



Post Office Box 1876, Salinas, CA 93902

Email: LandWatch@mclw.org

Website: www.landwatch.org

Telephone: 831-759-2824

FAX: 831-759-2825

July 24, 2000

The Honorable Louis Calcagno, Chair
Monterey County Board of Supervisors
County Courthouse
240 Church Street
Salinas, CA 93901

RE: Proposed Initiative Ordinance Amending the Del Monte Forest Land Use Plan July 25, 2000, Agenda Item S-5 [9:35 a.m.]

Dear Chairperson Calcagno and Members of the Board:

Given that sufficient signatures have been gathered by the Pebble Beach Company to qualify its initiative proposal for the ballot, the Board of Supervisors now has two choices—either directly to adopt the Pebble Beach Company's proposed ordinance, or to let the people vote on it.

Our organizations strongly urge both of the following:

- First, that the Board of Supervisors place the initiative ordinance circulated by the Pebble Beach Company on the ballot, so that the people of Monterey County have an opportunity to vote on the very significant land use policy changes that the Pebble Beach Company initiative proposes.
- Second, that the Board utilize its general powers and the provisions of Section 9111 of the Elections Code to have a full report prepared on the proposed ordinance, as outlined in this letter, and that the Board hold at least one public hearing to consider the report, prior to the election at which the initiative will be considered. This is the only way that the Board of Supervisors can ensure that the public receives an unbiased and objective analysis of exactly what the proposed Pebble Beach Company initiative would do.

As you know, the Pebble Beach Company filed an application to make changes to the land use policies governing the future development of their property, and this application has been pending in the County's system for some time. The planning process allows the public, the Planning Commission, and the Board an opportunity to scrutinize each and every proposed change—and ultimately gives the Board of Supervisors plenary authority to shape a plan that the Board determines best achieves the public interest.

Having filed that application previously, the Pebble Beach Company has now determined to "shortcut" the lengthy planning process, and is asking the public, through the initiative process, to approve the land use policies that the Pebble Beach Company desires.

The decision on the initiative will be an "all or none" vote. There will be no opportunity for the public, or the Board of Supervisors, as the elected representatives of the public, to shape a plan that best achieves the public interest. There will be no opportunity to enact the "good parts" of the initiative and to eliminate the "bad parts," if such there are. Again, the initiative process provides a single "up or down" vote on the entire package—a package conceived and proposed by the Pebble Beach Company itself, with no public input.

In view of the legal position in which the Board of Supervisors and the public has been placed, our organizations believe that it is critically important that the public have the right ultimately to make the choice on whether the package proposed by the Pebble Beach Company is deserving of approval. If the Board were to enact the ordinance directly, as it legally could, no prior analysis would have taken place, and the public's right to know what the likely effect of the ordinance would be, in advance of its adoption, would be sacrificed. We reiterate that the Board should place the initiative on the ballot for a public vote.

We further urge the Board to use its general powers, and the specific authority granted to it by Section 9111 of the Elections Code, to ensure that the public can actually know the effect of the proposed initiative ordinance, before voting on whether or not to enact it. Section 9111 of the Elections Code provides as follows:

"9111. (a) During the circulation of the petition or before taking either action described in subdivisions (a) and (b) of Section 9116, or Section 9118, the board of supervisors may refer the proposed initiative measure to any county agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the county's general and specific plans including the housing element, the consistency between planning and zoning, the limitations on county actions under Section 65008 of the Government Code, and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Any other matters the board of supervisors request to be in the report.

(b) The report shall be presented to the board of supervisors within the time prescribed by the board of supervisors but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition."

We believe, in addition to Elections Code Section 9111, that the Board has the general authority to order a report on the likely effect of the proposed initiative measure.

Besides ordering a report on the fiscal impact of the proposed initiative, and its effect on the internal consistency of the county's general and specific plans, we believe that the Board should obtain a report from the County Administrative Officer, the Planning Director, and the County Counsel on all of the following questions and concerns about the meaning and effect of the initiative text. All of these questions raise significant questions about the effects of the initiative,

if enacted:

1. The initiative states in Section 3c that one of its main purposes is to "encourage future visitor serving development adjacent to existing uses...[emphasis added]." This is a new policy. Can that language, in connection with the other provisions of the initiative, be used to justify new hotel and commercial development beyond what is allowed under current law?
2. The initiative enacts a new Figure 5, which is the basic "land use plan" that governs future development at Pebble Beach. The current Figure 5 is completely superseded. In its current format, the Local Coastal Program contains a number of smaller, area maps, that give a "close up" on land uses. The new Figure 5 is adopted in place of these smaller maps, all of which are repealed. This is a fundamental change from the current situation. Because of the scale of the new Figure 5, it is difficult to tell exactly what has changed—and this is compounded by the fact that the current "close up" maps are repealed. What are the specific land use changes, throughout the entirety of Pebble Beach, that would be effected by the initiative?
3. Section 4(g) of the initiative eliminates an existing "Table A," which contains explicit numerical limits on future development in the various sub-areas. What is the effect of eliminating these specific limits on future development?
4. Section 4(h) permits employee housing in Area B. If the initiative is enacted, will there be any limit to employee housing in this area?
5. Section 4(j) of the initiative contains the following, very open-ended statement, as an addition to the current plan: "New recreational and visitor-serving uses may be located in appropriately zoned areas." Will this language have the effect of allowing more visitor-serving and commercial uses than would be allowed under the current plan?
6. Section 4(j) of the initiative also combines into a single category preserved forest, shoreline, and recreational open space—and apparently permitting golf courses to be constructed in "open space" areas in a way that the current land use plan would not allow. What will be the actual effects of this new way of defining open space, throughout the entirety of the Pebble Beach property?
7. Section 4(u) of the initiative eliminates current language providing a numerical limit to visitor serving facilities at the Lodge. If the initiative is enacted, is there any limit on future commercial development at the Lodge?
8. Section 4(w) of the initiative states, "parking will be provided in a portion of area C to accommodate visitor-serving facilities in Spanish Bay." Is there any limit on the amount of area C that can be converted to parking under this policy? Does any map delimit the area that can be used for parking?
9. Section 4(y) of the initiative allows employee housing in planning area Spanish Bay B, "at the permitted density." If the initiative is enacted, what amount of employee housing can actually be constructed under this proposed change to current law?
10. Section 4(aa) of the initiative eliminates the "resource constraint" overlays contained in the current plan, and thus makes a determination that problems with water, wastewater,

and traffic and circulation do not merit special treatment at this time. Will the proposed change in current law allow development in advance of necessary traffic and circulation improvements—either to meet current traffic and circulation problems, or future traffic and circulation problems that can be anticipated if the development allowed by the revised policies is actually constructed?

11. Section 4(aa) of the initiative says that "...new development must either bear the incremental costs of necessary improvements to Highway 68 and Highway 1 required as a result of traffic generated by the development, or pay into a fund that will be administered by the County for the incremental costs of the necessary improvements." Does this mean that the County can allow development to proceed in advance of the actual construction of necessary improvements? Is this a change from the current situation? Under this language, could the Pebble Beach Company insist that it has a right simply to pay money into a fund, rather than constructing needed traffic improvements in advance of the development that will cause new traffic demands?
12. Section 5(a) of the initiative contains the definitions of the various land use categories applicable within the Del Monte Forest Area. The Recreational Open Space category permits golf course, the Beach and Tennis Club, and the equestrian center, as well as pro shops, cart shops, parking areas and barns. Are there any limits to such "open space" uses in areas designated in the initiative for recreational open space?
13. By deleting the existing equestrian center and allowing the construction of a new equestrian center in the Sawmill Borrow site, the initiative appears to override two existing conservation easements, with extensive wetlands impacts and potential impacts on traffic and the S.F.B. Morse Preserve. What effect would the initiative have on the existing conservation easements, one of which was a required mitigation for damage caused by the Spanish Bay project?

We hope you agree with us that these questions are worthy of an answer. If the normal planning process were available, all of these questions would receive answers before the Board decided whether or not to adopt the plan proposed by the Pebble Beach Company.

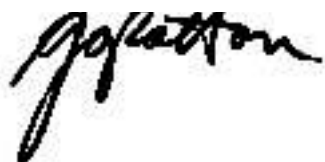
In order to give the public the right to make an informed choice on the proposed initiative, we ask the Board to utilize the provisions of Elections Code Section 9111, and its general powers, to get answers to these questions, and to obtain the information mentioned in Elections Code Section 9111. Once such a report has been prepared, we then ask the Board to hold at least one public hearing on the report, so that the public can understand the actual effects of the initiative that the Pebble Beach Company has proposed.

Thank you for your positive action on our two requests.

Very truly yours,

Ted Hunter and Carl Nielsen
Concerned Residents of Pebble Beach

Gillian Taylor, Chapter Chair
Ventana Chapter, Sierra Club

A handwritten signature in black ink, appearing to read "G. Patton". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Gary A Patton, Executive Director
LandWatch Monterey County