negative Declaration for this project are attached as Exhibit B to this permit; these Conditions and Mitigations are hereby incorporated as conditions of this permit. Any revision or amendment of these adopted conditions and mitigation measures or the project plans as approved pursuant to the City's architectural review procedures shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission.

12-18-96

5

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

FRONT STREET, STE. 300

SAN CRUZ, CA 95060

(408) 427-4863

HEARING IMPAIRED: (415) 904-5200

Filed: 12/13/96  
49th Day: 01/31/97  
180th Day: 04/12/97  
Staff: SM-SC  
Staff Report: 12/17/96 0470M  
Hearing Date: 01/10/97  
Commission Action:



Jh 13a

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 3-96-112

APPLICANTS: DANIEL ARCHER and MARY LOU NICHOLS

PROJECT LOCATION: 21 Spray Avenue, Del Monte Beach Tract #2, City of Monterey, APN 011-461-031

PROJECT DESCRIPTION: Construct two-story single-family dwelling on a vacant 40 x 90 ft. lot, grading and street extension including pavement, curbs, gutters and sidewalks on adjacent 40 x 40 ft. City-owned right-of-way.

Lot area: 3,600 sq. ft.  
Building coverage: 1,439.65 ft.  
Pavement coverage (residential): 537 sq. ft.  
Pavement coverage (street): 1,600 sq. ft.  
Landscape coverage: 1,809.78 sq. ft.  
Parking spaces: 2 spaces  
Zoning: Residential-Low Density  
Project density: 12 units/acre  
Ht abv fin grade: 23 feet

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit files 3-89-210 Vargas; P-79-34, 3-89-250 and 3-93-62 Sewald; P-79-338 and 3-93-63 Boyden; Appeal Files A-134-79 Sewald and A-19-80 Boyden; 3-93-28 Bram; 3-96-73 Bram; Del Monte Beach Land Use Plan Resubmittal 1992 and Commission's adopted LUP Findings for Approval 6/9/93; Negative Declaration granted 3/19/96; Botanical Survey by Zander Associates, 7/17/95; Letter from Foxx Nielsen & Associates, 9/21/95; Letter from Zander and Associates, 12/13/95; and Geotechnical Investigation (APN 011-455-008) by M. Jacobs and Associates, 6/1/92.

SUMMARY OF STAFF RECOMMENDATION: The key issues involved in this application include the development of a single family residence in a dune area which is considered environmentally sensitive habitat, as well as the extension of a city street, Spray Avenue into this habitat area in order to provide access to the new residence. This dune area, a portion of the old Del Monte Beach Tract #2, is subdivided but completely without roads, utilities or other existing development. Prior to October, 1996, the Commission only approved residential applications in this neighborhood which have existing paved street frontage and utilities in place. At its October 1996 meeting, the Commission approved an application for a single family residence and associated street

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. (See Exhibit 1.)

III. Special Conditions

1. Incorporation of City's Conditions and Mitigation Requirements. The Conditions of Approval adopted by the City of Monterey for this project on 5/17/96 are attached as Exhibit 2 to this permit; these Conditions are hereby incorporated as conditions of this permit. However, the street improvements specified in the City's Condition No. 9 will be limited to those which are approved in accordance with Special Condition No. 2 (Revised Plans), below. Any revision or amendment of these adopted mitigation measures or the project plans as approved pursuant to the City's architectural review procedures shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission.

2. REVISED PLANS: PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall submit to the Executive Director for review and approval, a revised street plan; and (if different from submitted plans) final residential grading plan, site plan and elevations. The revised street plan may be submitted only after the Executive Director has reviewed and approved the revised street plan providing for minimal auto access to the approved residence at 23 Spray Avenue (Special Condition Number 2 of Coastal Development Permit No. 3-96-34); the revised street plan for access to 21 Spray Avenue shall have the same width as the street plan approved by the Executive Director for 23 Spray Avenue (a single paved lane, representing one half of the full pavement width of the street [13 ft.]), and shall terminate at the westerly corner of permittees' lot at 21 Spray Avenue.

However, additional "full width" improvements, up to and including two paved lanes, curbs, gutters and sidewalks, are authorized by this permit in accordance with City condition No. 9, up to 40 ft. in width, provided that such additional improvements, or portions thereof, are documented to the satisfaction of the Executive Director as:

**CALIFORNIA COASTAL COMMISSION**

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

**Th11a****RECORD PACKET COPY**

Filed: 06/04/01  
49th day: 07/23/01  
180<sup>th</sup> day: 12/01/01  
Staff: CL  
Staff report: 06/16/01  
Hearing date: 07/12/01

**COASTAL DEVELOPMENT PERMIT APPLICATION**

Application number .....3-99-064, Steinmann

Applicant.....Kurt Steinmann

Project location.....845 Embarcadero Street, Morro Bay

Project description .....Demolition of a single story, 1480 square foot building, construction of a 2300 square foot single story building and a public access boardwalk 125' in length, 8' in width along the bay frontage of the site.

Local approval.....City of Morro Bay CUP 15-99 and 30-99

File documents.....City of Morro Bay Certified Local Coastal Plan

Staff recommendation ...Approval with Conditions

**Summary:** The Applicant proposes to demolish an existing one story, 1580 square foot building and construct a 2300 square foot single story building and public access boardwalk on a 13, 212 square foot site leased by the applicant from the City of Morro Bay on the bayside of Embarcadero Street. The site, located towards the north end of Embarcadero, was previously developed with a larger, two story building, the building proposed for demolition and a floating dock. Land uses included a boatyard and retail commercial development. On February 13, 1999, a fire destroyed the larger building and the property has been used for temporary boat and equipment storage since then. The new project approved by the City provides for the construction of two buildings on the land portion of the site. These buildings will house a combination of coastal dependent/ related and visitor serving uses, other features proposed by this application include a public access boardwalk along the bay frontage and a 19' wide view corridor through the site from Embarcadero to the bay. The larger building is exempt from the Coastal Development Permit requirement because it is a replacement of a structure destroyed by fire consistent with Public Resources Code Section 30610(g).

The principal Coastal Act issues raised by the proposed development are impacts on public views to the bay and sand spit, public access and land use. Although construction of the proposed one story building will encroach an additional 8' into the viewshed from Embarcadero than the existing structure to be demolished, the impact on views to the bay and sand spit are adequately mitigated by the development of a public boardwalk across the entire 125' bay frontage of the site. This boardwalk will give the public



**California Coastal Commission**  
**July 2001 Meeting in Santa Rosa**

Staff: Charles Lester Approved by: *TL 6/15/01*

the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## **B. Special Conditions**

1. **Incorporation of City's Conditions.** Mitigation Measures 72,76,77,78,79,81,82 and 84 adopted by the City of Morro Bay on May 23, 2001 for CUP 30-99 are hereby incorporated as conditions of this permit.

Any revision or amendment of these adopted conditions and mitigation measures or the project plans shown as Exhibit A of this staff report shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit.

2. **Vertical Public Access Condition**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the lessee shall execute and record a document, in a form and content acceptable to the Executive Director, to dedicate to the City of Morro an easement for vertical public access and passive recreational use from Embarcadero through the site to connect with the lateral access along the entire bayside frontage of the site. The document shall provide that the dedication shall not be used or construed to allow anyone, prior to the acceptance of the offer, to interfere with any rights of public access acquired through use that may exist on the property. The area of dedication shall consist of a corridor, 19' in width that extends from Embarcadero to the lateral public access along the bayside frontage of the site as shown on Exhibit B. The recorded document shall include legal descriptions of both the entire project site and the area of dedication. The document shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed.

Any future development that is proposed to be located either in whole or in part within the area described recorded dedication shall require a Commission amendment, approved pursuant to the provisions of 14 CCR § 13166, to this coastal development permit. This requirement shall be reflected in the provisions of the dedication.

3. **Lateral Access Easement and Public Access Plan**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Applicant shall submit the Public Access Program required by Condition 27 of CUP 15-



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SANTA CRUZ, CA 95060  
(408) 427-4863

C.C.D. 11/27/00



Th7b

## RECORD PACKET COPY

Filed: 11/6/00  
49th day: 12/25/00  
180th day: 5/5/01  
Staff: CKC  
Staff report: 11/16/00  
Hearing date: 12/14/00

**COASTAL DEVELOPMENT PERMIT: REGULAR CALENDAR**

Application Number .....3-00-031 (Cypress Inn Addition)

Applicant .....Cypress Inn Investors, L.P. (Jim Heisinger, Agent)

Project location .....NE Corner of Lincoln and 7<sup>th</sup> Street, Carmel (APN 010-147-009),  
immediately north of existing Cypress Inn.

Project description .....Demolition of existing commercial/residential building; expansion of  
Cypress Inn onto demolition site; and transfer/retirement of water  
allocations, parking capacity, and residential and visitor-serving inn  
units to support Cypress Inn expansion.

	<u>Existing</u>	<u>Proposed</u>
Lot Area:	4,000 sf	4,000 sf
Gross Floor Area:	3,617 sf	5,738 sf
Building Coverage:	2,135 sf (53 %)	3,049 sf (76 %)
Landscaped Area:	1,865 sf	144 sf (4%)
Height above finished grade:		28 feet
LCP Status:	Uncertified LCP	
Plan Designation:	Central Commercial District	
Zoning:	C-1-C	

Approvals Received .....City of Carmel-by-the-Sea: Demolition, Design Review, Use Permit RE  
98-21, DR 98-32, UP 98-32 (approved 8/11/00) for Demolition and  
Construction of Morgan Studio/Cypress Inn Addition; Historic  
Designation of Morgan Site HD 99-02 (approved 6/9/99); Use Permit UP



California Coastal Commission  
December 14, 2000 Meeting in San Francisco  
Staff: C.K. Cuffe Approved by:



**Application 3-00-031 Staff Report**

Cypress Inn Addition

Page 5

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**B. Special Conditions**

1. **Incorporation of City's Conditions.** The findings and conditions adopted by the City of Carmel for the use permits (UP 98-32 and UP 00-03) associated with this project, attached to this permit as Exhibits H and I, are hereby incorporated as conditions of this permit.

Any revision or amendment of these adopted conditions and mitigation measures or of the project plans as approved pursuant to the City's review procedures shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit.

2. **Final Project Plans.** PRIOR TO ISSUANCE OF PERMIT, the permittee shall submit the following for the Executive Director's review and approval:

- (a) Final project plans including site plan, floor plans, and elevations.
- (b) A final landscaping plan showing walkway paving improvements, plantings and any irrigation or drainage improvements required for the landscaping plan.
- (c) Submittal of final project plans shall include evidence of review and approval by the Historic Preservation Committee and the City of Carmel Planning Commission for landscape, colors, and exterior lighting.

3. **Relocation or Salvage.** PRIOR TO COMMENCEMENT OF REMOVAL OR DEMOLITION OF THE EXISTING STRUCTURE, permittee shall submit, for review and approval by the Executive Director, the following measures to implement relocation or salvage:

- (a) Documentation that arrangements have been made to move the existing building to another location within the City; or,
- (b) If relocation is not feasible, then documentation of the structure shall be completed in accordance with the Secretary of Interior's (HABS) standards; and, a materials salvage plan shall be prepared. Such plan shall provide for identification, recovery and reuse of all significant exterior architectural elements of the existing building that can be feasibly incorporated in new construction on or off site. To the extent salvageable materials exceed on-site needs, they may be sold, exchanged or donated for use elsewhere (with preference for recipients proposing reuse within Carmel). The plan shall specify that salvageable materials not used on site, sold or exchanged shall be offered without charge, provided recipient may be required to bear the cost of removal. Unsound,

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HEARING IMPAIRED: (415) 904-5200



RECORD PACKET COPY **Tu14a**

Filed: 7/14/98  
49th Day: 9/1/98  
Hearing Opened: 8/14/98  
180th Day: 1/10/99  
Staff: R. Hyman  
Staff Report: 11/19/98  
Hearing Date: 12/8/98  
Action:

STAFF REPORT: APPEAL  
SUBSTANTIAL ISSUE DETERMINATION AND COASTAL PERMIT

LOCAL GOVERNMENT: County of Santa Cruz

DECISION: Approval with Conditions (See Exhibit 2)

APPEAL NO.: A-3-SCO-98-071

APPLICANT: CITY OF WATSONVILLE, DEPARTMENT OF PUBLIC WORKS

PROJECT LOCATION: 852 Airport Boulevard, San Andreas area of Santa Cruz County (AP# 052-011-46) (see Exhibit 1)

PROJECT DESCRIPTION: Demolish two single family dwellings and a barn, recognize approximately 65,000 cubic yards of fill and place an additional 76,000 cubic yards of fill material to implement a mandated closure plan for an illegal disposal site (see Exhibit 3)

APPELLANTS: Commissioner Sara Wan; Commissioner Pedro Nava

FILE DOCUMENTS: Santa Cruz County Coastal Development Permit 97-0309 file, Santa Cruz County Enforcement File for AP# 052-011-46; Santa Cruz County Certified Local Coastal Program consisting of 1994 General Plan and Local Coastal Program for the County of Santa Cruz and portions of the County Code and Zoning Map; City of Watsonville LCP Amendment No. 1-98 file; LAFCO Executive Officer's Report proposed Sphere of Influence Amendments 8/97; Phase II Environmental

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**B. Special Conditions and County Conditions**

1. Incorporation of County Conditions and Condition Sign-off Procedure

All conditions of County coastal zone/grading permit 96-0792 remain in full force and effect as part of this permit, as shown in Exhibit 2, except as modified by the following (additional wording is underlined; deleted word is crossed-out):

I. This permit recognizes the 63,000 cubic yards of existing grading shown on Exhibit B only if the additional remediation work authorized by this permit is diligently carried out in a manner that complies with all permit and other agency conditions and approves up to another 76,000 cubic yards of earth movement for remediation purposes...

IIA. Submit the final Grading Plans for review and approval by the Planning Department and County of Santa Cruz Public Works Department and the Executive Director of the California Coastal Commission. The final plans shall be in substantial compliance with the plans marked Exhibit "B" on file with the Planning Department, to the extent that they can remain so after being revised as directed by these permit conditions...

Standard Condition B. The grading portion of this permit shall expire five years from date of issuance. All grading authorized by this permit shall be completed by that time or a new or amended grading permit shall be obtained. The conditions of this coastal development permit, which includes authorization of grading, run with the land.

Standard Condition H. Approved Plans ...Such approved plans and specifications shall not be changed, modified, or altered without written authorization by the Planning Director and the Executive Director of the California Coastal Commission.

~~Standard Condition P...Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.~~

Several County conditions require submittal of materials to County officials. The applicant must submit evidence that the County official has signed off those conditions to the Coastal Commission Executive Director. For those conditions that must be complied with prior to the County grading permit being issued, this sign-off evidence

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HEARING IMPAIRED: (415) 904-5200



# W 9a

Filed: 03/04/98  
49th day: 04/22/98  
180th day: 08/31/98  
Staff: SG  
Opened & Cont'd: 04/08/98  
Subs. Issue Found: 05/13/98  
Staff Report: 09/23/98  
Hearing Date: 10/14/98

## STAFF REPORT: APPEAL DENOVO

LOCAL GOVERNMENT: County of San Luis Obispo

LOCAL DECISION: Board of Supervisors: Approved with conditions, 01/27/98  
(Upon appeal of Planning Commission denial, 10/09/97)

APPEAL NUMBER: A-3-SLO-98-025

APPLICANT: BRIAN AND MARILYN SCOGGINS

APPELLANT: John J. Maino

PROJECT LOCATION: 1540 San Bernardo Creek Road, approximately two miles east of  
the City of Morro Bay in the unincorporated area, San Luis Obispo  
County, APN: 073-151-003

PROJECT DESCRIPTION: Establishment of a temporary event site for weddings and similar  
gatherings on lands zoned for agricultural land uses.

SUBSTANTIVE FILE DOCUMENTS: San Luis Obispo County Certified Local Coastal Program;  
Administrative record for permit D950222P

### SUMMARY OF STAFF RECOMMENDATION AND STAFF NOTE

This is an appeal of a proposal to hold 12 "temporary" events per year on a 14 acre parcel in the Agriculture land use category that is developed with a single-family dwelling, farm labor housing, farm support buildings, animal pens and corrals, and crops. On April 8, 1998, the Commission opened and continued this hearing because the complete file had not been received in time for staff to fully evaluate the appeal and complete a report for the Commission. On May 13, 1998, the Commission found that a substantial issue existed with respect to the grounds on which the appeal was filed. In particular, the Commission found that the proposed use as approved by the

### III. SPECIAL CONDITIONS

**1. Authorized Use.** This permit allows the use of the parking area, lawn, garden, and house as depicted on Exhibit 7 for weddings and other similar commercial events for a total of 12 times per year with no more than one event per weekend for no more than two consecutive weekends, with a break of at least one week after any two consecutive weekends with events. Each event shall include no more than 100 guests and no more than 25 motor vehicles shall be used to transport guests to and from the event.

**2. Uses Specifically Prohibited.** No event on the parcel for the benefit of a non-profit organization, whether organized and/or operated by a non-profit organization or not, shall be catered by the applicant or otherwise result in the applicant realizing a profit. No kitchen facilities in any of the structures on the site shall be used for food preparation in support of any of the 12 allowed commercial events; any such use which would in effect constitute a restaurant is specifically not authorized by this permit.

**3. Acknowledgment of Pre-existing Agriculture Uses on Surrounding Parcels.** By accepting this permit, permittee acknowledges that various agricultural activities have historically occurred on surrounding lands and that current agricultural activities may change due to economic, weather, or other factors, and that agricultural activities on surrounding lands may create noise, dust, smoke, odor, etc., that could be displeasing or annoying to guests at the events. Permittee further acknowledges and agrees that such agricultural uses and aftereffects are normal to the use of agricultural lands, that they may occur as necessary for agricultural operations including at the time of an event, that guests may have to tolerate those uses and aftereffects, and that no action will be taken to interfere with those normal agricultural uses and their aftereffects which can be expected to occur.

**4. County Conditions of Approval.** All conditions of County permit D950222P, except any specific portion that may conflict with the conditions of this Coastal Commission permit, are hereby incorporated into this permit. The permittee shall submit to the Executive Director for review and approval at the same time that they are submitted to the County all plans, other permits, and information required to be submitted to the County by County conditions 2, 3, 4, 11, and 13.

**5. Agricultural Easement. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT,** permittee shall submit to the Executive Director for review and approval a copy of an easement over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, and farm labor housing accessory to the agricultural use, provided that no residential use is allowed beyond that legally existing on the parcel as of October 1, 1998, or that which may be approved by San Luis Obispo County pursuant to an application on file with the County as of October 1, 1998.

**6. Revised Plans. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT,** permittee shall submit to the Executive Director for review and approval two copies of revised site plans approved by the County which clearly delineate all uses on the site and show the amount of land area each use occupies (including unusable areas).

**CALIFORNIA COASTAL COMMISSION**

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**W15c****STAFF REPORT: REGULAR CALENDAR  
APPLICATION NUMBER 3-00-097**

Filed: 12/4/00  
180<sup>th</sup> day: 6/10/01  
Staff: K. Cuffe  
Staff report: 12/21/00  
Hearing date: 1/10/01

Application number ..... 3-00-097, Sandholdt Road Bridge Replacement

Applicant ..... Monterey County Department of Public Works  
c/o Paul Greenway

Agent ..... King Thomas, LSA Associates (LSA)

Project location ..... Sandholdt Road Bridge crossing at Old Salinas River Channel, southern end  
of Moss Landing Harbor, North Monterey County.

Project description ..... Construction of new two-lane bridge, with two bike lanes and one pedestrian  
walkway, and removal of existing one-lane bridge over Old Salinas River  
Channel, at southern end of Moss Landing Harbor, North Monterey County.

Approvals Received ..... Monterey County Historic Resources Review Board design approval (dated  
Nov 9, 2000), Monterey County Planning Commission combined coastal  
development permit (PLN 000197) and design approval (dated Nov 15, 2000);  
US Army Corps of Engineers (USACOE or Corps) authorization under  
Nationwide Permit 23, Categorical Exclusion (dated Aug 16, 2000); Central  
Coast Regional Water Quality Control Board (RWQCB) 401 Standard Water  
Quality Certification (dated Sept 13, 2000).

File documents ..... CCC Coastal Development Permit Application, File Number 3-00-097;  
Monterey County CDP 000197; *Initial Study and Negative Declaration for  
Sandholdt Road Bridge (SCH 99081050)* prepared by LSA Associates,  
Certified by Monterey County Board of Supervisors 10/12/99; *Geotechnical  
Engineering Investigation Report for Sandholdt Road Bridge* by Parikh  
consultants (May 2000).



California Coastal Commission

January 10, 2001 Meeting, Los Angeles, California

G:\Central Coast\STAFF REPORTS\3. CCC Meeting Packet\01\01\3-00-097 (Sandholdt Bridge) stf rpt  
12.26.00.doc

dated October 12, 1999 for Sandholdt Road Bridge document shall be implemented (see Exhibit G).

5. **Conformance with USACOE Requirements.** PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS PERMIT, the permittee shall submit to the Executive Director for review a copy of the USACOE Permit, letter of permission, or evidence that no Corps permit is necessary.
6. **RWQCB Approval.** PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS PERMIT, the permittee shall submit to the Executive Director for confirmation evidence of a Water Quality Certification, waiver, or other evidence of the review and approval by the Regional Water Quality Control Board (RWQCB) for construction activities in and adjacent to the Old Salinas River and Moss Landing Harbor.
7. **Other Jurisdictional Compliance.** PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS PERMIT, the permittee shall submit to the Executive Director for review and approval evidence of compliance with the requirements of other agencies having jurisdiction.
  - a. State Lands:
    1. Evidence that no State Lands are involved in the development; or
    2. State Lands are involved in the development and all permits, including dredging, required by the State Lands Commission have been obtained, or
    3. State Lands are involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.
  - b. Monterey Bay Unified Air Pollution Control District: Evidence of compliance with all conditions of the MBUAPCD. Such conditions shall be submitted for the Commission file. Any limitations on hours for construction operations shall be indicated.
8. **Revisions and Amendments.** The Permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans (including any changes to project impact areas or procedures for handling and disposal of removed materials) shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that the change is immaterial or that no amendment is necessary.
9. **Incorporation of County's Conditions.** The relevant conditions for the portion of the project within the Coastal Commission's jurisdiction, adopted by the Monterey County Planning Commission (Resolution 00063, approved November 15, 2000), attached to this permit as Exhibit H, are incorporated as conditions of this permit (with the incorporation or appropriate wording as necessary). Any revision or amendment of these adopted conditions and mitigation measures, or of



## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

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SANTA CRUZ, CA 95060

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HEARING IMPAIRED: (415) 904-5200

W3a



Filed: 05/27/97  
49th day: 07/15/97  
180th day: 11/23/97  
Staff: SG  
Staff Report: 06/19/97  
Hearing Date: 07/08-11/97

## STAFF REPORT CONSENT

APPLICATION NUMBER: 3-97-039

APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION

PROJECT LOCATION: Adjacent to Highway One approximately seven miles north of the village of San Simeon and 1.1 miles south of Arroyo de la Cruz, at Post Mile 65.7, San Luis Obispo County

PROJECT DESCRIPTION: Place rock slope shoreline/bluff protection with 4 - 8 ton class rock along approximately 150 linear feet of shoreline at base of bluff

LOCAL APPROVALS RECEIVED: San Luis Obispo County permit D960151P for portion of work above the mean high tide line

SUBSTANTIVE FILE DOCUMENTS: Permit D960151P, San Luis Obispo County LCP

### SUMMARY OF STAFF RECOMMENDATION

This project comprises a shoreline protection structure needed to protect scenic Highway 1 from collapse. This permit would cover that portion of the project seaward of San Luis Obispo County's coastal permit jurisdiction. Staff recommends **approval** of the proposal as conditioned to incorporate the County's coastal development permit conditions. These conditions incorporate the environmental safeguards generally applied by the Commission for installation of shoreline protection structures, including coordination with the State Lands Commission.

### EXHIBITS

1. Location map
2. Site map
3. Cross-sections
4. SLO County's Conditions (CDP #D960151P)



### III. SPECIAL CONDITION

1. **Incorporation of Local Government Conditions.** The conditions of San Luis Obispo County Coastal Development Permit No. D960151P, attached as Exhibit 4, shall be considered as conditions of this permit as well. Any change in these conditions shall not be effective until: a) such change is submitted to the Executive director for a determination of materiality; and, b) if found to be material, it is approved in accordance with the requirements of the Commission permit amendment process.

### IV. FINDINGS AND DECLARATIONS

1. **Project Description:** The site of this proposal is immediately adjacent to Highway One in northern San Luis Obispo County. In this general area, the highway at places is only a few yards from the bluff edge. At this particular site, erosion has continued to the point that the edge of the bluff is approximately two feet from the edge of the highway. Caltrans proposes to protect the highway from continued erosion by placing rock slope protection along a 150 foot stretch of shoreline. The coastal bluff at the project site is approximately 25 to 30 feet high. A rock ledge along the northern half of the site extends out from the bluff as much as 25 feet and is from two to five feet higher in elevation than the ocean. The proposed rockwork will extend up the bluff face about 20 feet with the top of the placed rock forming a flat shelf extending from approximately five to 20 feet out from the bluff. This flat shelf area would be "topped off" with dirt to the elevation of the top of the bluff. For approximately two-thirds of the length of the rock slope protection, the toe would be seaward of the mean high tide line by just a few feet to as much as 28 feet.

Caltrans' initial proposal was that all work would be landward of the mean high tide line and therefore not subject to a permit from the Coastal Commission. Following winter storms in December 1996, Caltrans placed some rock at the base of the bluff to prevent emergency closure of Highway One. In January 1997, San Luis Obispo County issued a permit authorizing the placement of the existing and additional rock. Subsequent to the winter storms Caltrans reevaluated the on-site conditions and found that some of the rock was in fact seaward of the mean high tide line and that the protective rock slope could not be effectively contained landward of the mean high tide line.

Caltrans is now requesting a coastal development permit from the Commission to authorize placement of existing rock and additional rock for that portion of the rock slope protection that extends seaward of the mean high tide line.

2. **Coastal Resource Issues:**

a. **Public Access:** Section 30210 of the Coastal Act provides for maximum public access to the shore and recreational opportunities consistent with, among other things, public safety.

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

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**W15c****STAFF REPORT: REGULAR CALENDAR  
APPLICATION NUMBER 3-00-097**

Filed: 12/4/00  
180<sup>th</sup> day: 6/10/01  
Staff: K. Cuffe  
Staff report: 12/21/00  
Hearing date: 1/10/01

Application number ..... 3-00-097, Sandholdt Road Bridge Replacement

Applicant ..... Monterey County Department of Public Works  
c/o Paul Greenway

Agent ..... King Thomas, LSA Associates (LSA)

Project location ..... Sandholdt Road Bridge crossing at Old Salinas River Channel, southern end  
of Moss Landing Harbor, North Monterey County.

Project description ..... Construction of new two-lane bridge, with two bike lanes and one pedestrian  
walkway, and removal of existing one-lane bridge over Old Salinas River  
Channel, at southern end of Moss Landing Harbor, North Monterey County.

Approvals Received ..... Monterey County Historic Resources Review Board design approval (dated  
Nov 9, 2000), Monterey County Planning Commission combined coastal  
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Coast Regional Water Quality Control Board (RWQCB) 401 Standard Water  
Quality Certification (dated Sept 13, 2000).

File documents ..... CCC Coastal Development Permit Application, File Number 3-00-097;  
Monterey County CDP 000197; *Initial Study and Negative Declaration for  
Sandholdt Road Bridge (SCH 99081050)* prepared by LSA Associates,  
Certified by Monterey County Board of Supervisors 10/12/99; *Geotechnical  
Engineering Investigation Report for Sandholdt Road Bridge* by Parikh  
consultants (May 2000).



California Coastal Commission

January 10, 2001 Meeting, Los Angeles, California

G:\Central Coast\STAFF REPORTS\3. CCC Meeting Packet\01\01\3-00-097 (Sandholdt Bridge) stf rpt  
12.26.00.doc

dated October 12, 1999 for Sandholdt Road Bridge document shall be implemented (see Exhibit G).

5. **Conformance with USACOE Requirements.** PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS PERMIT, the permittee shall submit to the Executive Director for review a copy of the USACOE Permit, letter of permission, or evidence that no Corps permit is necessary.
6. **RWQCB Approval.** PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS PERMIT, the permittee shall submit to the Executive Director for confirmation evidence of a Water Quality Certification, waiver, or other evidence of the review and approval by the Regional Water Quality Control Board (RWQCB) for construction activities in and adjacent to the Old Salinas River and Moss Landing Harbor.
7. **Other Jurisdictional Compliance.** PRIOR TO COMMENCEMENT OF OPERATIONS UNDER THIS PERMIT, the permittee shall submit to the Executive Director for review and approval evidence of compliance with the requirements of other agencies having jurisdiction.
  - a. **State Lands:**
    1. Evidence that no State Lands are involved in the development; or
    2. State Lands are involved in the development and all permits, including dredging, required by the State Lands Commission have been obtained, or
    3. State Lands are involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.
  - b. **Monterey Bay Unified Air Pollution Control District:** Evidence of compliance with all conditions of the MBUAPCD. Such conditions shall be submitted for the Commission file. Any limitations on hours for construction operations shall be indicated.
8. **Revisions and Amendments.** The Permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans (including any changes to project impact areas or procedures for handling and disposal of removed materials) shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that the change is immaterial or that no amendment is necessary.
9. **Incorporation of County's Conditions.** The relevant conditions for the portion of the project within the Coastal Commission's jurisdiction, adopted by the Monterey County Planning Commission (Resolution 00063, approved November 15, 2000), attached to this permit as Exhibit H, are incorporated as conditions of this permit (with the incorporation or appropriate wording as necessary). Any revision or amendment of these adopted conditions and mitigation measures, or of

