

CALIFORNIA COASTAL COMMISSION

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October 25, 2005

Thomas McCue
Monterey County Planning and Building Inspection Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: Monterey County Local Coastal Program Amendment 1-05 (Measure A)

Dear Mr. McCue:

We received the materials package that your office forwarded on behalf of Monterey County in response to our May 20, 2005 request regarding Local Coastal Program (LCP) amendment request number 1-05. The County's response package was received in three separate batches, with the third portion completing the package received on October 11, 2005. Thank you for the materials package submitted. The purpose of this letter is to respond to that package and its relation to our review and processing of the County's current LCP amendment request. In sum, although we appreciate the materials that were provided, the materials package does not completely address our May 20, 2005 request, and we are unable to deem LCP amendment number 1-05 submitted at this time.

As we have discussed and as noted in your cover letter to the County materials package, the LCP amendment request is related to the Pebble Beach Company's development project covering multiple sites in the Del Monte Forest that has been appealed to the Commission. Your cover letter and materials package draw a distinction between the two, and appear to indicate that the County is not going to be providing requested materials and/or details that the County deems to be project-related. Related to this, the package also appears to indicate that the County is not going to be providing a subset of information for which it has deemed adequate information to allow LCP review was developed in the project's CEQA documents. We understand the concept articulated by the County in this respect. That said, we do not concur on the dividing line between the project and the LCP amendment that the County has identified in its response package, nor do we agree that the CEQA documents already provide the information necessary for LCP review. On the latter, and given the County's then stated objective of using the project's CEQA process to satisfy some of the LCP amendment information needs, we note that we requested specific information in our CEQA comments that was not provided in the final EIR, and that a subset of these same requests were reiterated in our May 20, 2005 letter.

We continue to believe that the information that we previously requested is necessary for a thorough and complete review of the proposed LCP amendment. The package that the County submitted was incomplete in two ways: information that wasn't provided, and information that was provided that is in need of clarification and or supplementation. On the former, please provide the materials requested for numbers 7, 8, 9, 11, 12, 14e, 14f, 15, 20a, 20b, 21c, 21d, and

21e or clearly indicate that the County will not be providing this information. On the latter, please provide clarification and/or materials as follows:

1. **Exhibit A (March 20, 2005 letter #4).** Thank you for the copies of Exhibits A.1, A.2, A.3, and A.4 from the County's March 2005 Measure A analysis. We note the following:
 - a. Not Reproducible. We note that the copies that you submitted are not reproducible in black and white as requested. We note that we may be able to use the GIS data provided to create such figures in black and white, but have thus far been unable to manipulate the GIS data submitted in this regard. If we can create these figures in black and white from the GIS data provided, then we do not need the County to submit the requested copies. If we cannot, then we will need the County to provide the previously requested copies. Please submit verification that the County agrees to submit the copies requested in the case we cannot create them with the GIS data.
 - b. Verification. Please submit verification that Exhibits A.1, A.2, A.3, and A.4 are accurate representations of the existing (without Measure A) and proposed (with Measure A applied) LCP land use designations and zoning for the referenced areas (see also below), and that these figures reference (by label and color coding) all of the areas for which changes are proposed by Measure A.
2. **Upper Signal Hills Dunes (March 20, 2005 letter #10).** Thank you for the photos and description provided. These materials provide some background for the site, but they do not clearly establish the context that purports to allow for its long and continued use as a corporation yard/materials disposal area, etc.. Please provide copies of any and all County authorizations related to the use and development of this area for a sand mine, corporation yard, materials disposal area, storage or staging, and/or any other similar function, use, and/or development. If there are no County authorizations, please provide confirmation to that effect. If the County is aware of any other such authorizations (e.g., from the Bureau of Reclamation, Division of Mines and Geology, etc.), please provide any and all information known by the County associated with such authorizations.

As far as we can tell at this point, it appears that this site was historically part of a larger coastal dune area (at least a portion of which still remains intact), that this coastal dune was partially mined by the Company, that such mining ceased by 1965, that the site has been partially filled, that the filled area has continued to expand over time, that the site has been and continues to be used as a storage and materials disposal area, and that such development and use has been without authorization – coastal permit or otherwise. If the County has any information that would help to establish this or a different fact set for this site, please provide such information. If the County does not have such information, please provide confirmation to that effect.

Finally, we note that your cover letter indicates that portions of the cited 1966 Division of Mines and Geology report are provided. However, the package we received did not include

any such report sections. Please provide the cited report as well as the cited Pebble Beach Company memo as well as any other information related to this site contained in the County's files.

3. **LUP Figure 5 (March 20, 2005 letter #17, and #14).** Thank you for the copies of LUP Figure 5. We note the following:
 - a. Materials Not Submitted. We did not receive the requested copies of a proposed post-Measure A LUP Figure 5, and we did not receive the requested copies of figures that are zoomed-in for each of the areas for which changes are proposed per Measure A. We note that we may be able to use the GIS data provided to approximate these requested figures, but have thus far been unable to manipulate and verify the GIS data submitted in this regard (pursuant to our March 20, 2005 letter request #14). If we can create these figures from the GIS data provided, then we do not need the County to submit the requested copies. If we cannot, then we will need the County to provide the previously requested copies. Please submit verification that the County agrees to submit the copies requested in the case we cannot create them with the GIS data.
 - b. Lettered Areas in Del Monte Forest. Much of the County's Measure A analysis is premised on references to the various lettered areas of the Del Monte Forest (e.g., P, Q, R, etc.). However, the accompanying figures and materials do not clearly show each of the lettered areas in a closed polygon. Please provide a clear map that shows each of the lettered areas in its own closed polygon, and please provide GIS data layers that clearly depict this information.
 - c. LUP Figure 5 Incorrect. Please note that the copies of LUP Figure 5 that you submitted do not reflect the existing version of LUP Figure 5 as it relates at least to the Sawmill Gulch area. Both the copies that you sent and the copy that was included in the Measure A package as representing existing LUP Figure 5 are inaccurate for Sawmill Gulch, indicating that a portion of this site is currently designated Commercial Institutional. The County's March 2005 Measure A analysis correctly references this site as being designated Open Space Forest, but the copies of LUP Figure 5 that you submitted as well as that represented in Measure A initiative package itself are incorrect in terms of their representations of the current land use designation for this area. Please provide correct copies of existing LUP Figure 5, and please clarify to what extent the Measure A initiative package included an incorrect version of LUP Figure 5.
4. **Legal Lots and COCs (March 20, 2005 letter #24, and #14d).** Thank you for the map provided identifying a series of numbered lots with green color-coding on a subset of the numbered lots. We note the following:
 - a. Unconditional COCs. We understand the County to be indicating that the numbered lots that are also highlighted green represent the lots located in the area affected by Measure A and/or the Pebble Beach Company project for which the County issued unconditional

certificates of compliance. Please confirm and/or clarify the County's position in that respect. As previously requested, please provide the supporting documentation for these COCs, including any underlying property restrictions associated with the properties in question (e.g., in particular, that related to the lot numbered 1 in the Spanish Bay planning area, and the lot numbered 7 in the Huckleberry Hill planning area and its relation to the Huckleberry Hill Natural Habitat Area and the Poppy Hills Golf Course development).

- b. Not Unconditional COCs. The classification of the remainder of the numbered lots that are not highlighted green (as described above) is not clear. We understand the County to be indicating that numbered (but not highlighted) lots have not been determined to be legal, and that these lots are not recognized as legal by the County. Please confirm and/or clarify the County's position in that respect. In addition, it is our understanding that these numbered lots that did not get unconditional COCs from County were considered to be part of one single larger ownership, and/or that separate lot legality information was inconclusive, hence the need for Conditional COCs in certain cases (e.g., MNOUV, PQR, etc.). Please confirm and/or clarify the County's position in this respect.
- c. Conditional COCs. Please provide a figure at the same scale and orientation as the green-highlighted figure already provided that maps the conditional COCs that are a part of Pebble Beach Company project. For each such area where conditional COCs were approved by the County, please also provide a before and after figure reflecting the pre-existing legal lot boundaries before the conditional COCs were approved, and the legal lot boundaries that would be associated with the resultant subdivisions as approved (by the County) by virtue of the conditional COCs.
- d. APN Translation. The County's March 2005 Measure A analysis includes reference to APNs and numbers of lots, but it does not appear that the APNs correspond in any meaningful way to the numbered lots on the figure provided and/or to the associated unconditional and/or conditional COCs. Please provide a clear means of translating between APNs and numbered lots in this respect.
- e. Table 3 Translation. Table 3 of the County's March 2005 Measure A analysis includes references to lettered areas and legal lots, but these do not appear to accurately reflect the legal lots shown on the green-highlighted figure submitted in relation to the lettered areas (e.g., PQR, MNOUV, K, J, etc.). Please provide a clear means of translating between the Table 3 and the submitted figure, and please clearly identify the reasons for any discrepancies (e.g., where Table 3 identifies a different number of legal lots than the submitted figure). To the extent Table 3 references areas that are different than the lettered areas (e.g., subsets of a lettered area), please provide a figure at the same scale and orientation as the green-highlighted figure already provided that maps such areas.
- f. Data Layer. Please provide GIS data layers that clearly depict the above-referenced legal lot and COC information.

5. **Mailing List (March 20, 2005 letter #26).** Thank you for the hard copy lists provided. We note that you indicate that a copy of an interested parties mailing list in paper and electronic format was previously forwarded. We presume that you are referring to the distribution list for the County's notice of final coastal permit action – please confirm. If that is the case, we did receive a hard-copy version of this distribution list, but not an electronic version. Please forward a copy of this list in word format. If that is not the case, please clarify.

Please submit the requested information as soon as possible. If the County does not intend to submit some subset (or all) of the requested information, please provide a clear written statement to that effect.

In any event, we are committed to bringing this matter to resolution in front of the Commission as soon as possible. Given the degree of public interest, we will attempt to have the proposed LCP amendment scheduled for a Commission hearing that is located as near to the Del Monte Forest as possible (e.g., the December 2005 hearing in San Francisco, the March 2006 hearing in Monterey, etc.). If the County has any specific Commission hearing agenda requests, please provide that information as well. Although we cannot promise a specific hearing at this point, we will do our best to accommodate the County's needs.

Finally, we again acknowledge and sincerely appreciate the significant commitment that the County has made to evaluating and processing the proposed amendment thus far, and we look forward to continuing to work with the County to perfect its LCP amendment proposal. As you probably realize, many of our requests are geared towards ensuring we are dealing with a common fact-set. It may be useful for us to meet to walk through some of the materials so that there is no misunderstanding in this respect. If you have any questions or would like to further discuss this matter, please do not hesitate to contact me at the address and phone number above.

Sincerely,

Dan Carl
Coastal Planner